Minute No. 176
Report - Standing Policy Committee on Property and Development – January 5, 2010

Item No. 6 **Expropriation of Land Interests – Waverley Street Twinning Project - Between Bison Drive and John Angus Drive (St. Norbert Ward) File GL-4**

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development, as amended by the Executive Policy Committee, and adopted the following:

1. That Recommendation No. 2 of the November 25, 2009 Council Decision (pertaining to initiating expropriation proceeding as outlined in Schedule “A” dated October 8, 2009) be amended with instruction to the Legal Services Division to initiate expropriation proceedings to acquire the interests in land identified on the amended Schedule "A" (contained in the Winnipeg Public Service report dated December 22, 2009) or a portion thereof.

2. That the interest in land identified as Property No. 1 on Schedule “A” (contained in the Winnipeg Public Service report dated October 8, 2009), as adopted by Council on November 25, 2009, be removed from the expropriation of required lands.

3. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

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DECISION MAKING HISTORY:

Moved by Councillor Steeves,

That the recommendation of the Standing Policy Committee on Property and Development, as amended by the Executive Policy Committee, be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 20, 2010, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development with the following amendment:

- Add the words "or a portion thereof" at the end of Recommendation No. 1,

and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On January 5, 2010, 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.

COUNCIL:

On November 25, 2009, Council concurred in the recommendation of the Standing Policy Committee on Property and Development and adopted the following:

1. That the Public Service be instructed to continue negotiations with the current owners.

2. Concurrently, in order to meet the construction schedule for 2010, the Acting City Solicitor/Manager of Legal Services be instructed to initiate expropriation proceedings, including the necessary by-law for the submission to Council, to acquire the interests in land identified on Schedule "A" (contained in the Public Service report dated October 8, 2009) required by the City for the Waverley Street Twinning Project, between Bison Drive and John Angus Drive.

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DECISION MAKING HISTORY (continued):

COUNCIL (continued):

3. Subject to the approval of Recommendation 2, that the Director of Planning, Property and Development be authorized to request the Province of Manitoba to waive the requirement for an expropriation inquiry, under clause 9(8)(a) of The Expropriation Act.

4. That the Proper Officers of the City be authorized to do all things necessary to implement the foregoing, including execution of any necessary documents and preparation of any necessary by-laws.

ADMINISTRATIVE REPORT

ISSUE: **To Obtain Council Approval for the Expropriation of Land Interests – Waverley Street Twinning Project - Between Bison Drive and John Angus Drive**

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

AUTHORIZATION

Author	Department Head	CFO	CAO
R. Klassen	D. Joshi	P. Olafson Acting CFO	A. Robinson Acting CAO

RECOMMENDATIONS

1. That Council amend Recommendation #2 of The Planning, Property and Development Report (dated October 8, 2009) as adopted by Council on November 25, 2009, and instruct The City's Legal Services Division to initiate expropriation proceedings to acquire the interests in land identified on the attached amended Schedule "A";

2. That the interest in land identified as Property #1 on Schedule "A" attached to the report adopted by Council on November 25, 2009 from the Director of Planning, Property and Development, (dated October 8, 2009) be removed from the expropriation of required lands.

IMPLICATIONS OF THE RECOMMENDATIONS

The Public Works Department has reviewed the recently completed design developed by the engineering consultant retained to oversee the twinning of Waverley Street. Upon review of the proposed detailed design, it has been determined that the permanent component of the project can be completed without the widening of the Right-of-Way directly south of Cadboro Road adjacent to 2171 Waverley Street (Property #1 of the report adopted by Council on November 25, 2009) at this time.

The widening of the Right-of-Way at 2171 Waverley Street may be required when the Bison Drive and Waverley Street intersection is redesigned to accommodate the extension of Bison Drive west of Waverley Street.

In order to accommodate the relocation of underground and overhead utilities for the current project, certain utility companies may request easements within 2171 Waverley Street.

