Minute No. 306
Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – March 7, 2022

Item No. 2 Declaration of Surplus Land and Proposed Sale of City-owned Property – Part of 109 Selkirk Avenue (Mynarksi 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 at 109 Selkirk Avenue, identified as "Subject City Property – Parcel A and Parcel B" on Misc. Plan No. 11918/3, attached hereto as Schedule B, be declared surplus to the needs of the City.

2. That subject to approval of Recommendation 1 and approval of two-thirds of all Council members (pursuant to Subsection 205(2) of The City of Winnipeg Charter), the "Subject City Property – Parcel A and Parcel B" be sold to the adjacent property owners at 111 and 107 Selkirk Avenue for $1.00 each in accordance with the Terms and Conditions, attached hereto as Schedule A.

3. That the City enter into, execute and deliver an Offer to Purchase Agreement with the property owners of 111 and 107 Selkirk Avenue, 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 authority be delegated to the Director of Planning, Property and Development to negotiate and approve the terms and conditions of 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.

5. 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 – March 7, 2022

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 by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On March 16, 2022, 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 March 7, 2022, 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 Land and Proposed Sale of City-owned Property – Part of 109 Selkirk 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. Jack

EXECUTIVE SUMMARY

The Public Service recommends that portions of the City-owned property located at 109 Selkirk Avenue, identified as “Subject City Property – Parcel A and Parcel B” on Misc. Plan No. 11918/3, attached hereto as Schedule B, 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 sell it to the adjoining owners at 107 Selkirk Avenue and 111 Selkirk Avenue in accordance with the “Declaration as Surplus and Sale of Property” policy; the remaining park land will be opened as a public walk right-of-way to accommodate the newly constructed active transportation pathway.

RECOMMENDATIONS

1. That the City-owned property located at 109 Selkirk Avenue, identified as “Subject City Property – Parcel A and Parcel B” on Misc. Plan No. 11918/3, attached hereto as Schedule B, be declared surplus to the needs of the City.

2. That, subject to approval of Recommendation 1 and approval of two-thirds of all Council members (pursuant to Subsection 205(2) of The City of Winnipeg Charter), the “Subject City Property – Parcel A and Parcel B” be sold to the adjacent property owners at 111 and 107 Selkirk Avenue for $1.00 each in accordance with the Terms and Conditions, attached hereto as Schedule A.

3. That the City enter into, execute and deliver an Offer to Purchase Agreement with the property owners of 111 and 107 Selkirk Avenue, 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 authority be delegated to the Director of Planning, Property and Development to negotiate and approve the terms and conditions of 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.

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 "Declaration as Surplus and Sale of City Property" policy adopted by Council on September 29, 2021, Council approval is required to declare land surplus to the City's needs and the sale of parkland requires approval from two-thirds of all members of Council.

IMPLICATIONS OF THE RECOMMENDATIONS

If the Subject City Property – Parcel A and Parcel B is declared surplus by Council, the Public Service intends to subdivide Parcel A and Parcel B from the larger City-owned parcel and sell each to the adjacent owners for $1.00 in accordance with standard City policies.

In addition, the Public Service intends to open the remaining park land as a public walk right-of-way to accommodate an active transportation pathway. The opening will occur through a separate administrative 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.

HISTORY/DISCUSSION

The property at 109 Selkirk Avenue was acquired by the City in 2004 for the Winnipeg Parkway Project and rezoned to "PR1". The existing home on site was demolished in 2020.

As part of the 2021 Pedestrian and Cycling Program – North Winnipeg Parkway Project, the Public Works Department constructed an active transportation ("AT") pathway at this location in September 2021.

As a result of the demolition of 109 Selkirk Avenue, the property owner at 111 Selkirk Avenue indicated that the new AT pathway impacts the security and privacy of their property. Public Works recommends constructing a fence for 111 Selkirk Avenue; however, it cannot be built along the current land boundary as their home abuts the property line.

