Minute No. 380
Report - Standing Policy Committee on Property and Development - April 27, 2004

Item No. 21 **Property Acquisition for Public Lane Corner Cut at Rear of No. 193 Seven Oaks Avenue - Proposal to Expand Delegation of Authority for Approval of Certain Property Acquisitions**
Files FI-2(34) and FI-2.1

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submits the following to Council:

1. That the acquisition of the land shown as "Proposed Lane Opening" on Misc. Plan No. 9424/1 be approved in accordance with the price, terms and conditions outlined in Schedule "A".

2. That the delegation of authority to the Director of Planning, Property and Development to approve certain land acquisitions for Council-approved programs where the price payable to the vendor is $25,000.00 or less plus ancillary costs, be expanded to include miscellaneous street and lane widenings/corner cuts not specifically considered by Council, provided that the Standing Policy Committee on Public Works has first approved the need for each acquisition together with the available funding source.

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

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DECISION MAKING HISTORY:

Moved by Councillor Pagtakhan,
That the recommendation of the Standing Policy Committee on Property and Development be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On April 27, 2004 the Standing Policy Committee on Property and Development concurred in the administrative recommendation and submitted the matter to the Executive Policy Committee and Council.

Re: A) Proposed Property Acquisition for Public Lane Corner Cut at Rear of No. 193 Seven Oaks Avenue;
B) Proposal to Expand Delegation of Authority for Approval of Certain Property Acquisitions

For submission to: Standing Policy Committee on Property and Development

Original report signed by: Director of Planning, Property and Development

Report date: March 17, 2004

Recommendation(s):

1. That the proposed acquisition of the land shown as "PROPOSED LANE OPENING" on the attached Misc. Plan No. 9424/1 be approved in accordance with the price, terms and conditions as outlined on the attached Schedule "A".

2. That the delegation of authority to the Director of Planning, Property and Development to approve certain land acquisitions for Council-approved programs where the price payable to the vendor is $25,000.00 or less plus ancillary costs, be expanded to include miscellaneous street and lane widenings/corner cuts not specifically considered by Council, provided that the Standing Policy Committee on Public Works has first approved the need for each acquisition together with the available funding source.

REPORT SUMMARY

Key Issues:

This proposed acquisition would facilitate the movement of vehicles at the intersection of these two lanes; in particular, service vehicles such as refuse and recycling trucks and snow-clearing equipment, which now have a difficult time negotiating turns. Also, it would minimize hazards to pedestrians using the lane and reduce potential claims against the City for property damage as a result of current vehicular trespass.

Under existing policy and practise, Council must approve all land acquisitions either through the annual capital budget or as separate programs; thus, even comparatively minor and inexpensive property acquisitions (such as the proposed acquisition for a public lane corner cut described within this report) currently require a report through the RIS to Council. The Administration recommends that Council consider delegating additional authority to the Director of the Planning, Property and Development Department to approve the terms and conditions for the acquisition of properties required for street and lane widenings/corner cuts where the price payable to the vendor is $25,000.00 or less plus ancillary costs. This would appear appropriate given that the Standing Policy Committee on Public Works first approves the need for each property together with the appropriate funding source, at which point negotiations begin with the property owner.

Implications of the Recommendation(s):

General implications:

	None
X	For the organization overall and/or for other departments
	For the community and/or organizations external to the City of Winnipeg
	Involves a multi-year contract

Comment(s):
The recommended delegation of authority would streamline the approval process for comparatively minor street and lane widening/corner cut acquisitions in order to save administrative time and more efficient service delivery.

Policy implications:

	No
X	**Yes**

Comment(s):
If adopted by Council, the authority recommended to be delegated to the Director of the Planning, Property and development Department would eliminate the need for individual administrative reports to Council for approval of each street or lane widening/corner cut acquisition when the price payable to the vendor is $25,000 or less plus ancillary costs.

Environmental implications:

X	**No**
	Yes

Comment(s):
There are no environmental concerns regarding this proposed acquisition.

Human resources implications:

	No
X	**Yes**

Comment(s):
The recommended delegation of authority would help facilitate more staff attention to the remaining workloads.

