Minute No. 52
Report "A" – Standing Policy Committee on Property and Development, Heritage and Downtown Development – November 16, 2020

Item No. 2 **Proposed Land Exchange between the City of Winnipeg and the St. James-Assiniboia School Division for Property Located at 1910 Portage Avenue and 100 Ferry Road (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 the City-owned property identified as "Subject City Property to be Transferred to the St. James-Assiniboia School Division No. 2" on Misc. Plan No. 12935/6, attached hereto as Schedule A, be declared surplus to the needs of the City.

2. That, subject to approval of two-thirds of all Council members (pursuant to Subsection 205(2) of the City of Winnipeg Charter Act) and approval of Recommendation 1, a land exchange between the City and the St. James-Assiniboia School Division No. 2, that is in accordance with the terms and conditions set out in Schedule C, be approved.

3. That the City enter into, execute and deliver a Land Exchange Agreement with the St. James-Assiniboia School Division No. 2 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").

4. That the Chief Administrative Officer be authorized to negotiate and approve the terms and conditions of the Land Exchange Agreement and any Ancillary Agreements in accordance with this report and such other terms and conditions determined necessary by the City Solicitor/Director of Legal Services to protect the interests of the City.

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

Report "A" – Standing Policy Committee on Property and Development, Heritage and Downtown Development – November 16, 2020

DECISION MAKING HISTORY:

Moved by Councillor Gilroy,

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On November 18, 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 November 17, 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 Land Exchange between the City of Winnipeg and the St. James-Assiniboia School Division for property located at 1910 Portage Avenue and 100 Ferry Road

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	P. Olafson, Interim CFO	M. Ruta, Interim CAO

EXECUTIVE SUMMARY

On June 16, 1981, the St. James-Assiniboia Community Committee approved a motion that requested the St. James-Assiniboia School Division No. 2 (“SJASD”) transfer to the City the land upon which the St. James Public Library (the “Library”) was built for the price of $1.00. Negotiations did occur but for unknown reasons, the transfer was never completed and the SJASD continues to own the Library land and building.

Negotiations to conclude the sale of the Library land resumed in 2018. The SJASD identified an interest in acquiring the City property they currently lease for a running track, as shown on Misc. Plan 12935/6, for consolidation with their current holding at 1900 Portage Avenue.

The Public Service and SJASD have agreed in principle to a $1.00 land exchange for the above described properties to conclude the Library transaction.

The Ward Councillor has been consulted regarding the Land Exchange as proposed.

RECOMMENDATIONS

1. That the City-owned property identified as “Subject City Property to be Transferred to the St. James-Assiniboia School Division No. 2” on Misc. Plan No. 12935/6, attached hereto as Schedule A, be declared surplus to the needs of the City.

2. That, subject to approval of two-thirds of all Council members (pursuant to Subsection 205(2) of the City of Winnipeg Charter Act) and approval of Recommendation 1, a land exchange between the City and the St. James-Assiniboia School Division No. 2, that is in accordance with the terms and conditions set out in Schedule C, be approved.

3. That the City enter into, execute and deliver a Land Exchange Agreement with the St. James-Assiniboia School Division No. 2 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").

4. That the Chief Administrative Officer be authorized to negotiate and approve the terms and conditions of the Land Exchange Agreement and any Ancillary Agreements in accordance with this report and such other terms and conditions determined necessary by the City Solicitor/Director of Legal Services to protect the interests of the City.

5. 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

Pursuant to the "Policy for the Sale, Acquisition, Rental, Leasing and Management of Properties", all sales of property designated or acquired for park purposes shall be subject to Section 205(2) of The City of Winnipeg Charter Act which requires approval by a vote of 2/3 of all members of Council.

Council approval is also required to enter into a Land Exchange Agreement.

IMPLICATIONS OF THE RECOMMENDATIONS

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

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.

The cost to subdivide the School Division Property and the City Property as outlined on Misc. Plan 12935/7, attached as schedule B, will be funded through the Community Services 2019 Capital Budget.

