Minute No. 427
Report - Standing Policy Committee on Property and Development - April 27, 2004

Item No. 20 Request to Remove Caveats Registered against 472 Selkirk Avenue File EC(BRC)

COUNCIL DECISION:

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

1. That the Director of Planning, Property and Development be authorized to instruct the Legal Services Division to remove Caveat Nos. 81-85011 and 262833 registered by the City against 472 Selkirk Avenue with all costs associated therewith, at the sole cost of the Age and Opportunity Centre, Inc.

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 - April 27, 2004

DECISION MAKING HISTORY:

Moved by Councillor Pagtakhan,
That the recommendation of the Standing Policy Committee on Property and Development be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On May 12, 2004, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On April 27, 2004, the Standing Policy Committee on Property and Development concurred in the administrative recommendation, with the following amendment, namely:

- Add the words “and 262833” in line 2 of Recommendation No. 1 following the words “Nos. 81-85011”

and submitted the matter to the Executive Policy Committee and Council.

Re: Request to Remove Caveat Registered Against 472 Selkirk Avenue
Lord Selkirk-West Kildonan Community
Mynarski Ward

For submission to: **Standing Policy Committee on Property and Development**

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

Report date: March 15, 2004

Recommendation(s):

1. That the Director of the Planning, Property and Development Department be authorized to instruct the Legal Services Division to remove Caveat No. 81-85011 registered by the City against 472 Selkirk Avenue with all costs associated therewith, at the sole cost of the Age and Opportunity Centre, Inc.

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

REPORT SUMMARY

Key Issues:

The City purchased the subject land at 472 Selkirk Avenue through the former Neighbourhood Improvement Program.

Title was transferred to the Age and Opportunity Centre, Inc. for the sum of $1.00, subject to the continued use of the property as a Senior Citizens Centre, failing which the property would revert to the City.

The Age and Opportunity Centre has invested substantial funds in the improvement of the building. A transfer of this building will allow this organization to recover all or part of its investment.

The Age and Opportunity Centre has advised of declining memberships due to break-ins, vandalism and panhandlers harassing the members. They no longer consider the building suitable for their intended purpose.

The permanent staff has been relocated to 817 Main Street and, at present, the building is maintained as a skeleton operation two days a week.

The Centre has requested that the City remove the Caveat so that the building can be leased or sold. They have advised that Ndinawemaaganag Endaawaad, a non-profit agency for at risk youth, has expressed interest in purchasing the property.

Implications of the Recommendation(s):
General implications:

X	None
	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):

Policy implications:

X	**No**
	Yes

Comment(s):

Environmental implications:

X	**No**
	Yes

Comment(s):
There are no environmental implications associated with this recommendation

Human resources implications:

X	**No**
	Yes

Comment(s):

Financial implications:

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

Comment(s):
No Financial Impact

REASON FOR THE REPORT:

Council approved the acquisition of Pt. Lot 1, Block 7, Plan 187 and subsequent transfer to Age and Opportunity Inc., which necessitated the registration of Caveat No. 81-85011 to protect the interests of the City. The Planning, Property and Development Department does not have the authority to permit the removal of Caveat No. 81-85011, and by this report seeks authority to do so.

HISTORY:

Part Lot 1, Block 7, Plan 187, shown as Subject City Property on Misc. Plan No. 308/78, was purchased in March, 1980 by the City through the former Neighbourhood Improvement Program for the operation of a Senior Citizens Centre. Title was transferred to the Age and Opportunity Centre, Inc. for the sum of $1.00, with a condition that the property revert back to the City should the facility no longer function as a Senior Citizens Centre.

A caveat was registered pursuant to an Agreement dated July 15, 1981, made between Age and Opportunity, Inc. and the City of Winnipeg. The pertinent provisions in the Agreement read as follows:

The Purchaser covenants and agrees that the Purchaser shall not sell, assign or otherwise dispose of the land or any part of it or any interest therein.

The Purchaser agrees that the land will be used for its continued use as a Senior Citizens Centre, providing social services, programs and activities for the elderly in the neighbourhood.
The Purchaser agrees that if the land is not used for the purpose referred to in paragraph 2 or at any time ceases to be used for the purpose in paragraph 2, the Purchaser shall forthwith transfer and convey to the City, all the land, free and clear of any and all encumbrances except those hereinafter placed by, through or under the City or now existing.

Because of the many services provided by the Centre, membership increased, thus requiring a larger building. Consequently, the Centre acquired additional lands, i.e. the balance of Lot 1 and Pt. Lot 2, Block 7, Plan 187, and expanded their building.

