Agenda - Council – April 28, 2010

Report - Standing Policy Committee on Property and Development – April 16, 2010

Item No. 2 Expropriation of Land Interests for the Disraeli Bridges Project (Point Douglas, Mynarski and Elmwood-East Kildonan Wards) eFile GL-4

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 21, 2010, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development with the following amendment:

- Amend Recommendation No. 2 to insert the words "excepting Property No. 5 at 35 Argyle Street" following the phrase "to acquire the land interests identified on Schedule "A" to the report of the Winnipeg Public Service dated March 18, 2010",

and submits the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On April 16, 2010, the Standing Policy Committee on Property and Development and submitted the following to Council:

1. That the Public Service be instructed to continue its negotiation with the current property owners affected.

2. Concurrently, in order to meet the construction schedule for 2010, the Director of Legal Services and City Solicitor be instructed to initiate expropriation proceedings, including the necessary by-laws for submission to Council, to acquire the land interests identified on Schedule "A" to the report of the Winnipeg Public Service dated March 18, 2010 required for the Disraeli Bridges Project.

3. 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.

Report - Standing Policy Committee on Property and Development – April 16, 2010

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 21, 2010, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development with the following amendment:

- Amend Recommendation No. 2 to insert the words "excepting Property No. 5 at 35 Argyle Street" following the phrase "to acquire the land interests identified on Schedule "A" to the report of the Winnipeg Public Service dated March 18, 2010",

and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On April 16, 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.

ADMINISTRATIVE REPORT

ISSUE: **To Obtain Council Approval for the Expropriation of Land Interests for the Disraeli Bridges Project**

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	Glen Laubenstein

RECOMMENDATIONS

1. That the Public Service be instructed to continue its negotiation with the current property owners affected.

2. Concurrently, in order to meet the construction schedule for 2010, the Director of Legal Services and City Solicitor be instructed to initiate expropriation proceedings, including the necessary by-laws for submission to Council, to acquire the land interests identified on the attached Schedule “A” required for the Disraeli Bridges Project.

3. 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.

IMPLICATIONS OF THE RECOMMENDATIONS

There are no human resource implications associated with this report.

There are no apparent environmental implications anticipated at this time, however the Public Service will take any necessary measure to protect the City in this regard.

The Public Works Department has advised that there is adequate funding for the expropriation available in its Disraeli Bridges Project budget, account number 003 181000 180604 1805000208.

On May 14, 2008, Council authorized the Winnipeg Public Service to proceed with the Disraeli Bridges Project based on the Design/Build/Finance/Maintain delivery model and that the Chief Administrative officer be authorized to approve and issue the Request for Qualifications and the Request for Proposals for the Project.

On September 24, 2008, Council considered and approved the Public Works Department's report recommending:

1. *"That Concept Modified A involving refurbishment of the existing concrete foundations and steel bridge girders, and replacement of existing bridge deck to a four-lane divided roadway with one sidewalk, with an additional bridge over the river for cyclists and pedestrians, be approved by Council as the minimum requirement for the Disraeli Bridges Project.*

2. *That the Director of Planning, Property and Development be authorized to negotiate the acquisition of land required for the Disraeli Bridges Project.*

3. *That the Chief Administrative Officer be delegate the authority to award the multi-year contract for the Design, Build, Financing and Maintenance for the Disraeli Bridges Project. This authority may not be further delegated."*

The Planning, Property and Development Department (the Department) commenced negotiations with the 19 different property owners of lands that have been identified by the Public Works Department required for the bridge project and related street works. All property owners have been willing to talk with the Department but have been reluctant to negotiate a settlement until such time the actual bridge design is approved and is made public.

To-date the Department has successfully negotiated the acquisition of 5 partial takings of land required for related road works along Hespeler Avenue. This has, therefore, reduced the need to include only 14 properties in the proposed expropriation. The Department anticipates that two or three more settlements may be successfully negotiated prior to Council considering this report and the preparation of the expropriation by-law, but cannot guarantee that these acquisitions will be completed in time for work to begin.

The City and the Contractor have finalized the terms and conditions of the contract with respect to the design, building, financing and maintenance for the Disraeli Bridges Project. It is anticipated that the aforementioned contract will be executed on or before March 18, 2010, under the authority delegated to the City's CAO by Council on September 24, 2008.

The City and its Contractor have completed the final detailed review of the project design and have identified all land acquisitions critical to the project.

The acquisition of several other properties is being considered which would enhance the overall project (i.e. replacing a concrete retaining wall with a landscaped berm.) The Department will report back on these proposed acquisitions separately. These properties are not critical to the project and have not been included in this proposed expropriation.

Particulars of the land interests to be expropriated are shown on attached Schedule “A”.
A projected timeline for the expropriation relating to the Disraeli Bridges Project has been included as shown on attached Schedule “B”.