If not for the land exchange, the City would be unable to retrofit the St. James Public Library ("Library") or sell the property that the Library was built upon, as the St. James-Assiniboia School Division No. 2 ("SJASD") owns the land at 1910 Portage Avenue.

HISTORY/DISCUSSION

The Library was constructed in 1957 on SJASD property. The Library land was never transferred to the City and a review of archival records did not identify a reason for the incomplete sale.

On June 16, 1981, the St. James-Assiniboia Community Committee approved a motion that requested the SJASD transfer to the City the land upon which the Library was built for the price of $1.00. Negotiations did occur but for unknown reasons, the transfer was never completed and the SJASD continues to own the Library land and building.

In the early 1990s, the Public Service attempted to complete the purchase of the Library land in accordance with the terms approved in 1981. Once again, the transfer was not completed and internal records do not indicate why the purchase was abandoned.

The City entered into a separate transaction with the SJASD in 2013, wherein Council approved a $1.00 lease with the SJASD that allowed for a new running track to extend into the northern portion of Bourkevale Community Centre (the community centre is directly south of and adjacent to the SJASD property).

In 2018 the Public Service was unaware (due to staff changeover) that the City did not own the Library and negotiations with the SJASD resumed. The SJASD proposed amending the terms of the 1981 sale approval to incorporate a land exchange for the City land currently under lease to the SJASD.

The Public Service completed an internal appraisal in 2019 of the Library land and the City land. The Library land was valued at $1,100,000 while the City land was valued at $240,000. The Library land was considered to have a commercial highest and best use based on the surrounding uses and restrictions imposed by the Airport Vicinity Protection Area; whereas the City land was deemed to have a recreational highest and best use due to the Airport Vicinity Protection Area.

The Land Exchange Proposal was approved by the SJASD Board on May 12, 2020 and subsequently approved by the Public Schools Finance Board on June 4, 2020. Relevant terms and conditions of the proposed Land Exchange are outlined in Schedule C.

A circulation of the lands to be exchanged was completed and no civic need was identified. To meet spatial separation regulations, it was identified that a Conforming Construction Agreement was required to maintain a minimum 11 meters from the eastern wall of the library building. The SJASD is agreeable to the City registering a caveat against the title of 1900 Portage Avenue to ensure spatial separation is maintained. The Zoning and Permits Branch confirmed that a variance would be required for the rear yard of the library being 9.8 feet instead of 25 feet. A subdivision application (DASSF) is required at the City's expense to subdivide the lands to be transferred to each party.

A Phase I Environmental Site Assessment was conducted on the SJASD Land which indicated there was a low possibility of sub-surface impacts from on-site or off-site sources. A Phase II Environmental Site Assessment was not recommended.

The Ward Councillor has been consulted regarding the Land Exchange as proposed.

If the Land Exchange is approved, it is anticipated that the transaction will close in early 2021.

FINANCIAL IMPACT

Financial Impact Statement

Date: October 1, 2020

Project Name:

Proposed Land Exchange between the City of Winnipeg and the St. James-Assiniboia School Division for property located at 1910 Portage Avenue and 100 Ferry Road

COMMENTS:

There are no direct financial implications associated with the recommendations contained in this report. Based on internal appraisals of the properties to be exchanged, there is an "opportunity benefit" to the City of Winnipeg of $860,000 (i.e. the "highest and best use" value of the SJASD lands exceeds that of the City lands by $860,000).

Mike McGinn October 1, 2020
Mike McGinn, CPA, CA
Manager of Finance

CONSULTATION

This Report has been prepared in consultation with:

Legal Services, as to legal issues
Community Services Department
Public Works Department

OURWINNIPEG POLICY ALIGNMENT

Under section 01-6 of OurWinnipeg the following policy applies:

- Provide library facilities that are safe, convenient and accessible community places
- Conduct regular audits on the state of library facilities

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

If the Library is acquired the by City it will allow for future building upgrades, as necessary