The Age and Opportunity Centre has advised of declining memberships due to break-ins, vandalism and panhandlers harassing the members. They no longer consider the building suitable for their intended purpose. A copy of their letter is attached as “Schedule A”. The permanent staff has been relocated to 817 Main Street and, at present, the building is maintained as a skeleton operation two days a week.

The Centre has requested that the City remove the Caveat so that the building can be leased or sold. They have advised that Ndinawemaaganag Endaawaad, a non-profit agency for at risk youth, has expressed interest in purchasing the property.

DISCUSSION:

The Planning, Property and Development Department is in favour of removing the Caveat for the following reasons:

Although City Policy for the sale of City property to non-profit groups stipulates the return of the property at the end of its economic life, the City often sells property to non-profit groups and waives this requirement.

Sale of the property appears to be the only reasonable solution for the Age and Opportunity Centre, as continuation of its services at this location is not viable.

As the building is not at the end of its economic life, the City would likely have to compensate the Centre for the value of the additional land acquired by the Centre. As well, the City would also incur the costs of maintenance until such time as a new Purchaser could be obtained.

Due to market demand in this area, should the removal of the caveat not be approved it may be difficult to interest another purchaser in a timely fashion

Ndinawemaaganag Endaawaad is also a non-profit group and as such will continue to provide service to the community in this area.

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

No consultation was required in the preparation of this report.
This report submitted by:

Planning, Property and Development Department
Division: Real Estate
Prepared by: Pat Henry
PPD File #: 5975/D-7

Document name: o:\reports directive\real estate\sales\(dph)selkirk.doc

Financial Impact Statement

Date: February 25, 2004

Project Name:

Request to Remove Caveat Registered Against 472 Selkirk Avenue

First Year of Program 1994

	1994	1995	1996	1997	1998
Capital					
Capital Expenditures Required	$ -	$ -	$ -	$ -	$ -
Less: Existing Budgeted Costs	-	-	-	-	-
Additional Capital Budget Required	$ -	$ -	$ -	$ -	$ -
Funding Sources:					
Debt - Internal	$ -	$ -	$ -	$ -	$ -
External	-	-	-	-	-
Grants (Identify)	-	-	-	-	-
Reserves, Equity, Surplus, Other	-	-	-	-	-
Total Funding	$ -	$ -	$ -	$ -	$ -
Total Additional Capital Budget Required	$ -				
Total Additional Debt Required	$ -				
Current Expenditures/Revenues					
Direct Costs	$ -	$ -	$ -	$ -	$ -
Less: Incremental Revenue/Recovery	-	-	-	-	-
Net Cost/(Benefit)	$ -	$ -	$ -	$ -	$ -
Less: Existing Budget Amounts	-	-	-	-	-
Net Budget Adjustment Required	$ -	$ -	$ -	$ -	$ -

Additional Comments:

There are no financial implications associated with the recommendation of this report.

"Original signed by"
Gord Courage, Manager

Age & Opportunity

Working with Manitobans since 1957

SCHEDULE "A"

RECEIVED
DEC 2 4 2003

RECEIVED
CITY OF WINNIPEG
DEC 30
PLANNING, PROPERTY & DEVELOPMENT

December 23, 2003

Community Services
2nd Floor, 283 Portage Avenue
Winnipeg, Manitoba R3B 2B5
Phone: (204) 956-6440
Fax: (204) 946-5667

Elder Abuse Resource Centre
2nd Floor, 283 Portage Avenue
Winnipeg, Manitoba R3B 2B5
Phone: (204) 956-6449
Fax: (204) 946-5667

Administrative Office
2nd Floor, 283 Portage Avenue
Winnipeg, Manitoba R3B 2B5
Phone: (204) 956-6440
Fax: (204) 946-5667

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Main Street Senior Centre
817 Main Street
R2W 5J2
Phone: (204) 942-7486

St. Vital Senior Centre
613 St. Mary's Road
R2M 3L8
Phone: (204) 956-9750

Selkirk Avenue Senior Centre
472 Selkirk Avenue
R2W 2M7
Phone: (204) 582-2329

Smith Street Senior Centre
2nd Flr. 185 Smith Street
R3C 3G4
Phone: (204) 956-6480

Stradbrook Senior Centre
400 Stradbrook Avenue
R3L 2P8
Phone: (204) 956-6490

West End Senior Centre
644 Burnell Street
R3G 2B7
Phone: (204) 772-9581

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Funding
Province of Manitoba
United Way
City of Winnipeg
Winnipeg Foundation
Winnipeg Regional
Health Authority