The Department has continued to negotiate with the affected property owners to acquire the needed land interests.

It should be noted that the Department will continue to negotiate with the affected property owners in order to obtain negotiated settlements even after the expropriation commences, provided that negotiations continue to be productive and in good faith.

FINANCIAL IMPACT

Financial Impact Statement Date: March 12, 2010

Project Name:

Expropriation of Land Interests – Disraeli Bridges Project

COMMENTS:

The recommendations contained in this report include that the Public Service be instructed to continue its negotiation with the current property owners affected and, concurrently, in order to meet the construction schedule for 2010, the Director of Legal Services and City Solicitor be instructed to initiate expropriation proceedings, including the necessary by-laws for submission to Council, to acquire the land interests identified on the attached Schedule "A" required for the Disraeli Bridges Project.

The acquisition of any properties referenced in this report for which the price payable is $100,000 or less plus ancillary costs will be authorized by the Chief Administrative Officer in accordance with the authority delegated to him by Council on January 28, 2009. Any properties for which the price payable exceeds $100,000 will the the subject of future reports.

There are no direct financial implications associated with the recommendations contained in this report.

"Original Signed By"
Mike McGinn, CA
Manager of Finance

CONSULTATION

In preparing this Report there was consultation with:

Public Works Department

SUBMITTED BY

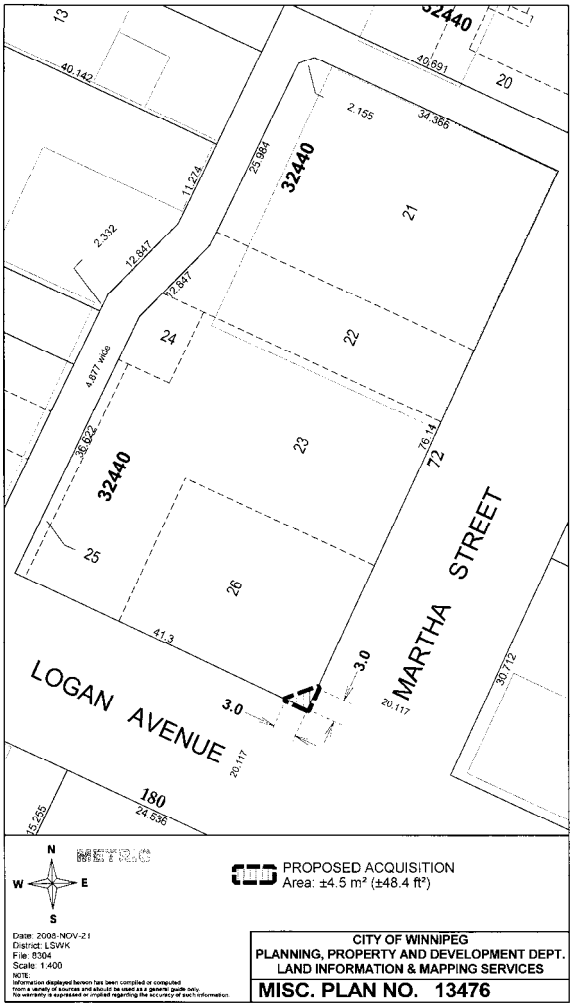
Department	Planning, Property and Development
Division	Real Estate
Prepared by	Stewart Anderson & Elliott Hannam
Date:	March 18, 2010
File No.	2060/1, 2060/36, 8770, 8772, et el

o:\reports directive\real estate\acquisition\(sa)disraeli bridge rehabilitation project - expropriaton authorization (5).doc

SCHEDULE "A"

