

COPY

NOTE: Alderman Fisk resumed her regular seat in the Chamber at 2:35 p.m., following completion of Council's deliberations on Clause LAND90-74.

7906

20-90-19
LAND90-77
Country Hills

MOVED BY ALDERMAN HODGES, SECONDED BY ALDERMAN MAGNUS, that the Recommendation contained in Clause LAND90-77 of the Report of the Land Committee, dated 1990 June 12, be adopted.

MOTION CARRIED

7910

20-90-20
LAND90-94
Forest Lawn

MOVED BY ALDERMAN HODGES, SECONDED BY ALDERMAN MAGNUS, that the Recommendation contained in Clause LAND90-94 of the Report of the Land Committee, dated 1990 June 12, be adopted.

MOTION CARRIED

7913

20-90-21
LAND90-95
Sunnyside
Greenhouses

MOVED BY ALDERMAN HODGES, SECONDED BY ALDERMAN MAGNUS, that the Recommendation contained in Clause LAND90-95 of the Report of the Land Committee, dated 1990 June 12, be adopted.

MOTION CARRIED

7923

20-90-22
Table
LAND90-97
East Fairview

MOVED BY ALDERMAN CLARK, SECONDED BY ALDERMAN HIGGINS, that Clause LAND90-97 of the Report of the Land Committee, dated 1990 June 12, be tabled to the 1990 July 3 Regular Meeting of Council.

MOTION CARRIED

MOVED BY ALDERMAN HODGES, SECONDED BY ALDERMAN MAGNUS, that the Recommendation contained in Clause LAND90-97 of the Report of the Land Committee, dated 1990 June 12, be adopted.

MOTION NOT PUT

7926

20-90-23
LAND90-98
West Dover

MOVED BY ALDERMAN HODGES, SECONDED BY ALDERMAN MAGNUS, that the Recommendation contained in Clause LAND90-98 of the Report of the Land Committee, dated 1990 June 12, be adopted.

MOTION CARRIED

7929

20-90-24
LAND90-99
Dalhousie

MOVED BY ALDERMAN HODGES, SECONDED BY ALDERMAN MAGNUS, that the Recommendation contained in Clause LAND90-99 of the Report of the Land Committee, dated 1990 June 12, be adopted.