Parameters of permanent easements for 2010 construction have been refined and as a result, these lands, Property #1 of the report adopted by Council on November 25, 2009 (as shown on Schedule "B"), are no longer required for completion of this project at this time and therefore can be removed from this expropriation.

HISTORY

On October 30, 2007, the Standing Policy Committee on Property and Development concurred in the recommendation, that prior to commencing with the development of Phase II of the Waverley West Development Plan, Waverley Street from Bison Drive to John Angus Drive should be twinned and the Developer shall be responsible for front ending this cost.

At its meeting held on July 16, 2008, Council considered and approved the Public Works Department's report authorizing the acquisition of the lands needed for the Waverley Street Twinning Project between Bison Drive and John Angus Drive. Subsequently on November 14, 2008 the Public Works Department provided the Planning, Property and Development Department (the Department) with sketches identifying the required land interests and requested that negotiations to acquire the said land interests commence immediately.

The Developer has advised that Phase II of the Waverley West Development Plan is scheduled to commence in the spring of 2010, and the Developer would like to commence with the twinning of Waverley Street at the earliest possible date.

On November 25, 2009, Council approved the recommendation by the Standing Policy Committee on Property and Development to initiate expropriation proceedings of 5 parcels of land required for the Twinning of Waverley Street (as shown on Schedule "A" attached to the report from the Director of Planning, Property and Development, dated October 8, 2009).

As previously noted, the Public Works Department has reviewed the recently completed design for the twinning of Waverley Street. Upon review of the proposed detailed design, it has been determined that the permanent component of the project can be completed without the widening of the Right-of-Way directly south of Cadboro Road, adjacent to 2171 Waverley Street (Property #1 of the report adopted by Council on November 25, 2009) at this time.

This area is Zoned "A-Agricultural". In this zoning district, Churches (Places of Worship) are 'Conditional' Uses - and only up to 40,000 square feet (i.e. churches over 40,000 square feet are ***not*** permitted). A conditional use application would be needed to expand an existing

church up to a maximum 40,000 square feet, or a rezoning would be required to expand a church beyond 40,000 square feet. A conditional use would also be necessary to establish a new church. The Winnipeg Public Service would reject any applications, such as 'Conditional Uses', 'Rezoning' and/or 'Subdivision' whose purpose are to allow the intensification of existing and/or new land-uses, as it is contrary to the City of Winnipeg Charter Section 235 that states the following:

> *The passing of a Plan Winnipeg by-law or a secondary plan by-law does not require council, any person, or any department or agency of the government, to undertake a proposal contained in the by-law, but public works, undertakings and development in the city must be consistent with Plan Winnipeg or any secondary plan.*

It will therefore not be necessary to impose a property setback for Property #1 of the report adopted by Council on November 25, 2009 (as shown on Schedule B attached) in the event that the said lands are required for the widening of the Right-of-Way when the Bison Drive and Waverley Street intersection is redesigned to accommodate the extension of Bison Drive west of Waverley Street.

FINANCIAL IMPACT

Financial Impact Statement **Date:** December 22, 2009

Project Name:

Expropriation of Land Interests – Waverley Street Twinning Project - Between Bison Drive and John Angus Drive

COMMENTS:

The recommendations contained in this report include 1) That Council amend Recommendation #2 of The Planning, Property and Development Report (dated October 8, 2009) as adopted by Council on November 25, 2009, and instruct The City's Legal Services Division to initiate expropriation proceedings to acquire the interests in land identified on the attached amended Schedule "A"; and 2) That the interest in land identified as Property #1 on Schedule "A" attached to the report adopted by Council on November 25, 2009 from the Director of Planning, Property and Development, (dated October 8, 2009) be removed from the expropriation of required lands.

The financial implications associated with approval of these recommendations will not be known until such time as settlements with affected property owners are reached. At present, it is anticipated that sufficient Council-approved funding is available in a Public Works capital account.