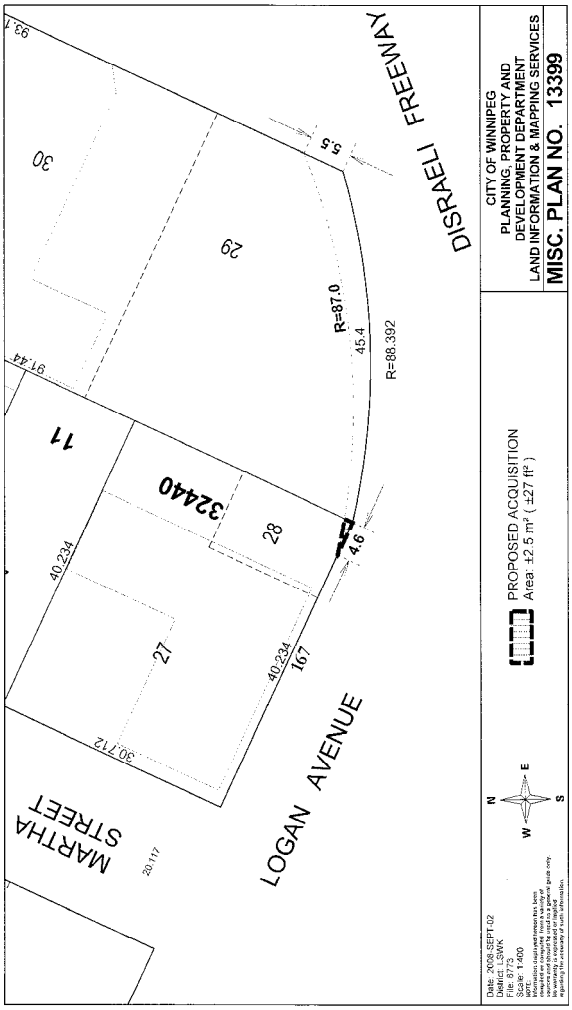
Property # 1

Location:	72 Martha St.
Legal Description:	Lot 21-26, Plan 32440, 11 ST J
Certificate of Title:	1951705, 1951707, 1953406, 1953407
Registered Owner:	The governing council of the Salvation Army in Canada
Assessment Roll No.:	13080990000
Zoning:	M- Multiple – Use Sector
Size of Parent Parcel:	+/- 2,905.63 m² (+/- 31,277 ft²)
Interest Required:	Fee Simple +/- 4.5 m² (+/-48.4 ft²)
Description:	Partial taking, parking lot of non residential group care



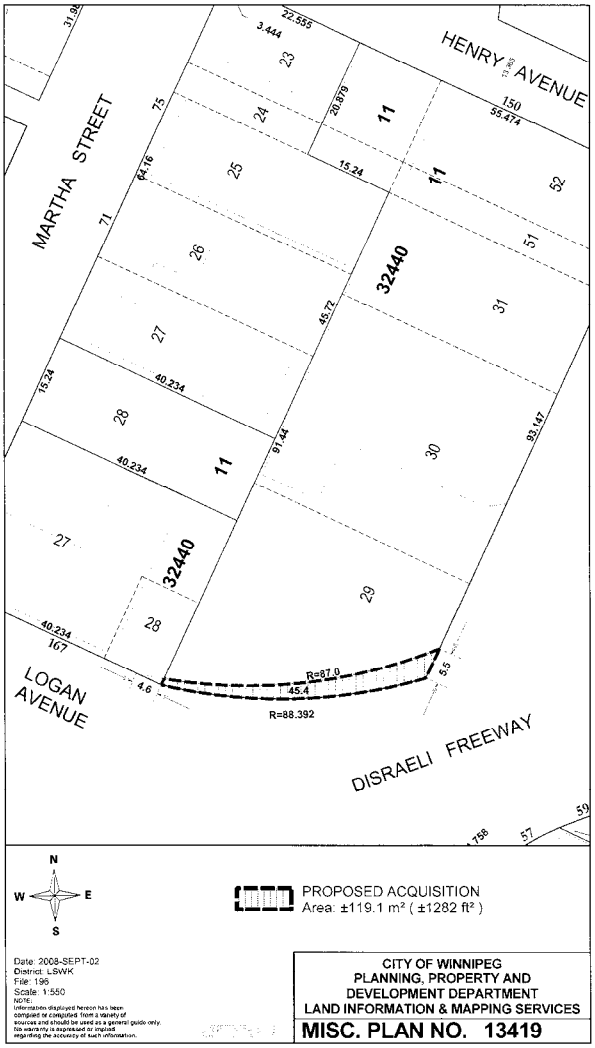
Property #2

Location:	167 Logan Ave.
Legal Description:	Lot 27/28, Plan 32440, 11 St J
Certificate of Title:	2422539, 2422541
Registered Owner:	Christen Flemming Poulsen
Assessment Roll No.:	13081016500
Zoning:	M – Multiple-Use
Size of Parent Parcel:	+/- 1,226.28 m² (+/- 13,200 ft²)
Interest Required:	Fee Simple +/- 2.5 m² (+/- 27 ft²)
Description:	Partial taking, parking lot of industrial building



