Minute No. 140
Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – January 6, 2020

Item No. 11 Proposed Amendment to the Lease Agreement between Assiniboine Golf Club and the City of Winnipeg at 2045 Ness Avenue (St. James 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, subject to approval of two-thirds of all Council members (pursuant to subsection 205(2) of The City of Winnipeg Charter), the Proposed Terms and Conditions for a Lease Amending Agreement, attached hereto as Schedule A, in favour of Assiniboine Golf Club, for the land at 2045 Ness Avenue (identified as "Leased Area: 58.7+ acres on the attached Misc. Plan No. 8452/6"), be approved.

2. That the City enter into, execute and deliver a Lease Amending Agreement with the Assiniboine Golf Club and such other agreements as determined necessary by the City Solicitor/Director of Legal Services to implement the intent of the foregoing (the "Ancillary Agreements").

3. That the authority be delegated to the Chief Administrative Officer to negotiate and approve the final terms and conditions of the Lease Amending Agreement and the Ancillary Agreements, in accordance with this report and such other terms and conditions deemed necessary by the City Solicitor/Director of Legal Services to protect the interests of the City.

4. 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 – January 6, 2020

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.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 21, 2020, 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 January 6, 2020, 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: Proposed Amendment to the Lease Agreement between Assiniboine Golf Club and the City of Winnipeg at 2045 Ness 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

On November 21, 2019, Council concurred in the recommendation of the Standing Policy Committee on Infrastructure Renewal and Public Works to close a portion of Air Force Way to comply with the Department of National Defence base security requirements.

The recommendation will result in a realignment of Air Force Way from Silver Avenue to Hangar Line Road which affects a portion of City-owned property currently leased to Assiniboine Golf Club Inc. (the "Club"). The existing Lease Agreement between the Club and the City of Winnipeg (the "City") requires an amendment to allow for the realignment of the Air Force Way.

The Club has no concerns with the proposed amendment and has signed the attached Proposed Lease Amending terms.

RECOMMENDATIONS

1. That, subject to approval of two-thirds of all Council members (pursuant to subsection 205(2) of The City of Winnipeg Charter), the Proposed Terms and Conditions for a Lease Amending Agreement, attached hereto as Schedule A, in favour of Assiniboine Golf Club, for the land at 2045 Ness Avenue (identified as "Leased Area: 58.7+acres on the attached Misc. Plan No. 8452/6"), be approved.

2. That the City enter into, execute and deliver a Lease Amending Agreement with the Assiniboine Golf Club and such other agreements as determined necessary by the City Solicitor/Director of Legal Services to implement the intent of the foregoing (the "Ancillary Agreements").

3. That the authority be delegated to the Chief Administrative Officer to negotiate and approve the final terms and conditions of the Lease Amending Agreement and the Ancillary Agreements, in accordance with this report and such other terms and conditions deemed necessary by the City Solicitor/Director of Legal Services to protect the interests of the City.

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

REASON FOR THE REPORT

In accordance with subsection 205(2) of The City of Winnipeg Charter, all dispositions of property used or acquired for park or cemetery purposes require approval of at least two-thirds of all members of Council. The Leased Area is considered to be park land based on its current "PR-2" zoning.

The Lease Amending Agreement forms part of a 25-year lease that commenced in 2001. Any lease greater than five years in length is considered to be a disposition of land.

IMPLICATIONS OF THE RECOMMENDATIONS

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

The proposed amending agreement will increase the Leased Area as outlined in Misc. Plan No. 8452/5 from 58.3± acres to 58.7± acres.

HISTORY/DISCUSSION

The Club has maintained a lease with the City of Winnipeg (the "City") since January 1, 1971, for the purpose of operating and managing a golf course at 2045 Ness Avenue, identified as "CITY LANDS USED BY ASSINIBOINE GOLF CLUB 23.58 ha ± (58.3 ac ±)" on Misc. Plan No 8452/5 (attached as Schedule B).

At its meeting held on December 11, 2001, the then Standing Policy Committee on Property and Development approved the terms and conditions of a new lease for the Club. The approved lease was negotiated to include a 25-year term at a rental rate of $1.00 per annum that will expire in 2025. Upon expiration of the current lease, the Public Service intends to negotiate a new lease to include rent greater than $1.00/annum.

The Department of Defence ("DND") has approached the City to close and realign a portion of Air Force Way ("AFW") to comply with DND base security requirements. The proposed road realignment of AFW will affect a portion of City-owned property currently leased to the Club.

On November 21, 2019, Council concurred in the recommendation of the Standing Policy Committee on Infrastructure Renewal and Public Works to close a portion of Air Force Way to comply with the Department of National Defence base security requirements.