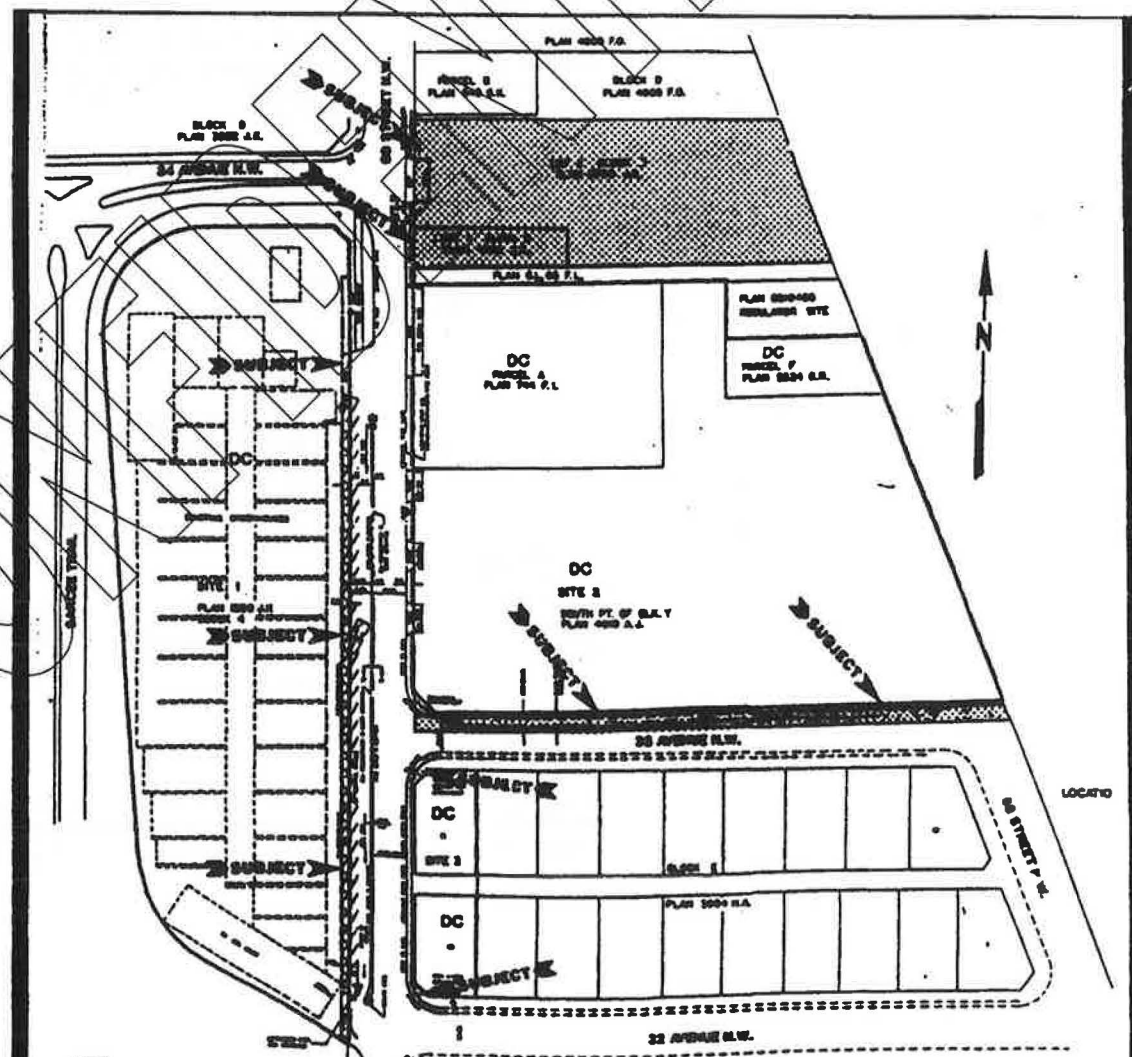
MOTION CARRIED

7841

LAND90-95

- (a) Acquisition of a portion of Block Y, Plan 4610 A.J. and Lots 10 & 11, Block E, Plan 5984 H.A. from Sunnyside Greenhouses Ltd. for road widening on 33 Avenue between 68 Street and 69 Street N.W. Compensation: \$27,000.00
- (b) Acquisition of an easement on a portion of Block 4, Plan 1339 J.K. from Sunnyside Greenhouses Ltd. to allow for angle parking on the West side of 69 Street between 32 Avenue and 34 Avenue N.W.
- (c) Extension of lease to Sunnyside Greenhouses Ltd. for the use of Lots 1 and 2, Block "D", Plan 4790 J.K. as a customer parking lot.

(File No: 7-1535(PRW))



SUNNYSIDE GREENHOUSES LTD.

- LAND90-95 (a) ACQUISITION OF A PORTION OF BLOCK Y, PLAN 4610 A.J.
AND LOTS 10 & 11, BLOCK E, PLAN 5984 H.A.
- (b) ACQUISITION OF AN EASEMENT ON A PORTION OF BLOCK 4,
PLAN 1339 J.K.
- (c) EXTENSION OF LEASE TO SUNNYSIDE GREENHOUSES LTD.
FOR THE USE OF LOTS 1 AND 2, BLOCK "D", PLAN 4790 J.K.
-

ISSUE:

- A) Acquisition of road widening on 33 Avenue between 68 Street
and 69 Street N.W.
- B) Extension of the leasehold term for a parking lot.
- C) Acquisition of an angle parking easement

BACKGROUND:

In January 1989 the Land Department was approached by Sunnyside Greenhouses Ltd. regarding a long term extension of an existing month to month lease for customer parking on Lots 1 & 2, Block "D", Plan 4790 J.K. It was agreed that discussions would also include the road widening requirements for the north half of 33 Avenue between 68 Street and 69 Street N.W., and corner cuts on 69 Street between 32 Avenue and 33 Avenue N.W., plus an easement to allow for angle parking on the west side of 69 Street between 32 Avenue and 34 Avenue N.W.

RECENT DEVELOPMENTS:

Lengthy negotiations with Sunnyside Greenhouses Ltd. have resulted in an acquisition and leasehold agreement, the details of which are outlined as follows:

- A) Sunnyside Greenhouses would enter into a lease agreement for the use of Lots 1 & 2, Block "D", Plan 4790 J.K. as a customer parking lot subject to the noted conditions:
- o the initial term of the lease would be for fifteen years, with automatic five year renewals thereafter subject to a six month notice of termination by the City Engineer for only: the Sarcee Trail Extension as

REVISED

- LAND90-95 (a) ACQUISITION OF A PORTION OF BLOCK Y, PLAN 4610 A.J. AND LOTS 10 & 11, BLOCK E, PLAN 5984 H.A.
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- (c) EXTENSION OF LEASE TO SUNNYSIDE GREENHOUSES LTD. FOR THE USE OF LOTS 1 AND 2, BLOCK "D", PLAN 4790 J.K.
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approved by Council under the five year budget, or the 34 Avenue Extension between 68 Street and 69 Street N.W. or any other Right of Way Project approved by Council for the parking lot land.