Property #3

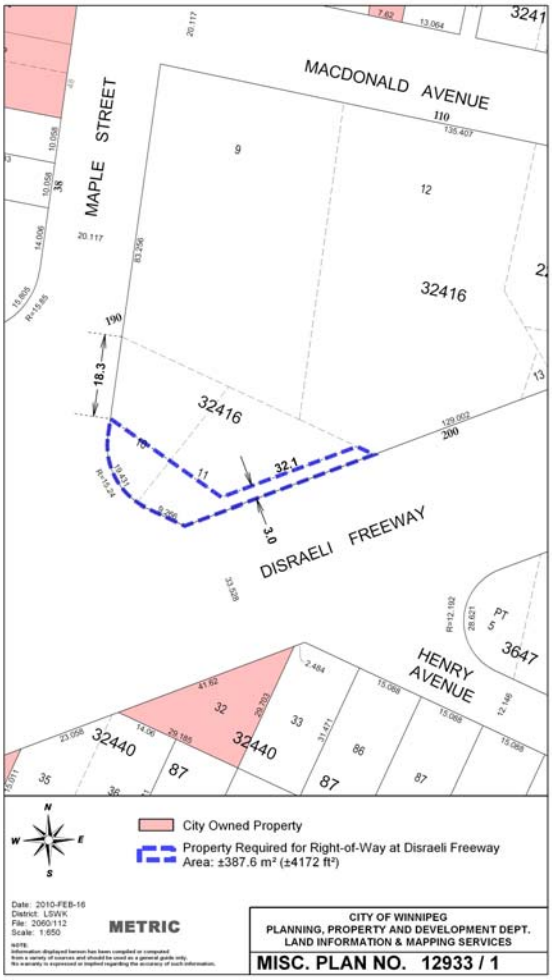
Location:	150 Henry Ave.
Legal Description:	Lot 23,24,51,52, Plan 11, 11 E ST J : Lot 29-31, Plan 32440 11 St J
Certificate of Title:	1685336, 1685338, 1685340
Registered Owner:	Manitoba Métis Federation
Assessment Roll No.:	13081067200
Zoning:	M – Multiple-use
Size of Parent Parcel:	+/- 1.1 acres (+/- 0.45 hectares)
Interest Required:	Fee Simple +/- 119.1 m² (+/- 1,282 ft²)
Description:	Partial taking, parking lot of office building



Property # 4

Location:	190 Disraeli Fwy.
Legal Description:	Lot 9-17, Plan 32416, 12 & 35 ST J / Lot H, Plan 2235, 11 ST J
Certificate of Title:	2369382, 1486671, 1555786, 1576931, 1614984, 1614986, 1614987, 1890424
Registered Owner:	Dandarden Enterprises Inc.
Assessment Roll No.:	13096114100
Zoning:	M: Multiple- Use Sector
Size of Parent Parcel:	+/- 2.3 acres (+/- 0.93 hectares)
Interest Required:	Fee Simple +/- 387.6 m² (+/- 4,172 ft²)

Description: Partial taking, improved landscaping of industrial warehouse.

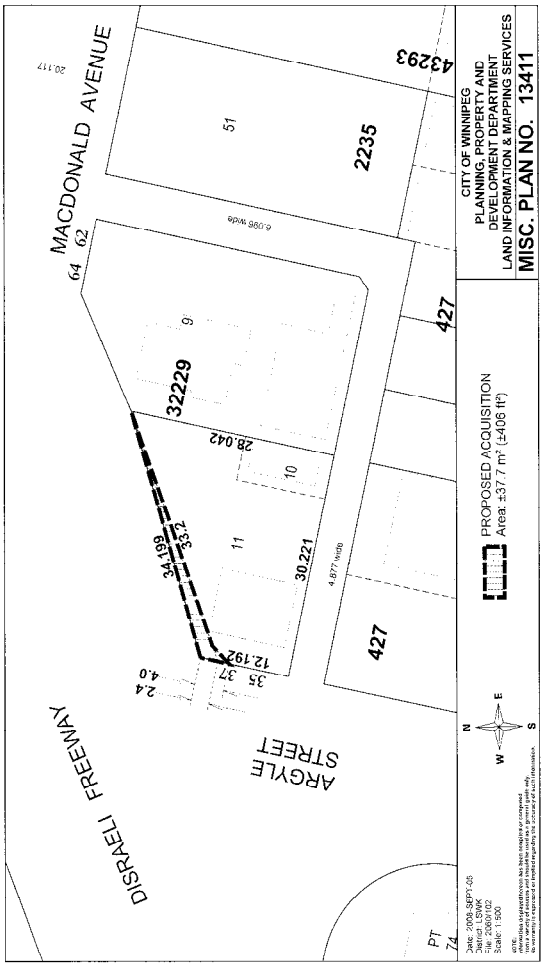


Property # 5

Location: 35 Argyle St.

Legal Description: Lot 10/11, Plan 32229, 12 St J
Certificate of Title: 1552294, 1552164
Registered Owner: Mary Iveniuk (Life Estate), Patrick Iveniuk
Assessment Roll No.: 13091148100
Zoning: M- Multiple-use
Size of Parent Parcel: +/- 608.87 m² (+/- 6,554 ft²)

Interest Required: Fee Simple +/- 37.7 m² (+/- 406 ft²)
Description: Partial taking, improved residential landscaping.



Property # 6

Location: 541 Waterfront Dr.