Financial implications:

X	Within approved current and/or capital budget
	Current and/or capital budget adjustment required

Comment(s):
The proposed purchase price is $500.00, and the survey and ancillary costs are estimated to be in the order of $4,000. Adequate funding is available in Capital Account 003-181000-180603-1833000200-PROPERTY

REASON FOR THE REPORT:

The proposed acquisition is not part of a Council-approved program and, therefore, requires that City Council consider the proposed price, terms and conditions of acquisition.
A request for a delegation of authority to the Director of the Planning, Property and Development Department, if approved, would eliminate the need to prepare individual administrative reports to Council for approval of each street or lane widening/corner cut acquisition when the price payable to the vendor is $25,000 or less plus ancillary costs.

HISTORY:

At its meeting held on February 23, 1995 the former Board of Commissioners, authorized the Director of the former Land Surveys and Real Estate Department to undertake negotiations to acquire a lane corner cut (among other such corner cuts) at the subject location.
Particulars of the subject property are as follows:

Location:	Northwest corner of 193 Seven Oaks Avenue
Legal Description:	Lot 5, Block 1, Plan 2038
Certificate of Title:	1913894
Registered Owner:	Utah B.C. Liebrecht
Zoning:	R2 – Two family District
Realty Roll:	11-000267000
Assessed Value:	Not apportioned
Acquisition Area:	2.0 m2 (21.5 ft2)
Property Description:	A 2m x 2m triangular parcel, improved with a wooden fence and landscaping

Negotiations with the previous owner were unsuccessful. The property recently sold and negotiations have now been completed with the new owner in accordance with the terms and conditions attached hereto as Schedule “A”.

DISCUSSION:

Proposed Acquisition:
It is extremely difficult for larger vehicles to negotiate the turn at this intersection without either trespassing over the subject land or hitting the fence. The inability of large vehicles to clearly make the turn makes the area unusually hazardous for any pedestrians using the lane. The Public Works Department supports the proposed acquisition as being in the City’s best interests as it will facilitate the movement of vehicular traffic through the lane, minimize the hazards associated with negotiating turns at the lane intersection, and also minimize the number of claims against the City for property damage at this location.

The Real Estate Division considers the negotiated price, terms and conditions as set out on the attached Schedule “A” to be fair, reasonable and consistent with other acquisitions of a similar nature.

Adequate funding is currently available in Public Works Capital account 003-181000-180603-1833000200-PROPERTY.

Proposed Delegation of Authority:

Council, on July 21, 1993, delegated authority to the Director Land Surveys and Real Estate now Director of Planning, Property and Development to approve the final terms and conditions of certain property acquisitions. Once any land acquisition program has been determined by Council, the Director of Planning, Property and Development is authorized to finalize settlements on properties being acquired by the City through negotiation or expropriation proceedings where the price payable to the vendor is $25,000.00 or less plus ancillary costs. The Director of Planning, Property and Development is to submit a quarterly report to the Standing Policy Committee on Property and Development on the disposition of matters under his authority.

Under existing policy and practise Council must approve all land acquisitions either through the annual capital budget or as separate programs; thus, even comparatively minor and inexpensive property acquisitions (such as the proposed acquisition for a public lane corner cut described within this report) currently require a report to Council. The Administration recommends that Council consider delegating additional authority to the Director of the Planning, Property and Development Department to approve the terms and conditions for the acquisition of properties required for street and lane widenings/corner cuts where the price payable to the vendor is $25,000.00 or less plus ancillary costs. This would appear appropriate given that the Standing Policy Committee on Public Works first approves the need for each property together with the appropriate funding source, at which point negotiations begin with the property owner.

If adopted by Council, the authority recommended to be delegated to the Director of the Planning, Property and Development Department would eliminate the need for individual administrative reports to Council for approval of each street or lane widening/corner cut acquisition when the price payable is $25,000 or less plus ancillary costs. This would streamline the approval process for comparatively minor street and lane widening/corner cut acquisitions in order to save administrative time and to provide more efficient service delivery both internally and externally.