The Public Works Department proposes to submit development applications to subdivide, rezone and open the AT pathway as a public walk right-of-way, and to sell the excess land on either side of the pathway to the adjacent property owners for a nominal fee of $1.00. The additional land will provide adequate space to construct the fence for 111 Selkirk Avenue and will ensure that the side yard setbacks for both 107 and 111 Selkirk Avenue comply with current

zoning by-law requirements. The remaining City land has been improved as a pathway with an appropriate width to provide space for user comfort, sight lines, snow storage, vegetation and follows CPTED (crime prevention through environmental design) principles. The subdivision, rezoning and opening will occur through a separate administrative report.

The Subject City Property – Parcel A and Parcel B was circulated to all City Departments and no civic need was identified.

An internal appraisal was conducted which provided value ranges between $5,000 - $6,000 for both Parcels A and B. The Highest and Best Use was for consolidation with the adjoining owners' properties and to be rezoned as R2.

If the Subject City Property is declared surplus by Council, the Public Service intends to sell Parcel A and Parcel B (the remnant lots) to the adjacent property owners in accordance with Section 3.2.B.i. of the "Declaration as Surplus and Sale" policy. A direct sale of Subject City Property – Parcel A and Parcel B to the adjacent owners will eliminate any City maintenance burden for grass cutting and garbage removal on these remnant lands. A $1.00 sale is recommended to ensure the AT path does not result in expenses to the affected owners.

The Ward Councillor was notified of the intentions of the Public Service and concurs with the recommendations. If the sale is approved, the transaction is expected to close no sooner than six months from the date of approval.

FINANCIAL IMPACT

Financial Impact Statement

Date: January 14, 2022

Project Name:

Declaration of Surplus Land and Proposed Sale of City-owned Property – Part of 109 Selkirk Avenue

COMMENTS:

There are no material financial implications associated with the recommendations contained in this report.

Mike McGinn Jan. 14, 2022

Mike McGinn, CPA, CA
Manager of Finance

CONSULTATION

This Report has been prepared in consultation with:

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

OURWINNIPEG POLICY ALIGNMENT

Areas of Stability – Mature Communities

The Subject City Property is located within the Areas of Stability – Mature Communities policy area within Complete Communities Direction Strategy. Mature Communities can accommodate some infill development to increase housing choice and maximize the use of existing infrastructure. Opportunities for strengthening public transit and active transportation should be explored.

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

Strategic Opportunity #3 – Advancing Sustainable Transportation

Increasing access to mobility options and fuel switching are key directions reducing emissions from transportation. Key directions aim to directly shift residents out of single occupancy vehicles through sustainable transportation options with lower or no emissions (walking, cycling, public transit, carshare, and carpooling).

WINNIPEG POVERTY REDUCTION STRATEGY ALIGNMENT

Goal 5: Transportation System Equity is Enhance

For those who cannot afford to operate a vehicle, the creation of the AT Path allows for alternate means of travel.