Legal Description: Lot 9, Plan 31732, 11/12 St J : Lot 20, Plan 2235, 12 ST J
Certificate of Title: 1503622
Registered Owner: 3649408 Manitoba Ltd.
Assessment Roll No.: 13091085100
Zoning: M – Multiple use sector
Size of Parent Parcel: +/- 2,030.33 m² (+/- 21,855 ft²)

Interest Required: Fee simple +/- 46.8 m² (+/- 504 ft²)
Description: Partial taking, parking lot of industrial building

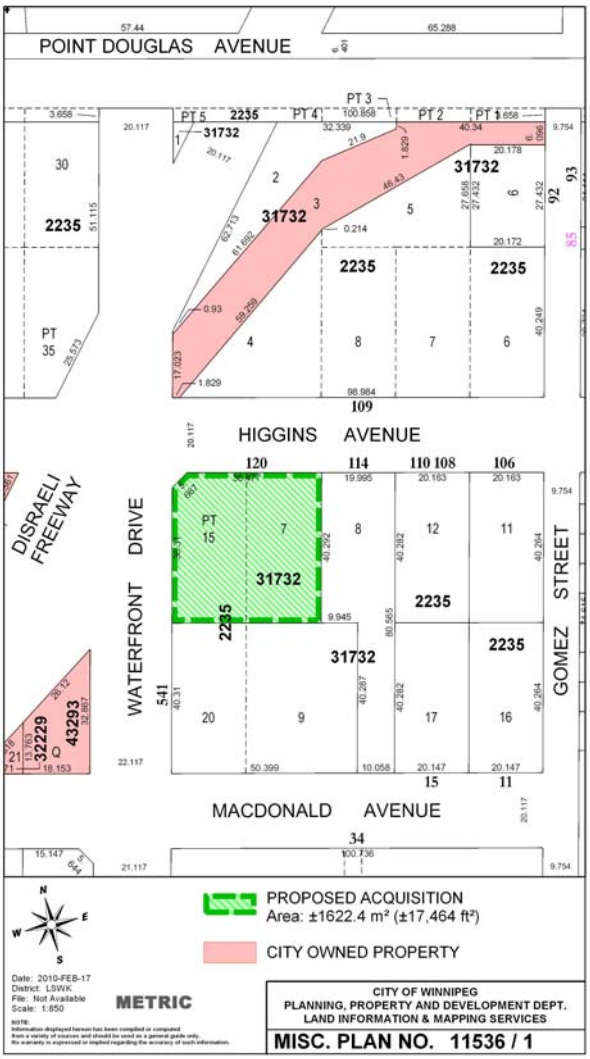


Property # 7

Location: 120 Higgins Ave.

Legal Description: Lot 7, Plan 31732, 11/12 St J : Par of Lot EXC WATERFRONT DR PL 43293, Lot 15, Plan 2235, 12 St J
Certificate of Title: 2419221
Registered Owner: Michael Laurent Herlov Gobeil
Assessment Roll No.: 13096046900
Zoning: M- Multiple use sector
Size of Parent Parcel: +/- 1,622.41 m² (+/- 17,464 ft²)

Interest Required: Fee Simple +/- 1,622.41 m² (+/- 17,464 ft²)
Description: Entire taking, improved property with 1 storey 12,287 sq ft Commercial building.

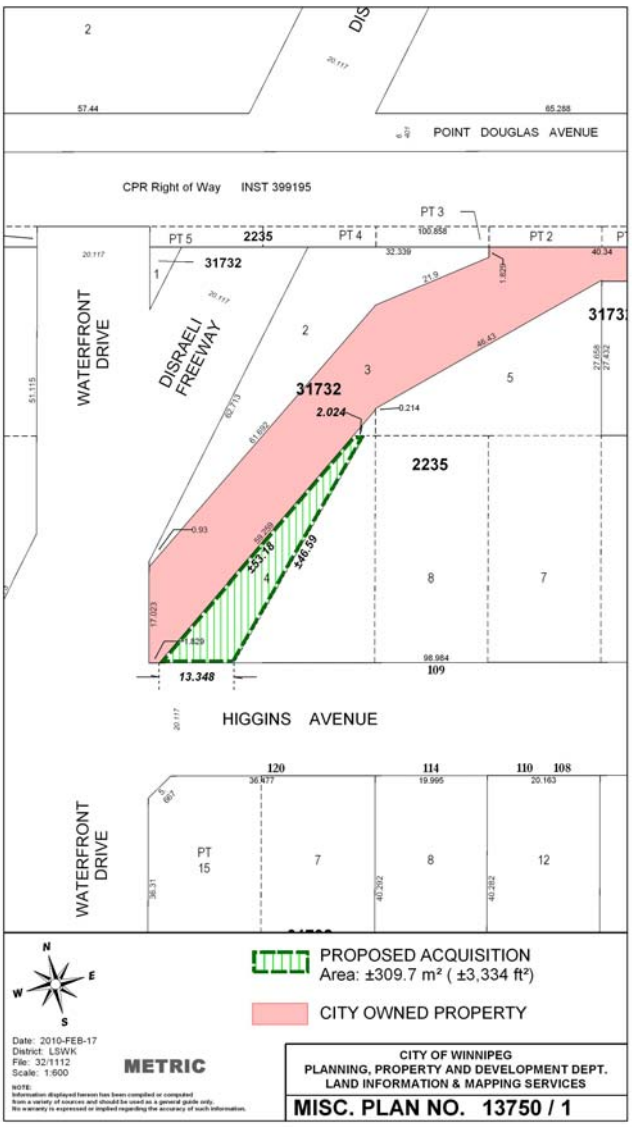


Property # 8

Location: 109 Higgins Ave.

