**Minute No. 81**
**Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – November 18, 2019**

**Item No. 5 Declaration of Surplus City-owned Property located adjacent to 1360 Taylor Avenue (River Heights-Fort Garry Ward)**

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and adopted the following:

1. That the City-owned property located adjacent to 1360 Taylor Avenue, identified as "Subject Property" on Misc. Plan No. 13128/11, attached hereto as Schedule A, be declared surplus to the needs of the City.

2. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

**Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – November 18, 2019**

DECISION MAKING HISTORY:

Moved by Councillor Mayes,

That the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On December 3, 2019, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On November 18, 2019, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the Winnipeg Public Service and submitted the matter to the Executive Policy Committee and Council.

# ADMINISTRATIVE REPORT

**Title:** Declaration of Surplus City-owned Property located adjacent to 1360 Taylor Avenue

**Critical Path:** Standing Policy Committee on Property and Development, Heritage and Downtown Development – Executive Policy Committee – Council

## AUTHORIZATION

| Author | Department Head | CFO | CAO |
|---|---|---|---|
| M. Pittet | J. Kiernan | N/A | M. Ruta, Interim CAO |

## EXECUTIVE SUMMARY

The Public Service recommends that the City-owned property identified as "Subject Property" on Misc. Plan No. 13128/11, attached as Schedule A, be declared surplus to the needs of the City. If the property is declared surplus by Council, it is the intention of the Public Service to pursue a sale of the Subject Property to the adjacent landowner in accordance with the "Policy – Offers to Purchase City-Owned Property."

## RECOMMENDATIONS

1. That the City-owned property located adjacent to 1360 Taylor Avenue, identified as "Subject Property" on Misc. Plan No. 13128/11, attached hereto as Schedule A, be declared surplus to the needs of the City.

2. That the proper officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

## REASON FOR THE REPORT

The Policy for the Sale, Acquisition, Rental, Leasing and Management of Properties, adopted by Council on July 19, 1979 requires Council to declare land surplus to the City's requirements.

## IMPLICATIONS OF THE RECOMMENDATIONS

There are no financial, regulatory, environmental, operational, human resource or other implications associated with this report.

The declaration of surplus will enable the Department to pursue a sale to the adjacent landowner in accordance with the "Policy – Offers to Purchase City-Owned Property". If the property is sold, the Public Works Department has requested a blanket easement over the Subject Property for the purposes of accessing and performing underpass slope maintenance, in the event that the Department deems that maintenance is required.

The City's standard terms and conditions of sale will include provisions to protect the City's interests in the event that environmental contamination is discovered.

**HISTORY/DISCUSSION**

The City acquired property from the Canadian National Railway Company, located at the southeast corner of Taylor Avenue and Waverley Street, in the late 1950s for the purpose of future transportation requirements.

On February 25, 1998, Council adopted the following recommendation from the Standing Policy Committee on Property and Development:

> *That the sale of the subject City-owned property, as outlined on Misc. Plan No. CC 8123/4, be approved to Mondo Foods Company Ltd. for the price of $250,000.00 with the terms and conditions of the sale to be as outlined, subject to the purchaser entering into a lease agreement with the City on the lands outlined as "lands required for street purposes" on Misc. Plan No. CC 8123/4.*

The City subsequently entered into a Purchase / Sale Agreement with Mondo Foods Company Ltd. (herein called "Mondo") and sold the City-owned property identified as "Subject City Property" on Misc. Plan No. 8123/4, attached as Schedule B.

The City retained the property identified as "Land Required for Street Purposes (Grade Separation)" on Misc. Plan No. 8123/4, and leased this land to Mondo for the purpose of landscaping and maintenance, a parking lot, and a pylon sign.

In 2014, the City initiated a preliminary design study for the Waverley Underpass Project (the "Project"). The design included a grade separation of Waverley Street and the CNR Rivers rail line, along with intersection and road improvements in close proximity to the Project area along Taylor Avenue and Waverley Street.

During the preliminary design study, it was determined that the City would need to amend the existing lease agreement with Mondo to retain some of the leased land for the Project.

On July 19, 2017, Council concurred in the Public Service recommendation to amend the lease agreement between Mondo and the City, allowing the City to utilize most of the leased land for the Project.