Financial Impact Statement

Date: March 15, 2004

Project Name:

First Year of Program 2004

	2004	2005	2006	2007	2008
Capital					
Capital Expenditures Required	$ 4,680	$ -	$ -	$ -	$ -
Less: Existing Budgeted Costs	4,680	-	-	-	-
Additional Capital Budget Required	$ -	$ -	$ -	$ -	$ -
Funding Sources:					
Debt - Internal	$ 4,680	$ -	$ -	$ -	$ -
External	-	-	-	-	-
Grants (Identify)	-	-	-	-	-
Reserves, Equity, Surplus, Other	-	-	-	-	-
Total Funding	$ 4,680	$ -	$ -	$ -	$ -
Total Additional Capital Budget Required	$ -				
Total Additional Debt Required	$ -				
Current Expenditures/Revenues					
Direct Costs	$ 152	$ 445	$ 445	$ 445	$ 445
Less: Incremental Revenue/Recovery	180	-	-	-	-
Net Cost/(Benefit)	$ (28)	$ 445	$ 445	$ 445	$ 445
Less: Existing Budget Amounts	(28)	445	445	445	445
Net Budget Adjustment Required	$ 0	$ (0)	$ (0)	$ (0)	$ (0)

Additional Comments:

The total capital amount shown above includes the $4,500 estimate referenced in the report plus interest and admin charges.

"Original signed by"
Gord Courage, Manager
Support Services Division

IN PREPARING THIS REPORT, THERE WAS CONSULTATION WITH AND CONCURRENCE BY:

There was consultation with the Public Works Department, as well as the Legal Services Division, in preparing this report.

This report submitted by:

Planning, Property and Development Department
Division: Real Estate
Prepared by: Karen Cann
PPD File #: 7919

Document name: o:\reports directive\real estate\acquisition\(kc)193sevenoaks.doc

February 16, 2004
SCHEDULE "A"

1. An all-inclusive purchase price of FIVE HUNDRED ($500.00) DOLLARS for the subject property shown as "Proposed Lane Opening" on the attached Misc. Plan No. LSWK 9424/1.

2. The subject property to be conveyed to the City free and clear of any liens and/or encumbrances.

3. The date for vacant possession - free of leasehold interest and adjustment of taxes, to be the date that a Caveat is filed by the City of Winnipeg in the Winnipeg Land Titles Office respecting a duly executed Purchase/Sale Agreement to be prepared by the City Solicitor regarding this transaction or by mutual agreement.

4. The Owner, upon 48 hours notice, consents to allow the City or its contractor to enter and construct upon the lands at any time hereafter.

5. The Owner declares that the subject property complies with all applicable environmental laws, regulations and by-laws and further acknowledges and accepts that should the City determine that there are environmental concerns or contamination it may elect to cancel the proposed purchase.

6. The Owner shall supply copies of any environmental studies undertaken on the subject property.

7. The City to attend to any survey work required by the Winnipeg Land Titles Office in order to dedicate the subject property as Lane Right-of-Way at no cost to the Owner.

8. The City shall absorb reasonable legal and related fees, subject to the prior approval by the City's Legal Services Division that the Owner may incur in completing this transaction.

9. The Owner agrees to enter into an appropriate Purchase/Sale Agreement with the City embodying the within terms and conditions and in a form satisfactory to the City Solicitor; it is further acknowledged that the Purchase/Sale Agreement will be filed as a Caveat against the Owner's Title pending registration of the necessary lane opening plan by the City.

10. The Owner agrees that the subject property will not be conveyed, disposed of or encumbered in any manner whatsoever, except subject to this agreement.

11. Reimburse the Owner for the cost of relocating the improvements (fence); said costs to be the lowest of at least three quotations to be obtained by the Owner for this work and to be submitted to the City for approval prior to commencement of the work.

12. City to install guard poles on the two corners of the fence in an area that would protect the fence.

13. The Owner agrees to consent on a Real Owner Application form to add The City of Winnipeg as the Real Owner of the subject property to the Assessment Rolls of the City.

14. The Owner agrees to declare whether or not they are "Registrants" for the purposes of the "Goods and Services Tax" and if so, to provide their G.S.T. Registration number.

15. The City will self-assess any Goods and Services Tax owing on this transaction. Its GST Registration No. is R121682967.