Karen Ayotte, Acting Manager of Finance, Planning, Property and Devel

CONSULTATION

In preparing this Report there was consultation with:

Public Works Department

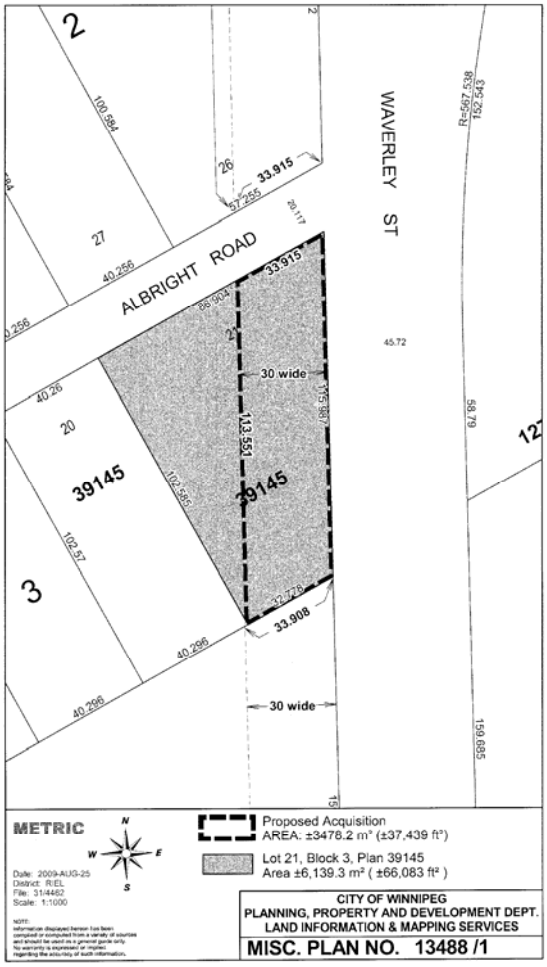
SUBMITTED BY

Department	Planning, Property and Development
Division	Real Estate
Prepared by	Michelle Granger, RPA
Date:	December 22, 2009
File No.	4462/31

SCHEDULE "A"

Property #1

Location:	Waverley Street, South West Corner of Albright Road and Waverley Street
Legal Description:	Lots 21, Block 3, Plan 39145
Certificate of Title:	1773713
Registered Owner:	George & Patricia Zachanowich
Realty Roll No.:	03091111700
Assessment (2010):	$1,850
Zoning:	A - Agricultural
Interest Required:	Fee Simple
Size of Parent Parcel:	±6,139.3 m² (±)
Size of Taking:	± 3478.8m² (± 37,446 ft.²)
Description:	Unimproved land. Under crop.