Legal Description: Lot 4-5, Plan 31732, 11/12 ST J, Lot 6-8, Plan 2235, 12 ST J
Certificate of Title: 1818072, 1818074, 1818081, 1818085
Registered Owner: 109 Higgins Inc.
Assessment Roll No.: 13091055900
Zoning: M2- Manufacturing general

Size of Parent Parcel: +/- 3,951.97 m² (+/- 42,540 ft²)
Interest Required: Fee simple +/- 309.7 m ² (+/- 3,334 ft²)
Description: Partial taking, parking lot of warehouse

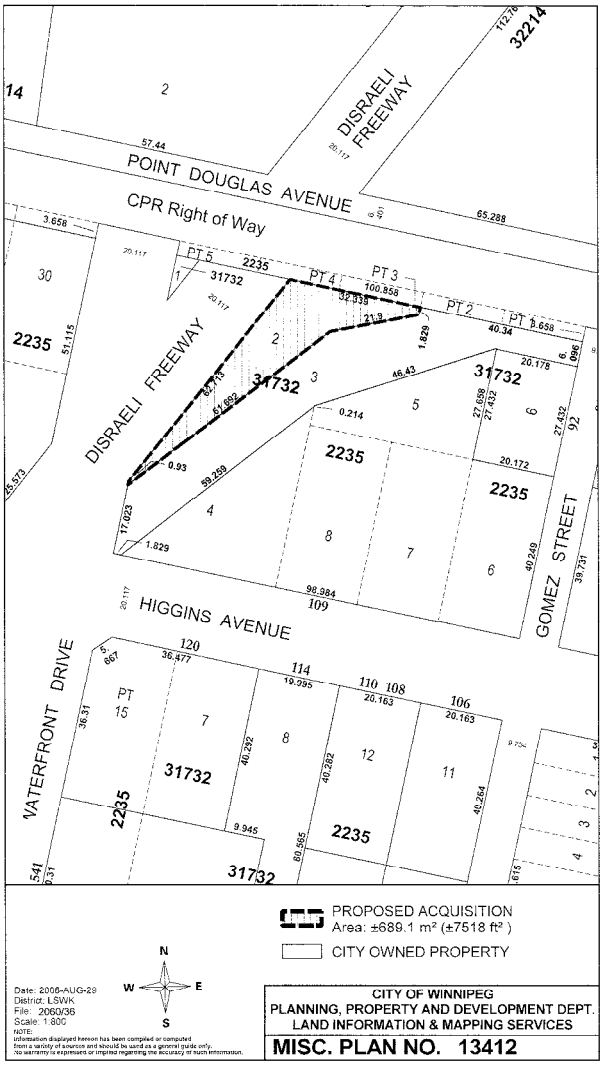


Property # 9

Location: Disraeli Fwy. (between Higgins Ave. and Point Douglas Ave.)

Legal Description: Lot 2, Plan 31732, 11/12 St J
Certificate of Title: 1564761
Registered Owner: Great Western Investments Ltd.
Assessment Roll No.: 13091066100
Zoning: M2- Manufacturing, general

Size of Parent Parcel: +/- 689.1 m² (+/- 7,518 ft²)
Interest Required: Fee Simple +/- 689.1 m² (+/- 7,518 ft²)
Description: Entire taking, vacant industrial lot