SUBMITTED BY

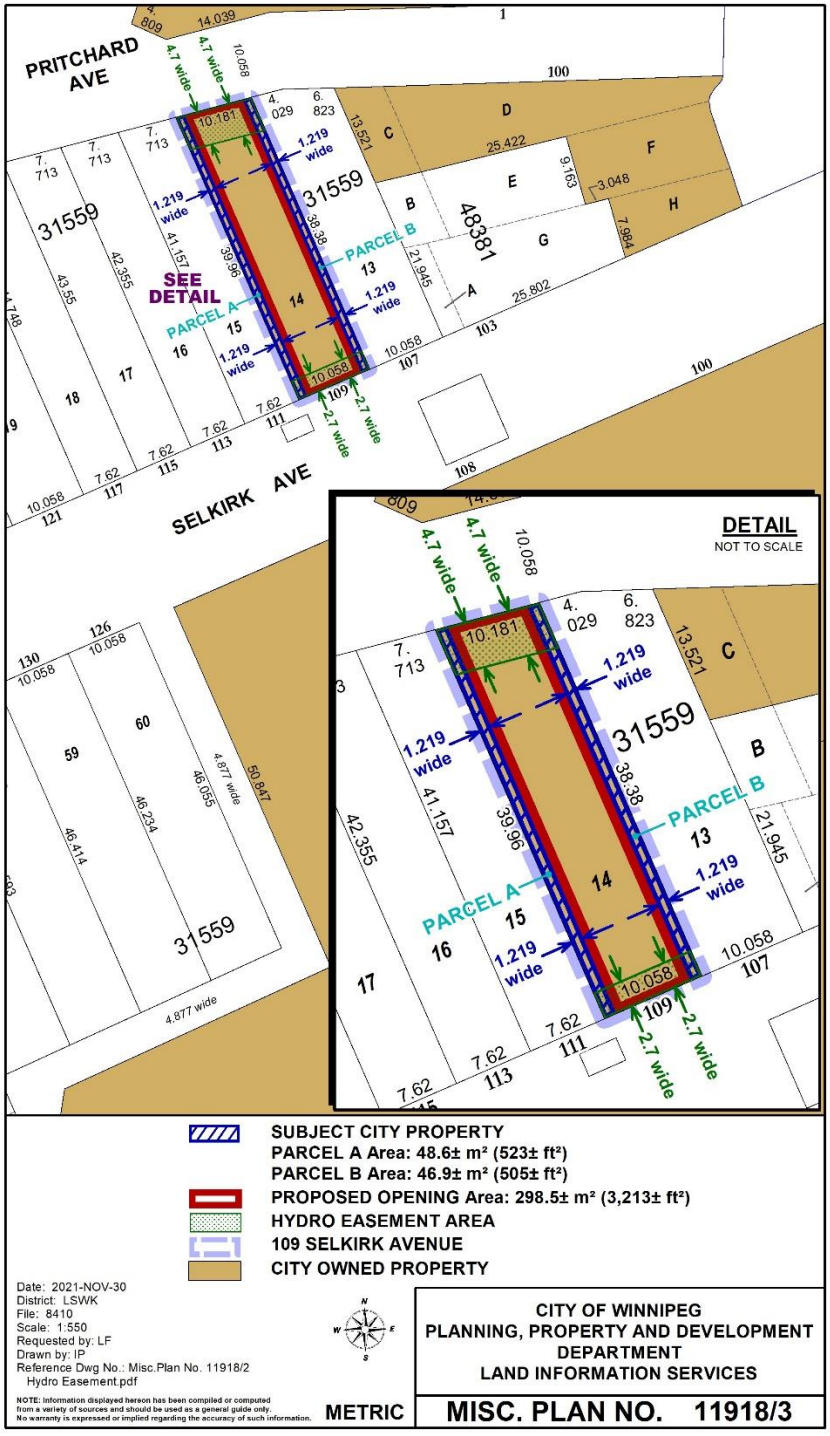
Department: Planning, Property and Development
Division: Real Estate and Land Development
Prepared by: Leah Furedi, Senior Negotiator
Date: January 18, 2022
File No: N/A

Attachments: Schedule A – Terms and Conditions
Schedule B – Misc. Plan 11918/3

Schedule A

Vendor:	The City of Winnipeg
Purchasers:	Parcel A – Kyle Blair McCulloch Parcel B – Maria and Kazimarz Mielezarek
Price:	$1.00
Deposit:	N/A
Lands to be Sold:	Parcel A and B, identified on Misc. Plan 11918/3
Lands to be Excluded:	Proposed Opening, identified on Misc. Plan 11918/3
Purchaser's Conditions:	City to cover all costs for survey, proposed opening for AT Pathway and rezoning application.
Closing Date:	To be negotiated, but no sooner than six months from the date of approval.

Schedule B


PRITCHARD AVE
SELKIRK AVE
SEE DETAIL
PARCEL A
PARCEL B
DETAIL
NOT TO SCALE
31559
48381
4.7 wide
1.219 wide
2.7 wide
SUBJECT CITY PROPERTY
PARCEL A Area: 48.6± m² (523± ft²)
PARCEL B Area: 46.9± m² (505± ft²)
PROPOSED OPENING Area: 298.5± m² (3,213± ft²)
HYDRO EASEMENT AREA
109 SELKIRK AVENUE
CITY OWNED PROPERTY
Date: 2021-NOV-30
District: LSWK
File: 8410
Scale: 1:550
Requested by: LF
Drawn by: IP
Reference Dwg No.: Misc.Plan No. 11918/2
Hydro Easement.pdf
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. 11918/3