Karen Mitchell
City of Winnipeg
Community Services Department
6th Floor, 395 Main Street
Winnipeg, MB R3B 3N8

Dear Karen:

As you are aware, Age & Opportunity has operated a senior centre at 472 Selkirk Avenue since 1965. Six months ago, the Board of Directors made the decision to relocate permanent staff from this location to Point Douglas Manor at 817 Main Street because of a rash of burglaries and property damage that resulted in our insurance deductible being raised to $10,000. However the space and facilities available at 817 Main Street is nearly 3,500 square feet less than the space at 472 Selkirk so not all programs could be accommodated. Consequently, Age & Opportunity has continued to maintain a skeletal operation, two (2) days per week, out of 472 Selkirk Avenue.

In the thirty-seven years that Age & Opportunity has operated a senior centre at 472 Selkirk Avenue, the neighborhood has changed considerably. Safety and transportation have become major issues for seniors living in Point Douglas and drastically affected the utilization of the senior centre. Moreover, because the seniors living in Point Douglas are, on average, women, over the age of 80 years, of Eastern European decent, and living independently in apartments or other group facilities the services they would benefit from are not typically sustainable by senior centres.

With the aging of the population, the need for seniors' programs and services can only be expected to increase as will the demand for easily accessible and conveniently located seniors facilities. Given the needs of the current and future seniors' population, the Board of Directors is aware that its facility at 472 Selkirk Avenue is no longer suited to seniors' programming and hence, would like to purchase property in downtown Winnipeg; either along Portage Avenue or in close proximity to Waterfront Drive.

The ability of the Agency's Board of Directors to acquire property in the aforementioned areas is dependent on its ability to apply the proceeds from the sale of 472 Selkirk Avenue towards new property. However, though independently maintained by Age & Opportunity the titles to the property listed as 472 Selkirk Avenue has caveats placed against it by the City of Winnipeg.

According to the information I have amassed, the caveats are apparently the result of the properties at 472 Selkirk and 476 Selkirk having been gifted to Age & Opportunity by the City of Winnipeg for the purposes of operating a seniors' centre (refer to Agreements dated February 7, 1979 and July 15, 1981). Complicating this matter is the fact that the current facility spans three properties – 472 & 476 Selkirk Avenue and 187 Powers Street. The property on 187 Powers was purchased by Age & Opportunity in 1991 to accommodate an expansion of the original facility.

According to Agency documents the costs for renovating and expanding the property listed as 472 Selkirk Avenue was borne by Age & Opportunity. A mortgage was secured through CIBC to purchase the Powers Street property while the renovations and expansion were paid for through community fundraising and grants from the Government of Canada's New Horizon Program and the North Winnipeg Rotary Club.

Hence, since 1968 when Age & Opportunity assumed responsibility for the senior centre, the Agency has not only paid for the maintenance and taxes on the property but has also paid for major renovations and expansion of the original facility. As such, the Board of Directors is requesting the City of Winnipeg to discharge caveats #262833 and 81-85011, thereby enabling the Board to proceed with the sale of the property listed as 472 Selkirk Avenue. As previously stated, the purpose of the sale is to enable the Board to acquire property elsewhere in downtown Winnipeg that is better suited to the future needs of an aging population.

While I appreciate that our request to have the caveats discharged may be problematic given the City's original gift, I sincerely hope that the City discharges the caveats against the Selkirk Avenue property and thereby permit Age & Opportunity to use the proceeds from the sale to purchase property in downtown Winnipeg. To this end, I am requesting your assistance in navigating our request through the City's Legal Services, other departments and eventually, I presume, City Council.

If possible, Age & Opportunity needs to have this matter resolved before **15 March 2004** as we currently have an interested party whose grant approval runs out at the end of March.

Enclosed, please find copies of caveats #81-85011 and #262833, Agreements between the City of Winnipeg & Age & Opportunity dated February 7, 1979 and July 15, 1981 and an abridged history of Age & Opportunity's Selkirk Avenue Senior Centre.