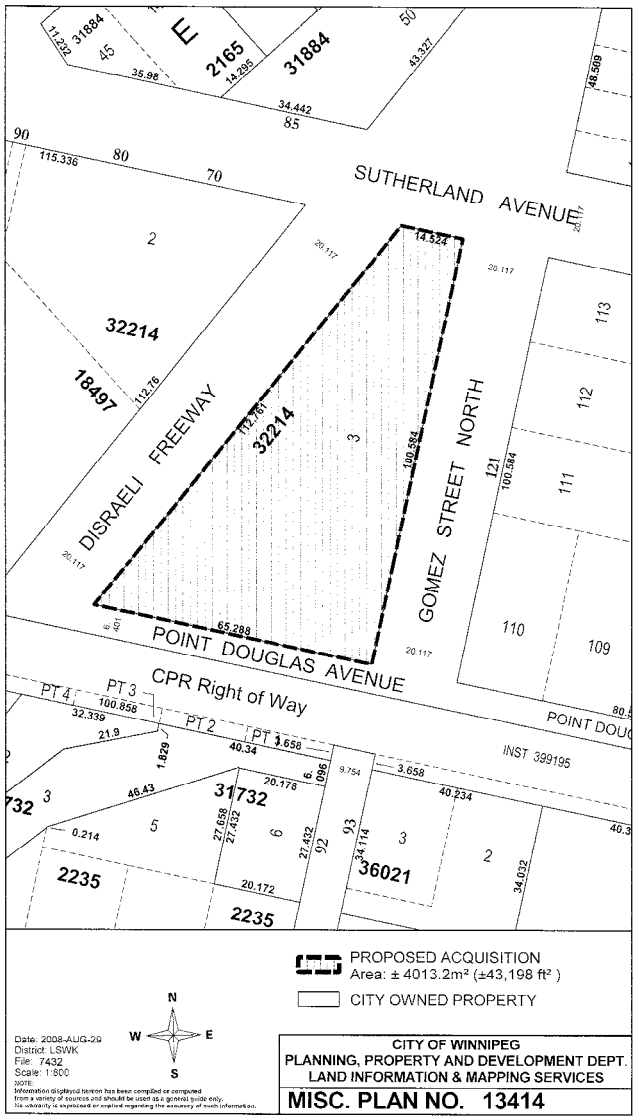


Property # 10

Location: Gomez St. (between Point Douglas Ave. and Sutherland Ave.)

Legal Description: Lot 3, Plan 32214, 28/9 35 St J
Certificate of Title: 1767703
Registered Owner: Adelaide Investments Ltd.

Assessment Roll No.: 14000281200
Zoning: M1- Manufacturing- light
Size of Parent Parcel: +/- 4,013.2 m² (+/- 43,198 ft²)
Interest Required: Fee Simple +/- 4013.2m² (+/-43,198 ft²)
Description: Entire taking, vacant industrial lot

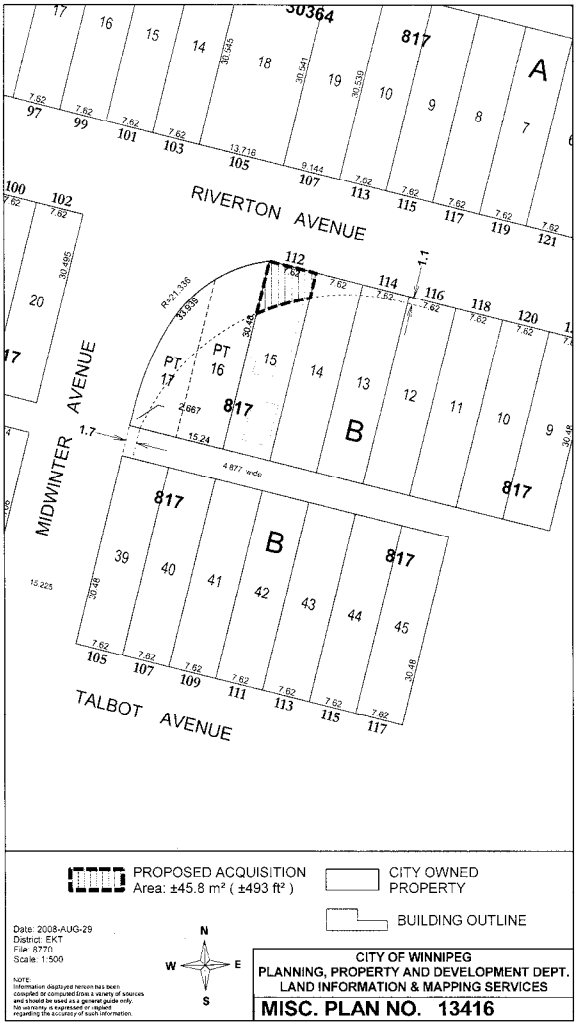


Property # 11

Location: 112 Riverton Ave.