In order to proceed with the proposed construction, the Public Service recommends the current lease with the tenant be amended to exclude the area required for the realignment.

Although the realignment will exclude a portion of the Leased Area, the proposed amendment will result in an increase of the area currently leased from 58.3± acres to 58.7± acres (as shown in Schedule C, attached). The increase in Leased Area is due to a re-measurement of the Leased Area.

The City and the Club have negotiated the amendments outlined in Schedule A to allow for a portion of the Leased Area to be used for the road alignment. The change in the Leased Area is the only material change to the original lease agreement.

The Ward Councillor has been consulted and is supportive of the proposed Lease Amendment.

FINANCIAL IMPACT

Financial Impact Statement Date: December 2, 2019

Project Name:

Proposed Amendment to the Lease Agreement between Assiniboine Golf Club and the City of Winnipeg at 2045 Ness Avenue

COMMENTS:

There are no direct financial implications associated with this report.

"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)
Golf Services
Ward Councillor

OURWINNIPEG POLICY ALIGNMENT

01-1b KEY DIRECTIONS FOR THE ENTIRE CITY
Key Directions for Connecting and expanding our sustainable transportation and infrastructure network:

- Create a safe, efficient and equitable transportation system for people, goods and services.
- Create a transportation system that supports active, accessible and healthy lifestyle options.

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

Strategic Opportunity #3: - Advance Sustainable Transportation – Increasing Mobility Options and Shift to Zero Emission Vehicles
Key Directions and Actions
Section 3.4: Increase Active Transportation Rates.
Continue to partner and promote initiatives that encourage active transportation (e.g., Bike to School Month and Commuter Challenge).

SUBMITTED BY

Department: Planning, Property and Development
Division: Real Estate and Land Development
Prepared by: Charles Osondu, Property Administrator
Date: December 5, 2019

Attachments:
Schedule A – Lease Amending Terms and Conditions
Schedule B – Misc. Plan No.: 8452/5
Schedule C – Misc. Plan No. 8452/6

SCHEDULE A

PROPOSED TERMS AND CONDITIONS TO AMEND THE LEASE AGREEMENT BETWEEN THE CITY OF WINNIPEG AND ASSINIBOINE GOLF CLUB FOR LANDS LOCATED AT 2045 NESS AVENUE

Landlord:

1. City of Winnipeg (the "City").

Tenant:

2. Assiniboine Golf Club (the "Lessee").

Purpose:

3. To amend the Lease Agreement between the City of Winnipeg and Assiniboine Golf Club dated September 16th, 2002 (hereinafter referred to as the "Principal Agreement").

Effective Amendment Date:

4. The first day of the month following approval from Council or its delegated authority or such other date as mutually agreed upon and approved by the Director of Planning, Property and Development, whichever is later**.**

Special Conditions:

5. The Principal Agreement shall be amended as follows:

   a. To amend the definition of "Leased Premises" as defined in the Principal Agreement, to replace Misc. Plan No. 8452/5 attached to the Principal Agreement (attached hereto as Schedule "B") with Misc. Plan No. 8452/6 (attached hereto as Schedule "C").

   b. To amend the leased area in the Principal Agreement from 58.3 ± acres to 58.7± acres

6. All other terms and conditions of the Principal Agreement to remain unchanged.

Other:

7. The Tenant shall enter into a formal agreement with the City embodying the foregoing Proposed Terms and Conditions and such other Terms and Conditions as the Director of Legal Services deems necessary and in a form satisfactory to the Director of Legal Services

8. The proposed terms and conditions of the Lease Amending Agreement are subject to the final approval of the City's Standing Policy Committees and Council, or its delegated authority and the Director of Legal Services/City Solicitor as to form and content.

Assiniboine Golf Club hereby agree(s) to enter into a Lease Amending Agreement with the City of Winnipeg for the use of the property identified as "Leased Area: 58.7± acres" on Misc. Plan 8452/6 and in accordance with the terms and conditions as outlined herein.