16. This proposal is subject to approval by the City of Winnipeg Council or its delegated authority.

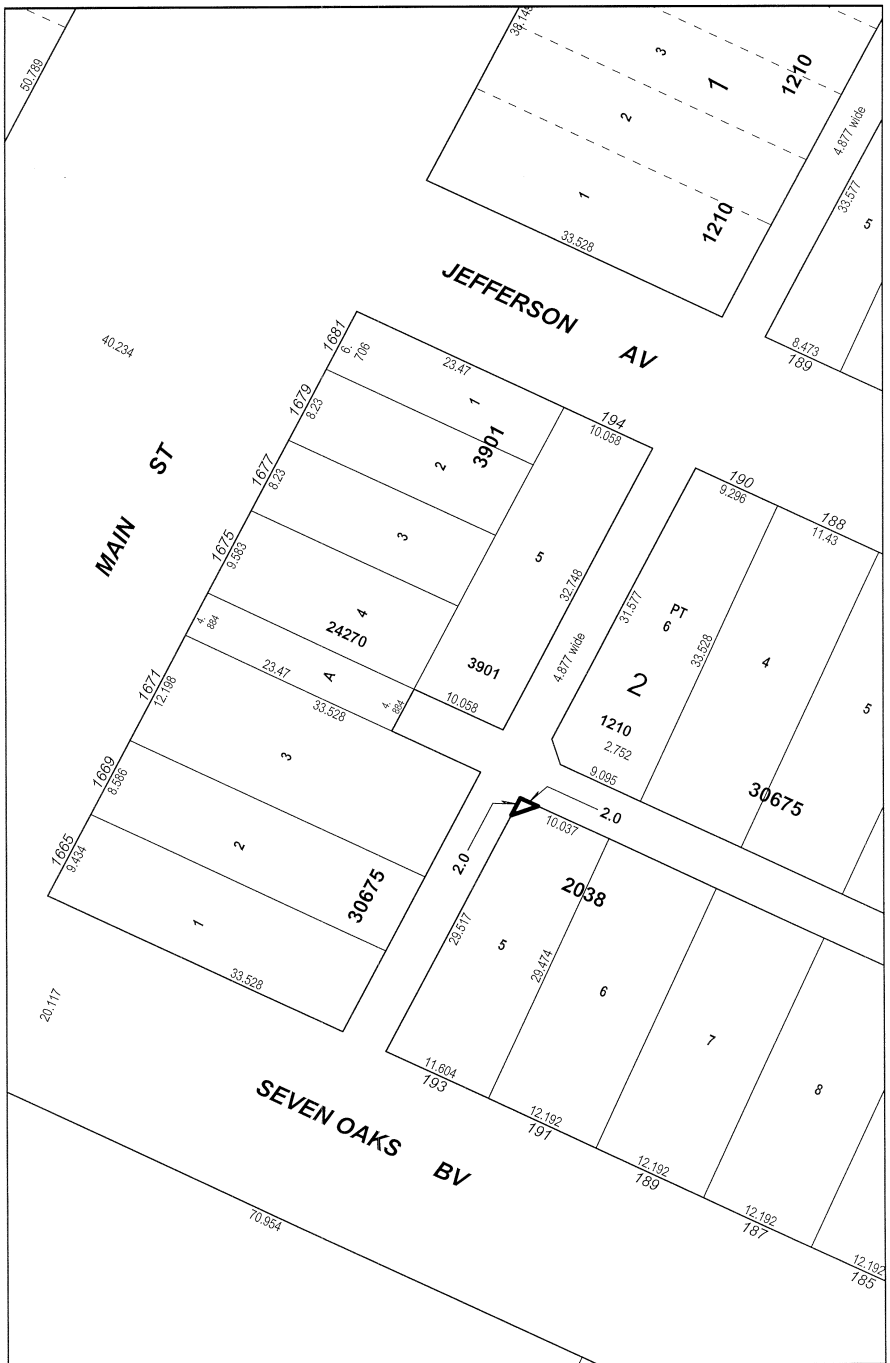
I, Utah Bryanna Cecelia Liebrecht, the legally registered owner of the property shown on the attached Misc. Plan No. LSWK 9424/1, hereby agrees to the sale of the subject property in accordance with the price, terms and conditions herein.

_____ _____

Date Utah Bryanna Cecelia Liebrecht

_____

GST Registrant Number



METRIC

Proposed Lane Opening - 2.0 x 2.0 m.
Area: ±2.0 m² (±21.5 ft²)

Date: 2004-FEB-17
District: LSWK
File: 7919
Scale: 1:500

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.

CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES

MISC. PLAN NO. 9424/1