Agenda - Council - July 22, 2009

Report - Standing Policy Committee on Property and Development – June 30, 2009

Item No. 14 Repeal of Expropriation By-law No. 36/2009 - Sewer Line Easement - Southwest Rapid Transit Corridor Project - Stage 1
eFile FI-2(32)

STANDING COMMITTEE RECOMMENDATION:

On July 15, 2009, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submits the following to Council:

1. That By-law No. 36/2009, which initiated expropriation of a sewer line easement for Southwest Rapid Transit Corridor Project - Phase 1, be repealed.

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

Agenda - Council - July 22, 2009

Report - Standing Policy Committee on Property and Development – June 30, 2009

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 15, 2009, 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 June 30, 2009, the Standing Policy Committee on Property and Development concurred in the recommendation of the Winnipeg Public Service and submitted the matter to the Executive Policy Committee and Council.

ADMINISTRATIVE REPORT

ISSUE: **Repeal of Expropriation By-law 36/2009 – Sewer Line Easement – Southwest Rapid Transit Corridor Project – Stage 1**

Critical Path: **Standing Policy Committee on Property and Development**
Executive Policy Committee
Council

AUTHORIZATION

Author	Department Head	CFO	CAO
R. Klassen	D. Joshi	M Ruta	P Sheegl, Deputy CAO

RECOMMENDATIONS

1. That Council repeals By-law No. 36/2009, which initiated expropriation of a sewer line easement for Southwest Rapid Transit Corridor Project - Phase 1.

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

IMPLICATIONS OF THE RECOMMENDATIONS

On December 17, 2008, Council considered and approved that the Acting City Solicitor/Manager of Legal Services be instructed to initiate expropriation proceedings, including preparing the necessary by-laws for submission to Council, to acquire the property interests required by the City for the Southwest Rapid Transit Corridor Project - Stage 1.

On March 25, 2009, Council passed By-law No. 36/2009 to initiate the expropriation of an easement for the purpose of a sewer line for Stage 1 of the Southwest Rapid Transit Corridor – Stage 1.

The Winnipeg Transit Department has advised that the requirement for the sewer line easement, shown as “Proposed Easement” on attached Misc. Plan No. 13452, over land owned by Imperial Oil Ltd., is no longer required.

Only Council has the authority to repeal a by-law.

Imperial Oil Ltd. is entitled to reimbursement of reasonable legal, appraisal and other costs it has incurred for the purpose of determining the compensation payable for the proposed expropriation.

HISTORY

Upon Council's passage of By-law No. 36/2009, the Winnipeg Transit Department tendered proposals for the construction of the land drainage works needed for Stage 1 of the Southwest Rapid Transit Corridor Project.

The successful bidder advised Winnipeg Transit that it has just recently purchased new equipment that would allow for the construction of the land drainage works to take place solely upon City owned land; thus the sewer line easement over Imperial Oil Ltd.'s land would no longer be required.

Accordingly, Transit has advised the Planning, Property and Development Department (the Department) that the sewer line easement land is no longer required.

As a result, the Department contacted Imperial Oil Ltd. and advised that it would be recommending the City not proceed with the intended expropriation of the sewer line easement.

Imperial Oil Ltd. has advised that since its receipt of notice of the intended expropriation from the City, it retained the services of a local expropriation solicitor and undertook to have an environmental site assessment performed on this property. Imperial Oil Ltd. stated that it would not have incurred these costs if it had not received the notice of intended expropriation and has requested to be reimbursed for these costs. Imperial Oil Ltd. has yet to provide the Department with final cost amount; however, these costs will be verified by invoice.

Transit has been made aware of these costs and it has advised funding is available under capital project number 442-181000-420755-4230010509-property to cover the required payment.

FINANCIAL IMPACT

Financial Impact Statement **Date:** June 12, 2009

Project Name: **First Year of Program** **2009**

Repeal of Expropriation By-law 36/2009 – Sewer Line Easement – Southwest Rapid Transit Corridor Project – Stage 1

	2009	2010	2011	2012	2013
Capital					
Capital Expenditures Required	$ 15,450	$ -	$ -	$ -	$ -
Less: Existing Budgeted Costs	15,450	-	-	-	-
Additional Capital Budget Required	$ -	$ -	$ -	$ -	$ -
Funding Sources:					
Debt - Internal	$ -	$ -	$ -	$ -	$ -
Debt - External	-	-	-	-	-
Grants (Enter Description Here)	-	-	-	-	-
Reserves, Equity, Surplus	-	-	-	-	-
Other - Enter Description Here	-	-	-	-	-
Total Funding	$ -	$ -	$ -	$ -	$ -
Total Additional Capital Budget Required	$ -				
Total Additional Debt Required	$ -				
Current Expenditures/Revenues					
Direct Costs	$ -	$ 1,120	$ 1,120	$ 1,120	$ 1,120
Less: Incremental Revenue/Recovery	450	-	-	-	-
Net Cost/(Benefit)	$ (450)	$ 1,120	$ 1,120	$ 1,120	$ 1,120
Less: Existing Budget Amounts	(450)	1,120	1,120	1,120	1,120
Net Budget Adjustment Required	$ -	$ -	$ -	$ -	$ -

Additional Comments: An order-of-magnitude estimate of the costs is $15,000. Capital expenditures in 2009 include this estimated amount + short-term financing and corporate admin costs of $450; the latter two amounts being recovered by the Corporate Finance Department. Direct costs from 2010 onward represent debt & finance charges on the estimated 2009 capital expenditures and will be charged to the current budget of the Transit Department.