2
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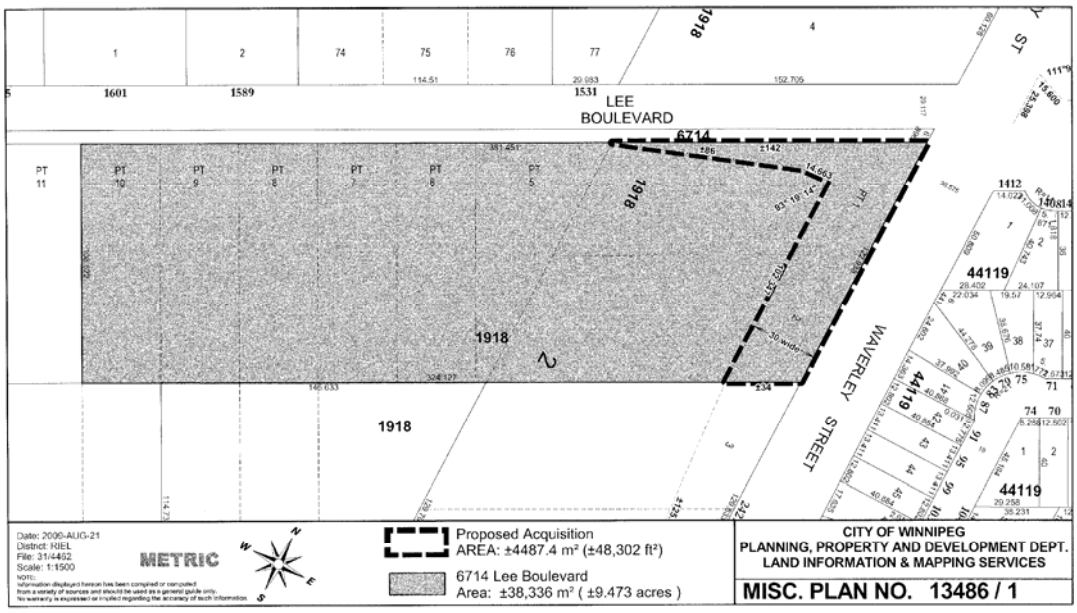
26
33.915
57.255
20.117
27
40.256
ALBRIGHT ROAD
WAVERLEY ST
R=567.538
152.543
33.915
86.904
21
45.72
30 wide
40.26
20
39145
113.551
115.987
58.79
102.585
39145
102.57
3
32.778
33.908
40.296
40.296
30 wide
159.685
METRIC
N
W
E
S
Date: 2009-AUG-25
District: RIEL
File: 31/4462
Scale: 1:1000
Proposed Acquisition
AREA: ±3478.2 m² (±37,439 ft²)
Lot 21, Block 3, Plan 39145
Area ±6,139.3 m² (±66,083 ft²)
CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 13488 /1

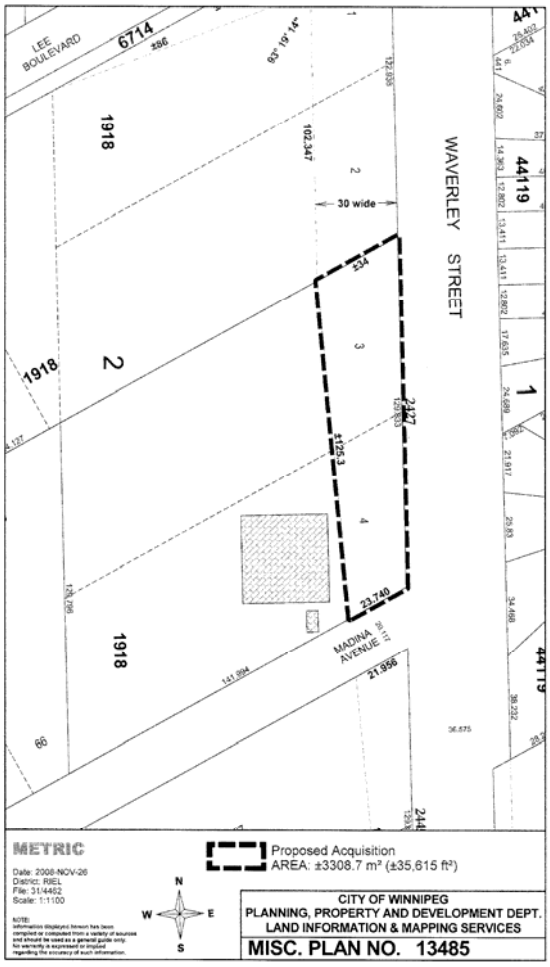
Property #2

Location:	Waverley Street, South West Corner of Lee Boulevard and Waverley Street
Legal Description:	Lots 1 & 2 and lots 5 to 10, Block 2, Plan 1918
Certificate of Title:	2056500
Registered Owner:	Canadian Conference of Mennonite Brethren Church of North America
Realty Roll No.:	03062454000
Assessment (2010):	$143,000
Zoning:	A - Agricultural
Interest Required:	Fee Simple
Size of Parent Parcel:	±38,336 m² (±9.473 acres)
Size of Taking:	± 4487.4m², (± 48,302 ft)
Description:	Unimproved land.