Construction on the Project commenced in 2017 and is largely complete, with the exception of landscaping which will be completed in 2020.

It has been confirmed by the Public Works Department that a portion of the “Land Reserved for Street Purposes (Grade Separation)” on Misc. Plan No. 8123/4 is not required by the City and may be declared surplus. The portion of the land not required for the grade separation is identified as “Subject Property” on Misc. Plan 13128/11 (attached as Schedule A).

Mondo has expressed an interest in purchasing the Subject Property. The Public Service recommends that the Subject Property be declared surplus to the needs of the City.

A sale of the Subject Property to the adjacent landowner in accordance with the “Policy – Offers to Purchase City-Owned Property” will be pursued. It should be noted that the Subject Property is not a buildable lot and that consolidation with the adjacent landholdings owned by Mondo is recommended.

The Subject Property was circulated to all City Departments and no civic need was identified. The Ward Councillor was consulted with the intentions of the Department.

**FINANCIAL IMPACT**

## Financial Impact Statement Date: October 4, 2019

## Project Name:

## Declaration of Surplus City-owned Property located adjacent to 1360 Taylor Avenue

**COMMENTS:**

There are no direct financial implications associated with declaring a property surplus to the City's needs.

*"Original Signed By"*
Mike McGinn, CPA, CA
Manager of Finance

## CONSULTATION

This Report has been prepared in consultation with:

Legal Services Department (as to legal issues)
Public Works Department

## OURWINNIPEG POLICY ALIGNMENT

N/A

## WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

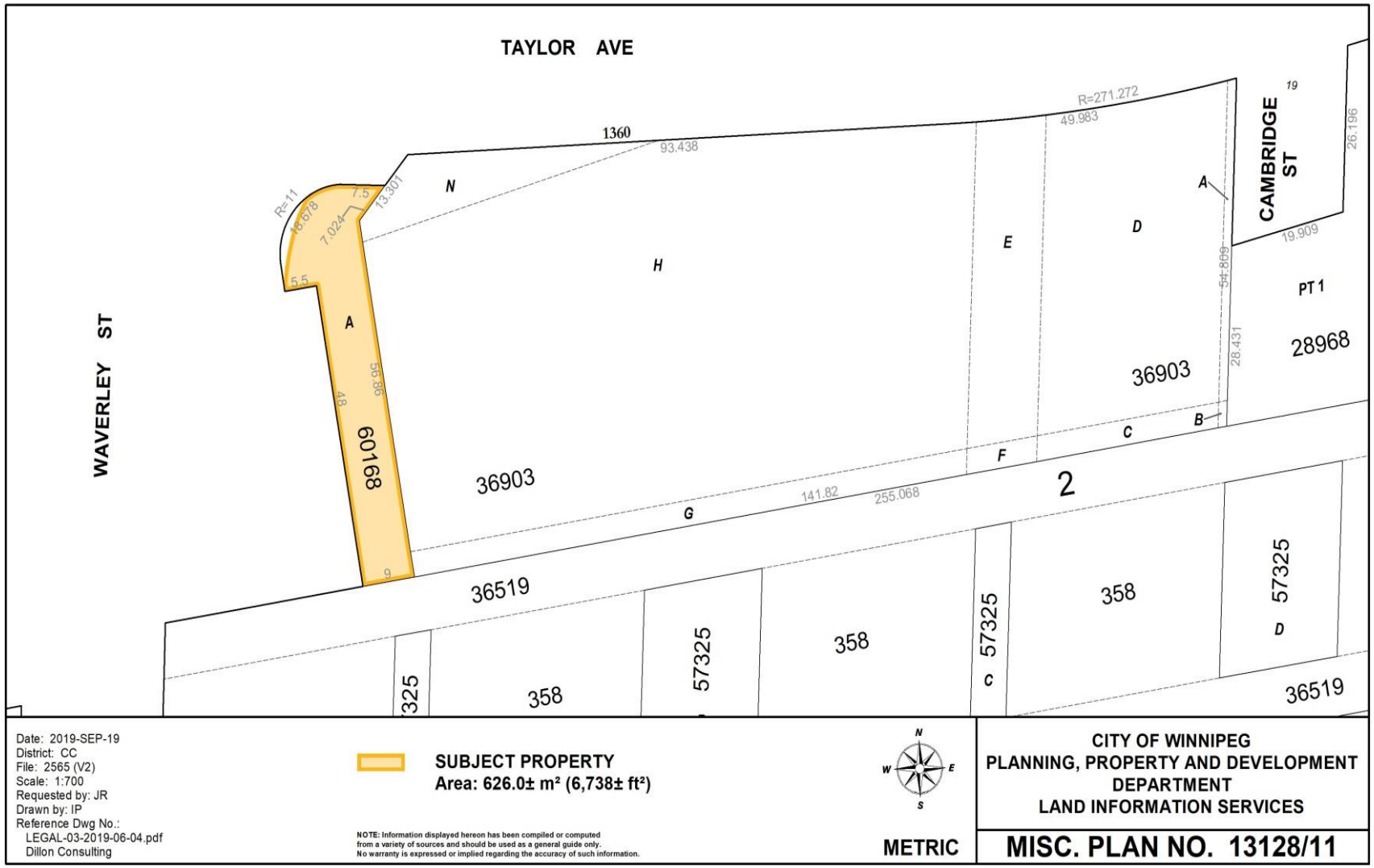
N/A

## SUBMITTED BY

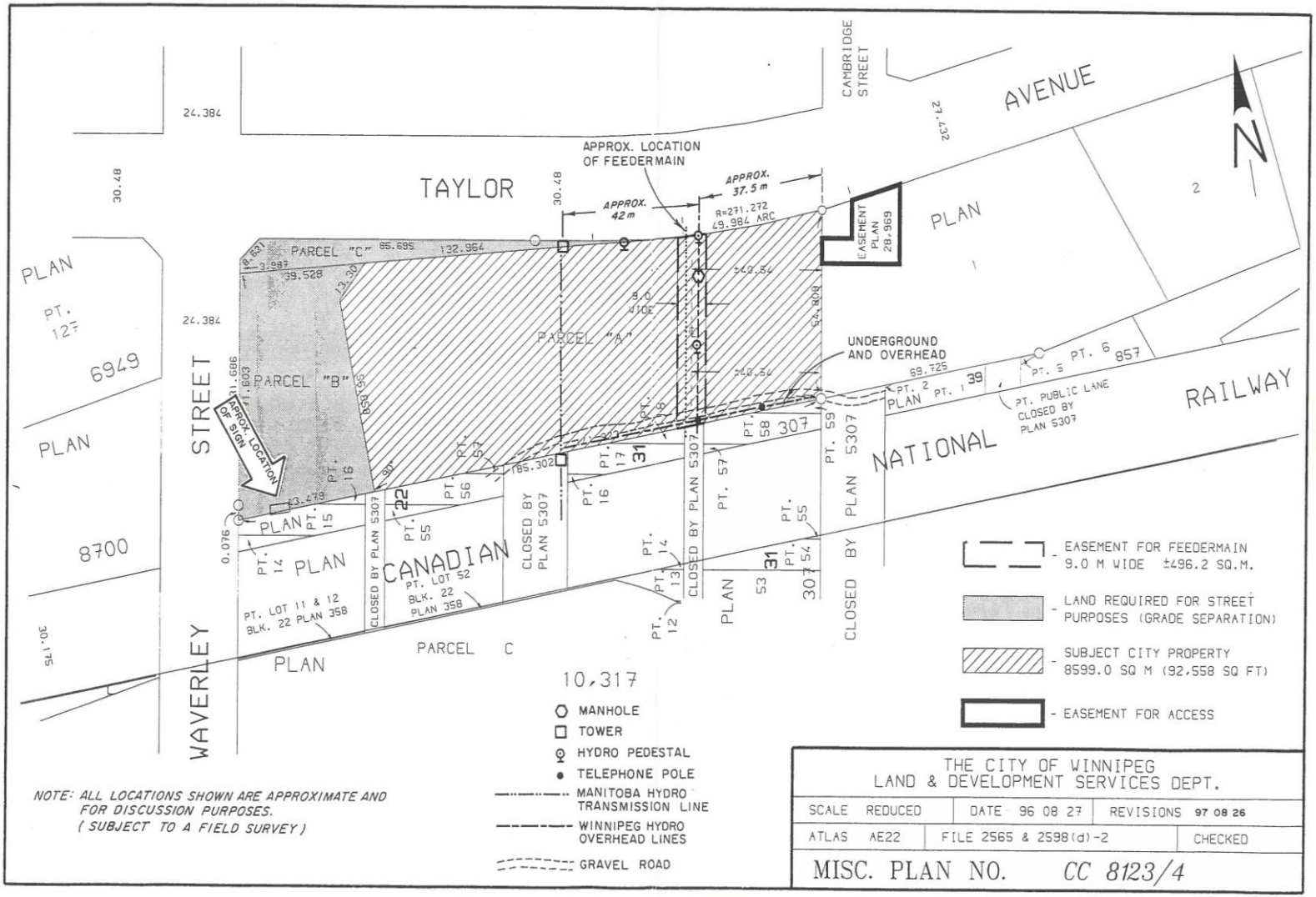
Department: Planning, Property and Development
Division: Real Estate and Land Development
Prepared by: Julian Roberts
Date: October 15, 2019