Strategic Opportunity #5
Low Carbon and Energy Efficient Buildings

- Increase energy performance of existing buildings

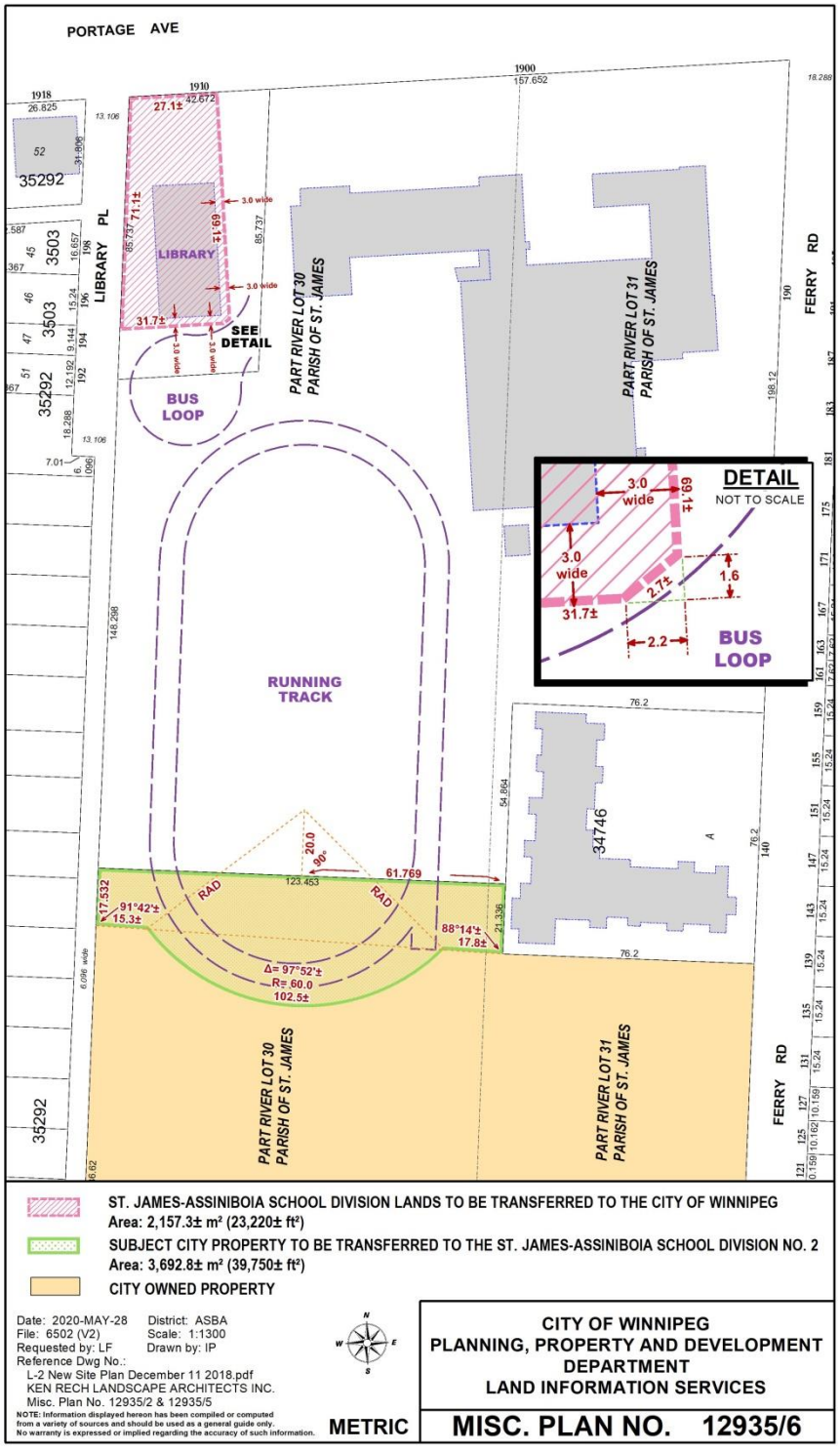
SUBMITTED BY

Department: Planning, Property and Development
Division: Real Estate and Land Development
Prepared by: Leah Furedi, Senior Negotiator
Date: October 14, 2020
File No:

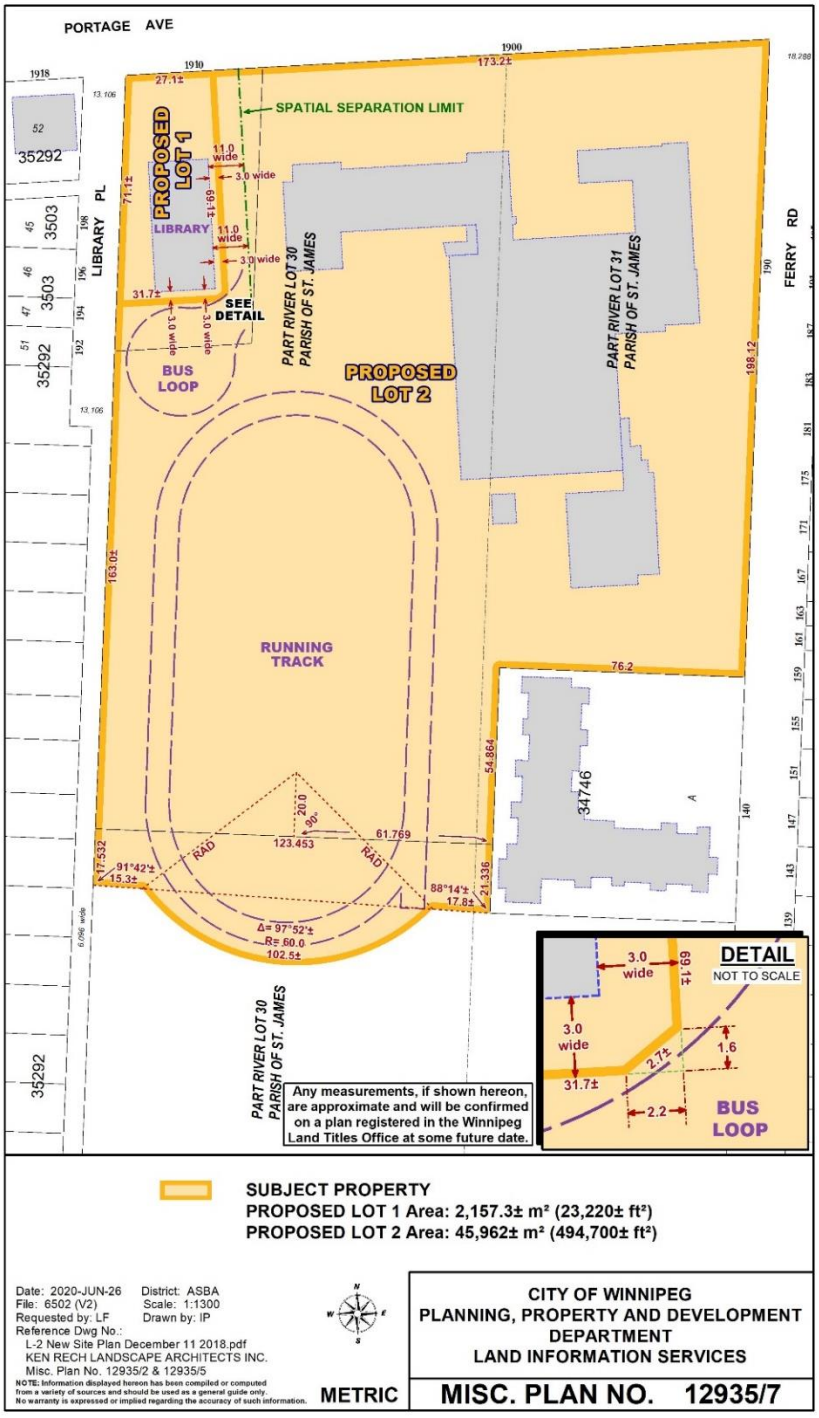
Attachments:

Schedule A – Misc. Plan 12935/6
Schedule B – Misc. Plan 12935/7
Schedule C – Terms and Conditions