"Original signed by"
Mike McGinn, CA
Manager of Finance

CONSULTATION

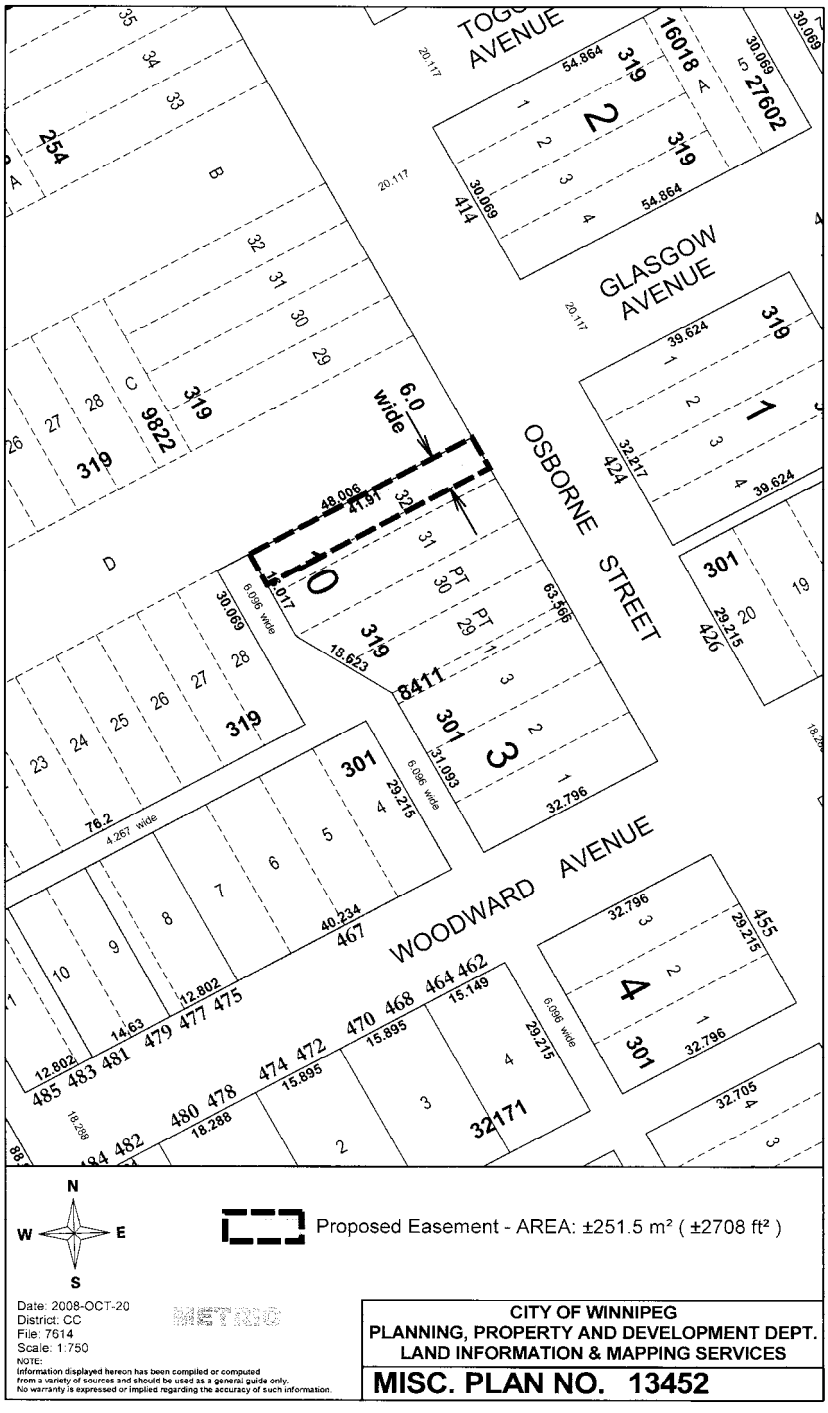
In preparing this Report there was consultation with:

Winnipeg Transit

SUBMITTED BY

Department:	Planning, Property and Development
Division:	Real Estate
Prepared by:	Stewart Anderson, Real Estate Appraiser
Date:	June 12, 2009
File No.	7614

o:\reports directive\real estate\acquisition\(sa)repea expropriaion bylaw no 36-2009.doc


TOGO AVENUE
GLASGOW AVENUE
OSBORNE STREET
WOODWARD AVENUE
6.0 wide
Proposed Easement - AREA: ±251.5 m² (±2708 ft²)
N
W
E
S
Date: 2008-OCT-20
District: CC
File: 7614
Scale: 1:750
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 DEPT.
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 13452