- o the first five year period of the lease would be at \$1,000.00 per month, with all subsequent five year periods at fair market value rates, failing which third party arbitration would apply.
- o in the event the lease was terminated for a project and Council defers the Sarcee Trail Extension or the 34 Avenue Extension - 68 Street to 69 Street N.W. or any other Right of Way Project approved by Council for a period of more than two years, the lease would be automatically renewed according to the terms and conditions of the initial agreement, with the exception that if the Sarcee Trail Extension, or the 34 Avenue Extension - 68 Street to 69 Street N.W. or any other Right of Way Project is reapproved by Council, the City Engineer would only be required to give 90 days notice to terminate the lease.
- o the new term of the lease for Lots 1 & 2, Block "D", Plan 4790 J.K. would commence on the first day of the month following final approval by Council of the acquisition and leasehold agreement and redesignation of the Sunnyside Greenhouses Ltd. lands.
- o Sunnyside Greenhouses Ltd. would be granted an option to purchase Lots 1 & 2, Block "D", Plan 4790 J.K. throughout the term of the parking lot lease which could only be activated on Council approval that Lots 1 & 2, Block "D", Plan 4790 J.K. are declared surplus to the future civic requirement of the City of Calgary. The purchase price would be established on the basis of fair

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FOR THE USE OF LOTS 1 AND 2, BLOCK "D", PLAN 4790 J.K.

market value. If an agreement cannot be negotiated third party arbitration would apply.

- B) Sunnyside Greenhouses Ltd. would provide the road widening requirements for the north half of 33 Avenue from 68 Street to 69 Street N.W., plus a corner radius from the southwest corner of Lot 10 and the northwest corner of Lot 11, Block "E", Plan 5984 H.A. at current market value, the sum to be retained by the City without interest and credited against the lease of Lots 1 & 2, Block "D", Plan 4790 J.K. Final adjustments to be based on the registration of a road plan.
.27 ac. @ \$100,000.00 per acre - \$27,000.00 (lease fee credit)
- C) Sunnyside Greenhouses Ltd. would enter into an easement agreement for use of a two-metre strip of the applicants land by the City to comply with the local improvement bylaw which permits only angle parking on the west side of 69 Street between 32 Avenue and 34 Avenue N.W. The City would construct an access lane and parking area, the cost of which would be recovered under a local improvement bylaw from the applicant.

RECOMMENDATIONS:

The Land Department recommends:

1. That Council approve an acquisition and leasehold agreement with Sunnyside Greenhouses Ltd. outlined as follows:
 - A) Sunnyside Greenhouses would enter into a lease agreement for the use of Lots 1 & 2, Block "D", Plan 4790 J.K. as a customer parking lot subject to the noted conditions:
 - o the initial term of the lease would be for fifteen years, with automatic five year renewals thereafter subject to a six month notice of termination by the City

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Engineer for only: the Sarcee Trail Extension as approved by Council under the five year budget, or the 34 Avenue Extension between 68 Street and 69 Street N.W. or any other Right of Way Project approved by Council for the parking lot land.

- o the first five year period of the lease would be at \$1,000.00 per month, with all subsequent five year periods at fair market value rates, failing which third party arbitration would apply.
- o in the event the lease was terminated for a project and Council defers the Sarcee Trail Extension or the 34 Avenue Extension - 68 Street to 69 Street N.W. or any other Right of Way Project approved by Council for a period of more than two years, the lease would be automatically renewed according to the terms and conditions of the initial agreement, with the exception that if the Sarcee Trail Extension, or the 34 Avenue Extension - 68 Street to 69 Street N.W. or any other Right of Way Project is reapproved by Council, the City Engineer would only be required to give 90 days notice to terminate the lease.
- o the new term of the lease for Lots 1 & 2, Block "D", Plan 4790 J.K. would commence on the first day of the month following final approval by Council of the acquisition and leasehold agreement and redesignation of the Sunnyside Greenhouses Ltd. lands.
- o Sunnyside Greenhouses Ltd. would be granted an option to purchase Lots 1 & 2, Block "D", Plan 4790 J.K. throughout the term of the parking lot lease which could only be activated on Council approval that Lots 1 & 2, Block "D", Plan 4790 J.K. are declared surplus to the future civic requirement of the City of Calgary. The

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purchase price would be established on the basis of fair market value. If an agreement cannot be negotiated third party arbitration would apply.

- B) Sunnyside Greenhouses Ltd. would provide the road widening requirements for the north half of 33 Avenue from 68 Street to 69 Street N.W., plus a corner radius from the southwest corner of Lot 10 and the northwest corner of Lot 11, Block "E", Plan 5984 H.A. at current market value, the sum to be retained by the City without interest and credited against the lease of Lots 1 & 2, Block "D", Plan 4790 J.K. Final adjustments to be based on the registration of a road plan. .27 ac. @ \$100,000.00 per acre - \$27,000.00 (lease fee credit)

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- 2) That an agreement be prepared by the Law Department.
- 3) That finalization of the acquisition and leasehold agreement be subject to the approval of the land use application and bylaw requirements of the City Engineer.
- 4) That the right of way requirements be transferred by registration of a road plan.
- 5) That the effective date for adjustment of property taxes be 1990 July 31.

Commissioners Concur

07918

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FOR THE USE OF LOTS 1 AND 2, BLOCK "D", PLAN 4790 J.K.
-

RECOMMENDATION OF THE LAND COMMITTEE, 1990 JUNE 12

Approval of the recommendations contained in Clause LAND90-95.

CONFIDENTIAL