Signed in the City of Winnipeg, in the Province of Manitoba, this 12th Day of November, 2019
Assiniboine Golf Club

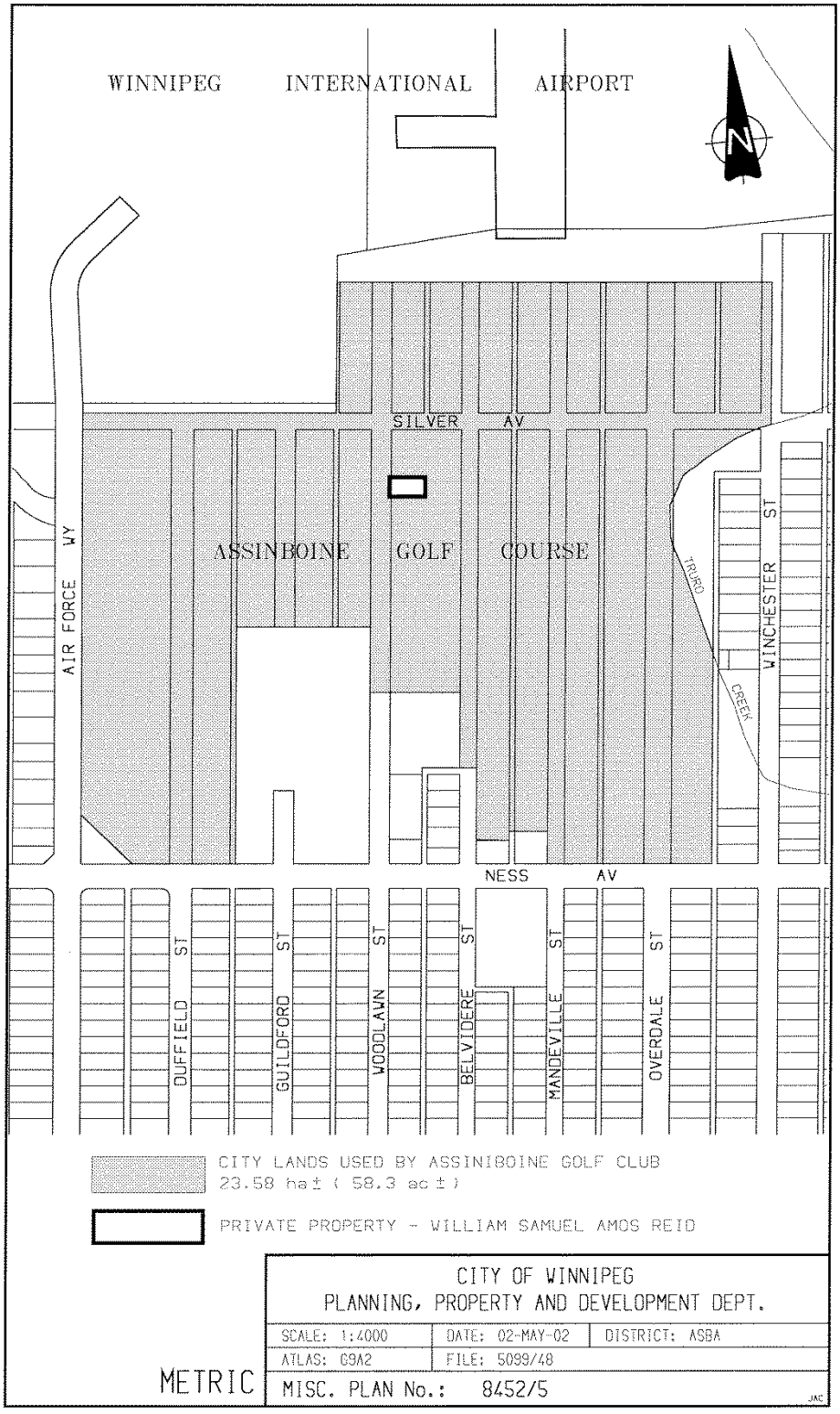
Original documents signed by the Tenant
Per: _____
Name: Craig Martin, President

