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Sale of PSB threatened by 1875 deal

Land was gift to growing city

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The City of Winnipeg could have trouble recouping some of the cost of its new police headquarters because of the terms of a 137-year-old land gift.

In 1875, when Winnipeg was only a year old, a generous property owner gave the fledgling city land that would eventually include part of what's now known as the Civic Centre complex.

At the time, the fast-growing city was in desperate need of public amenities such as a permanent city hall. So Winnipeg's early administrators accepted the gift, agreeing to a key condition: in the event the land is no longer used for a public purpose, it must revert to the donor's descendant.

For 137 years, this condition didn't figure into any of the city's plans. But the possible sale of two Princess Street properties -- the Public Safety Building and the Civic Centre parkade -- has city lawyers re-examining the 1875 agreement.

The PSB is expected to be vacant in 2014, when the Winnipeg Police Service moves into its new headquarters on Graham

Avenue. The cost of purchasing the building, conducting renovations and consolidating various police functions is pegged at \$193.6 million.

The city has long intended to recoup some of the cost of the new building by selling the current one. This year, it's also pondering the future of the Civic Centre parkade, which requires a \$6.2-million repair job that no longer appears in the Winnipeg Parking Authority's business plan.

Selling the PSB could offset the cost of the new police headquarters, while selling the Civic Centre parkade could help finance the construction of a new parkade in the Exchange District, city officials have said.

Both the PSB and the Civic Centre parkade are listed under a single land title and assessed at \$12.4 million. But it's unclear whether the land can be sold.

"The land in question was conveyed to the city on the condition that it revert back to the citizen's descendant if the land is to be used for something other than public purposes," city spokeswoman Michelle Bailey confirmed.

The city is trying to track down that descendant, CAO Phil Sheegl said.

The Princess Street land where the Civic Centre complex stands has not been declared surplus by city council. But the city is "undertaking preliminary due diligence on this property" because of the decaying state of the aging parkade and the pending police move into the new Graham Avenue headquarters, Bailey said.

"Part of the due-diligence process involves the city's legal department determining what steps need to be taken as it pertains to the history of the property," she said.

A search for registered interests in the land yielded only one name besides the City of Winnipeg: Earl Stanley Livingston, whose name appears in a 1978 lien. The city declined to say whether Livingston is a descendant of the original property owner. "At this point, it's premature to release a name," said Bailey, shedding no light on the intriguing possibility a city lawyer has actually begun a conversation with "Mr. Livingston, I presume?"

It's not unusual for old liens on properties to be sorted out through an agreement between the parties in question. But it remains to be seen whether the city will be restricted in its choice of possible purchasers.

For example, if the land were sold to a college or university, it may still be used for "public purposes" under the terms of the original gift, surmised Charleswood-Tuxedo Coun. Paula Havixbeck, who serves as council's protection and community services chairwoman.

Sheegl and Mayor Sam Katz have said it would be ideal for Red River College to acquire the land, which is between the college's Princess Street campus and its newly renovated facility in the Union Bank Tower on Main Street.

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