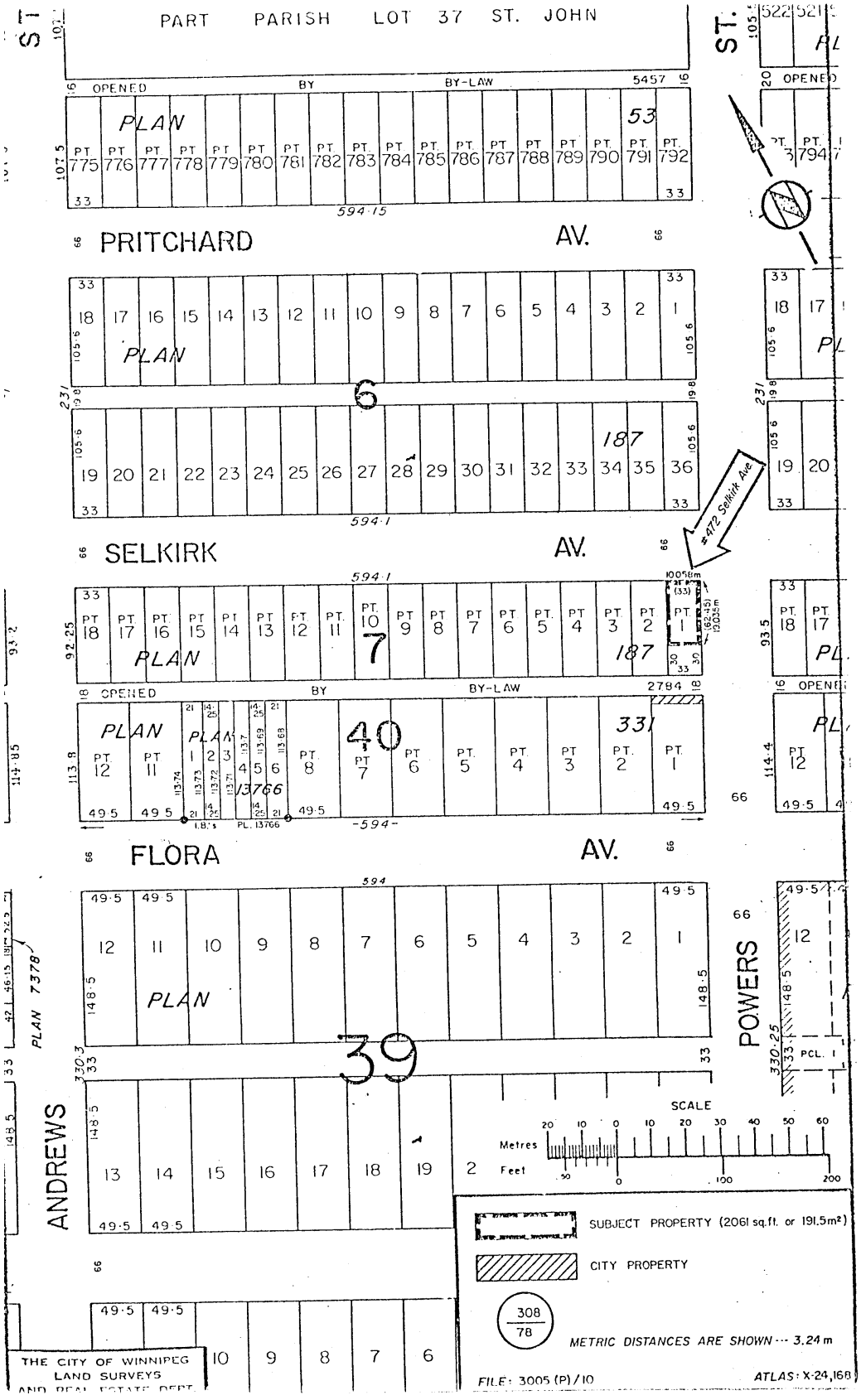
Thank you in advance for your assistance and support. Please feel free to call me directly at 956-6443.

Sincerely,

T. L. (Theresa) Jachnycky
Chief Executive Officer

Encl.

c.c. Board of Directors


PART PARISH LOT 37 ST. JOHN
OPENED BY BY-LAW 5457
PLAN 53
PRITCHARD AV.
PLAN 6
PLAN 187
#472 Selkirk Ave.
SELKIRK AV.
PLAN 7
OPENED BY BY-LAW 2784
PLAN 40
PLAN 331
PLAN 13766
FLORA AV.
PLAN 7378
PLAN 39
ANDREWS
POWERS
SCALE
Metres
Feet
SUBJECT PROPERTY (2061 sq.ft. or 191.5m²)
CITY PROPERTY
308/78
METRIC DISTANCES ARE SHOWN --- 3.24 m
THE CITY OF WINNIPEG
LAND SURVEYS
FILE: 3005 (P) / 10
ATLAS: X-24,168