Original documents signed by the Tenant

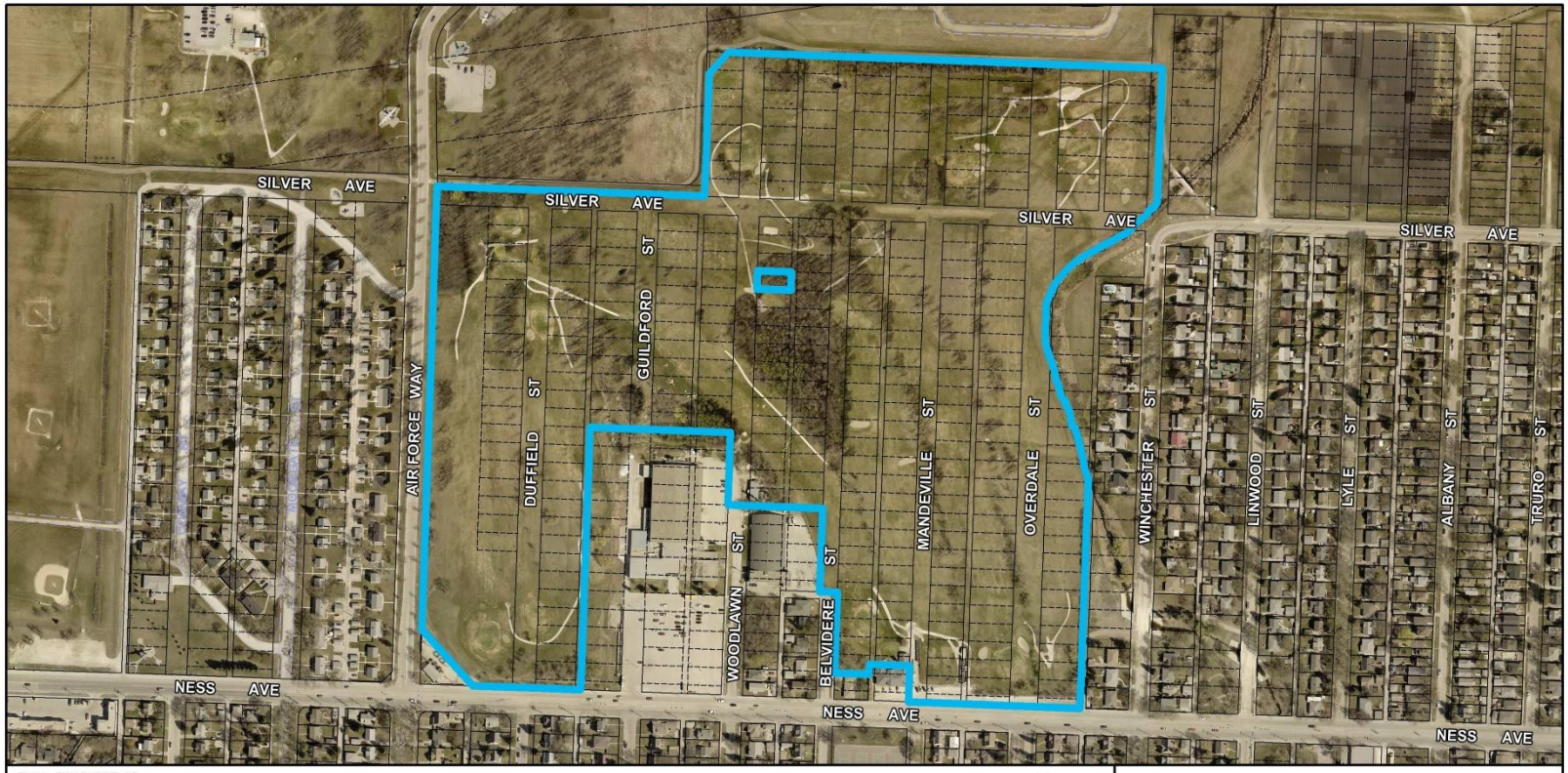
Per: _____
Name: Bruce Ans, Vice President

I/We have been authorized to bind the Corporation

SCHEDULE B


WINNIPEG INTERNATIONAL AIRPORT
N
SILVER AV
ASSINIBOINE GOLF COURSE
AIR FORCE WY
TRURO CREEK
WINCHESTER ST
NESS AV
DUFFIELD ST
GUILDFORD ST
WOODLAWN ST
BELVIDERE ST
MANDEVILLE ST
OVERDALE ST
CITY LANDS USED BY ASSINIBOINE GOLF CLUB
23.58 ha ± (58.3 ac ±)
PRIVATE PROPERTY - WILLIAM SAMUEL AMOS REID
CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
SCALE: 1:4000
DATE: 02-MAY-02
DISTRICT: ASBA
ATLAS: C9A2
FILE: 5099/48
METRIC
MISC. PLAN No.: 8452/5
JAC

SCHEDULE C


SILVER AVE
SILVER AVE
SILVER AVE
SILVER AVE
AIR FORCE WAY
DUFFIELD ST
GUILDFORD ST
WOODLAWN ST
BELVIDERE ST
MANDEVILLE ST
OVERDALE ST
WINCHESTER ST
LINWOOD ST
LYLE ST
ALBANY ST
TRURO ST
NESS AVE
NESS AVE
NESS AVE
Date: 2019-OCT-10
District: ASBA
File: 5099/48
Scale: 1:4000
Requested by: COs
Drawn by: IP
Reference Dwg No.: As requested
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.
LEASED AREA: 58.7± acres
N
W
E
S
AERIAL (2018) METRIC
CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPARTMENT
LAND INFORMATION SERVICES
MISC. PLAN NO. 8452/6