Attachments: Schedule A – Misc. Plan No. 13128/11
Schedule B – Misc. Plan No. 8123/4

Schedule A


TAYLOR AVE
WAVERLEY ST
CAMBRIDGE ST
1360
93.438
R=271.272
49.983
19
26.196
19.909
R=11
18.678
7.024
7.5
13.301
5.5
N
H
E
D
A
PT 1
28968
36903
54.809
28.431
56.86
48
60168
9
36903
B
C
F
G
141.82
255.068
2
36519
57325
358
57325
358
57325
D
C
325
358
36519
Date: 2019-SEP-19
District: CC
File: 2565 (V2)
Scale: 1:700
Requested by: JR
Drawn by: IP
Reference Dwg No.:
LEGAL-03-2019-06-04.pdf
Dillon Consulting
SUBJECT PROPERTY
Area: 626.0± m² (6,738± ft²)
NOTE: Information displayed hereon has been compiled or computed from a variety of sources and should be used as a general guide only. No warranty is expressed or implied regarding the accuracy of such information.
N
W
E
S
METRIC
CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPARTMENT
LAND INFORMATION SERVICES
MISC. PLAN NO. 13128/11

Schedule B


TAYLOR
AVENUE
CAMBRIDGE STREET
APPROX. LOCATION OF FEEDERMAIN
APPROX. 42 m
APPROX. 37.5 m
R=271.272
49.984 ARC
EASEMENT PLAN 28.969
PARCEL "A"
PARCEL "B"
PARCEL "C"
PARCEL C
UNDERGROUND AND OVERHEAD
APPROX. LOCATION OF SIGN
STREET
WAVERLEY
CANADIAN NATIONAL RAILWAY
PT. PUBLIC LANE CLOSED BY PLAN 5307
CLOSED BY PLAN 5307
PT. LOT 11 & 12 BLK. 22 PLAN 358
PT. LOT 52 BLK. 22 PLAN 358
PLAN
6949
8700
10,317
NOTE: ALL LOCATIONS SHOWN ARE APPROXIMATE AND FOR DISCUSSION PURPOSES. ( SUBJECT TO A FIELD SURVEY )
MANHOLE
TOWER
HYDRO PEDESTAL
TELEPHONE POLE
MANITOBA HYDRO TRANSMISSION LINE
WINNIPEG HYDRO OVERHEAD LINES
GRAVEL ROAD
EASEMENT FOR FEEDERMAIN 9.0 M WIDE ±496.2 SQ.M.
LAND REQUIRED FOR STREET PURPOSES (GRADE SEPARATION)
SUBJECT CITY PROPERTY 8599.0 SQ M (92,558 SQ FT)
EASEMENT FOR ACCESS
THE CITY OF WINNIPEG
LAND & DEVELOPMENT SERVICES DEPT.
SCALE REDUCED
DATE 96 08 27
REVISIONS 97 08 26
ATLAS AE22
FILE 2565 & 2598(d)-2
CHECKED
MISC. PLAN NO. CC 8123/4