THE CITY OF WINNIPEG

BY-LAW NO. 38/2009

A By-law of THE CITY OF WINNIPEG to acquire an easement for the purpose of the Howe Avenue Land Drainage Channel between McCreary Road and Loudoun Road, in the City of Winnipeg, in Manitoba.

WHEREAS pursuant to *The City of Winnipeg Charter* and in particular sections 204 and 205, the City may expropriate land and improvements considered necessary for its purposes;

NOW THEREFORE THE CITY OF WINNIPEG, in Council assembled, enacts as follows:

1. The City hereby expropriates the following interest in land:

The Easement taken for Drainage Channel as the same is shown bordered on Plan Deposit 221/2009 WLTO, prepared by Leslie Neil McLaughlin, Manitoba Land Surveyor, hereto attached,

for the purpose of a Land Drainage Channel, in the City of Winnipeg, in Manitoba. Namely, the uninterrupted and undisturbed right and easement, in perpetuity, to do all things necessary on the designated lands to construct, install, maintain, inspect, repair, remove and/or replace a land drainage channel and appurtenances on the designated lands, and for every such purpose the right of access to, in, under, through, over and across the designated lands, with vehicles, equipment and machinery, at all times by the City, its servants and employees or other persons acting with the City's authorization.

2. The interest in land described in section 1 is expropriated free of encumbrances.

3. The interest in land described in section 1 excepts:

(a) mines, minerals and named substances which are excepted from or not included in the Certificate of Title of the registered owner of the surface under *The Real Property Act* or are not owned by the owner of the surface under *The Registry Act;* and

(b) reservations in favour of the Crown as excepted from the Title of the owner of the surface, or to which Title is subject by implication under the provisions of *The Real Property Act.*

4. The proper officers of the City are hereby authorized, instructed and empowered to do all things necessary to complete the expropriation of the interest in land referred to in this By-law in accordance with the provisions of *The City of Winnipeg Charter* and *The Expropriation Act.*

DONE AND PASSED this 25th day of March, 2009.

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Mayor

_____
City Clerk

APPROVALS:

Approved as to legal description:

_____
Richard Wayne Sherby M.L.S.
for Director
Planning, Property & Development
Department

Approved as to details:

_____
Barry MacBride, Director
Water and Waste Department

Approved as to form:

_____
James Carter
for Leonard E. Strijack
Acting City Solicitor/Manager of Legal Services

_____
Glen Laubenstein
Chief Administrative Officer