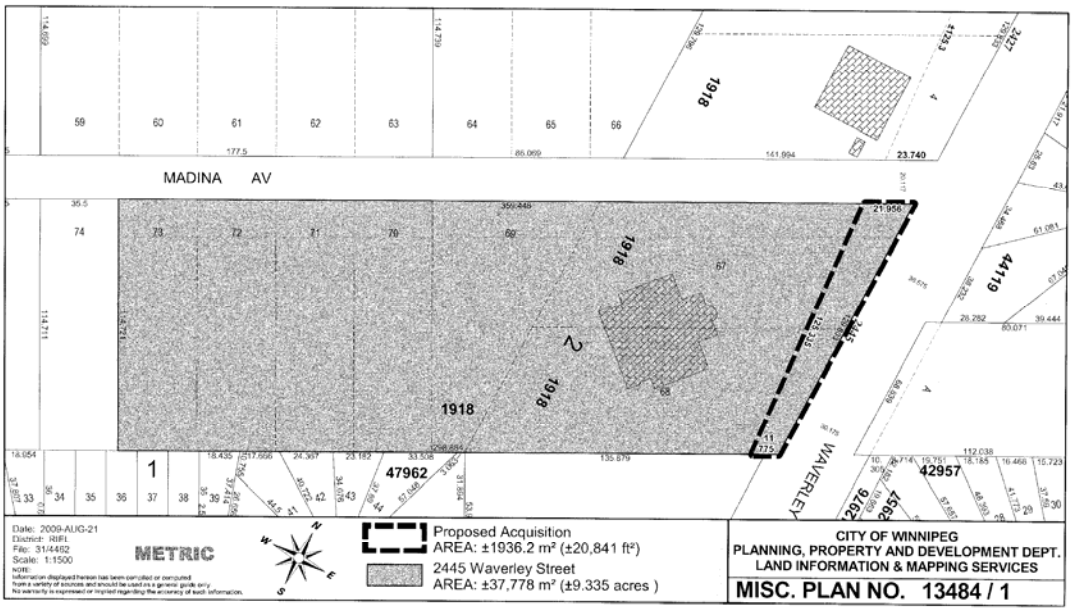
Property #3

Location:	2427 Waverley Street, Corner of Madina Avenue and Waverley Street
Legal Description:	Lots 3 & 4, Block 2, Plan 1918
Certificate of Title:	1217544
Registered Owner:	6102 N.W.T. LIMITED
Realty Roll No.:	03062457000
Assessment (2010):	$585,000
Zoning:	A - Agricultural
Interest Required:	Fee Simple
Size of Parent Parcel:	±16,298 m² (± 4.027 acres)
Size of Taking:	± 3308.7 m² (± 35,615 ft.²)
Description:	Improved site. Building and equipment/supplies stored on site.



Property #4

Location:	2445 Waverley Street, Corner of Madina Avenue and Waverley Street
Legal Description:	Lots 64 to 73, Block 2, Plan 1918
Certificate of Title:	1341505
Registered Owner:	Manitoba Islamic Association Inc.
Realty Roll No.:	03062519000
Assessment (2010):	$3,570,000
Zoning:	A - Agricultural
Interest Required:	Fee Simple
Size of Parent Parcel:	±37,778 m² (± 9.335 acres)
Size of Taking:	± 1936.2 m² (± 20,841 ft.²)
Description:	Improved site. Temple and parking



SCHEDULE "B"

Property #1

Location:	2171 Waverley Street, South West Corner of Cadboro Road and Waverley Street
Legal Description:	Lots 23, 24, 25, 26 & 27, Block 2, Plan 39145
Certificate of Title:	1773502, 1773509, 1773673
Registered Owner:	Waverley Fellowship Baptist Church
Realty Roll No.:	03091110400
Assessment (2010):	$1,553,400
Zoning:	A - Agricultural
Interest Required:	Fee Simple
Size of Parent Parcel:	±23,839 m² (± 5.891 acres)
Size of Taking:	± 6449.4m² (± 69,421 ft.²)
Description:	Improved Property. Church and parking