Schedule A


PORTAGE AVE
LIBRARY PL
FERRY RD
LIBRARY
SEE DETAIL
BUS LOOP
RUNNING TRACK
PART RIVER LOT 30 PARISH OF ST. JAMES
PART RIVER LOT 31 PARISH OF ST. JAMES
DETAIL
NOT TO SCALE
3.0 wide
69.1±
31.7±
2.7±
1.6
2.2
35292
3503
34746
RAD
61.769
91°42'±
15.3±
88°14'±
17.8±
Δ= 97°52'±
R= 60.0
102.5±
ST. JAMES-ASSINIBOIA SCHOOL DIVISION LANDS TO BE TRANSFERRED TO THE CITY OF WINNIPEG
Area: 2,157.3± m² (23,220± ft²)
SUBJECT CITY PROPERTY TO BE TRANSFERRED TO THE ST. JAMES-ASSINIBOIA SCHOOL DIVISION NO. 2
Area: 3,692.8± m² (39,750± ft²)
CITY OWNED PROPERTY
Date: 2020-MAY-28
File: 6502 (V2)
Requested by: LF
Reference Dwg No.:
L-2 New Site Plan December 11 2018.pdf
KEN RECH LANDSCAPE ARCHITECTS INC.
Misc. Plan No. 12935/2 & 12935/5
District: ASBA
Scale: 1:1300
Drawn by: IP
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.
METRIC
CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPARTMENT
LAND INFORMATION SERVICES
MISC. PLAN NO. 12935/6

Schedule B


PORTAGE AVE
PROPOSED LOT 1
LIBRARY
SPATIAL SEPARATION LIMIT
SEE DETAIL
BUS LOOP
PROPOSED LOT 2
RUNNING TRACK
PART RIVER LOT 30 PARISH OF ST. JAMES
PART RIVER LOT 31 PARISH OF ST. JAMES
LIBRARY PL
FERRY RD
DETAIL
NOT TO SCALE
Any measurements, if shown hereon, are approximate and will be confirmed on a plan registered in the Winnipeg Land Titles Office at some future date.
SUBJECT PROPERTY
PROPOSED LOT 1 Area: 2,157.3± m² (23,220± ft²)
PROPOSED LOT 2 Area: 45,962± m² (494,700± ft²)
Date: 2020-JUN-26 District: ASBA
File: 6502 (V2) Scale: 1:1300
Requested by: LF Drawn by: IP
Reference Dwg No.:
L-2 New Site Plan December 11 2018.pdf
KEN RECH LANDSCAPE ARCHITECTS INC.
Misc. Plan No. 12935/2 & 12935/5
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.
METRIC
CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPARTMENT
LAND INFORMATION SERVICES
MISC. PLAN NO. 12935/7

Schedule C

Parties:	The City of Winnipeg Saint James-Assiniboia School Division # 2
Price:	$1.00 plus G.S.T.
Lands to be Exchanged:	Misc. Plan No. 12935/6 attached as Schedule A
Closing Date:	The date for closing, vacant possession (free of leasehold interest) and tax adjustments (hereinafter called the "Closing Date") in respect of the City Property and the School Division Property shall be by mutual agreement, but no later than ninety (90) days after the later of: (a) The date of final approval by the City's Council and/or its delegated authority; or (b) The date on which the City's Council enacts the Plan of Subdivision and DASSF application in respect to the School Division Property and City Property and the subdivisions are complete; or (c) The date that the Due Diligence Period ends or is waived as provided for in this Agreement; Or such other date, initially approved by the City's Director of Planning, Property and Development (hereinafter called the "Director"), and thereafter mutually agreed upon by the parties.
Other Terms:	SJASD to enter into a Conforming Construction Agreement to maintain spatial separation and to allow for a building restriction caveat to be registered against their property at 1900 Portage Avenue. Both Parties are entitled to conduct an Environmental Site Assessment on the property being acquired; either Party may cancel the land exchange if environmental concerns are discovered The City to be responsible for all survey costs and the Plan of Subdivision for both properties.