Legal Description: Lot, 15, Block B, Plan 817, 66/7 ST B

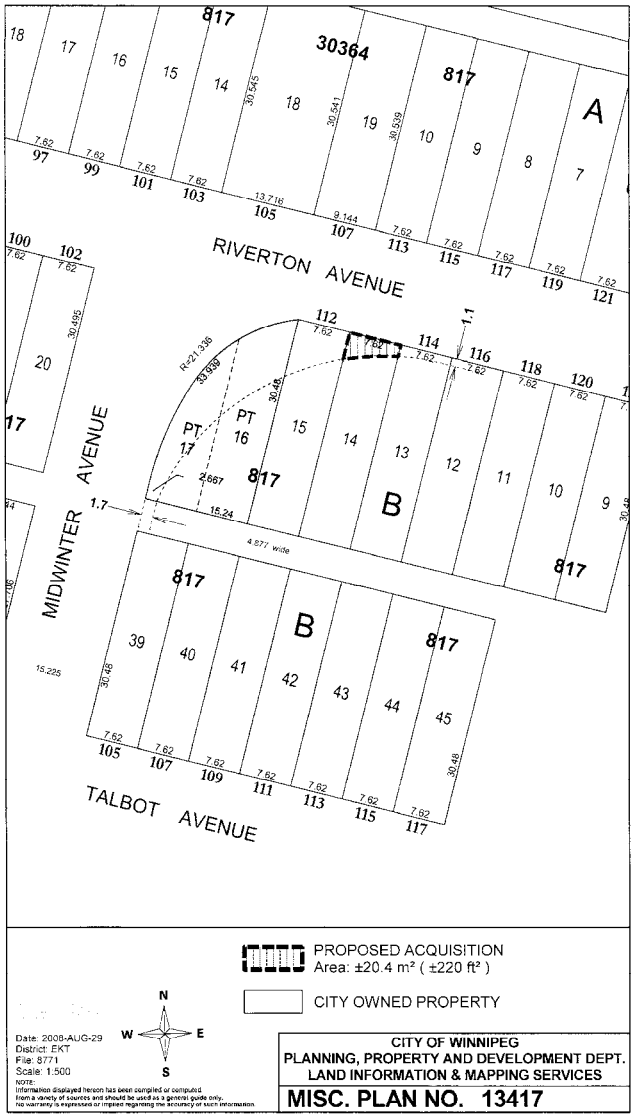
Certificate of Title: 1972096
Registered Owner: Barbara J Markes
Assessment Roll No.: 14091326000
Zoning: R1-S- Residential- Single Family
Size of Parent Parcel: +/- 242.5 m² (+/- 2,500 ft²)
Interest Required: Fee Simple +/- 242.5 m² (+/-2,500 ft²)
Description: Entire taking, improved property with 874 sq ft 1 and ½ storey single family residential dwelling.



Property # 12

Location: Lot 14 Riverton Ave.
Legal Description: Lot 14, Block B, Plan 817, 66/67 ST B
Certificate of Title: 1087222

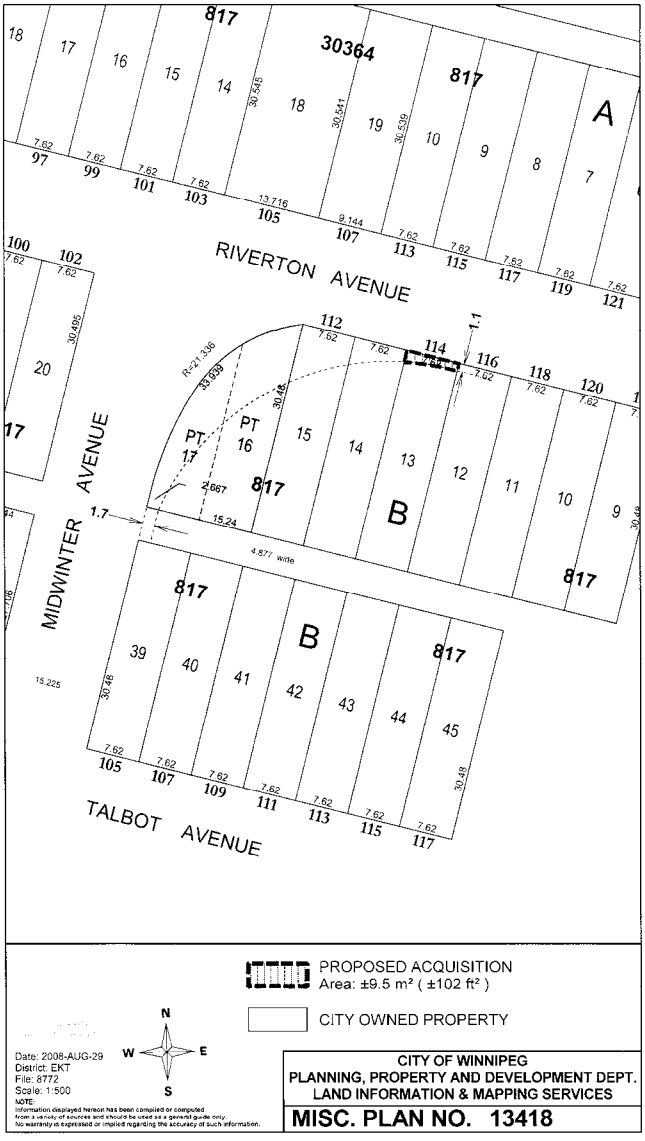
Registered Owner: Robert B. Parnell
Assessment Roll No.: 14091325000
Zoning: R1-S- Residential- Single Family
Size of Parent Parcel: +/- 242.5 m² (+/- 2,500 ft²)
Interest Required: Fee Simple +/- 20.4 m² (+/- 220 ft²)
Description: Partial taking, improved residential landscaping.



Property # 13

Location: 114 Riverton Ave.

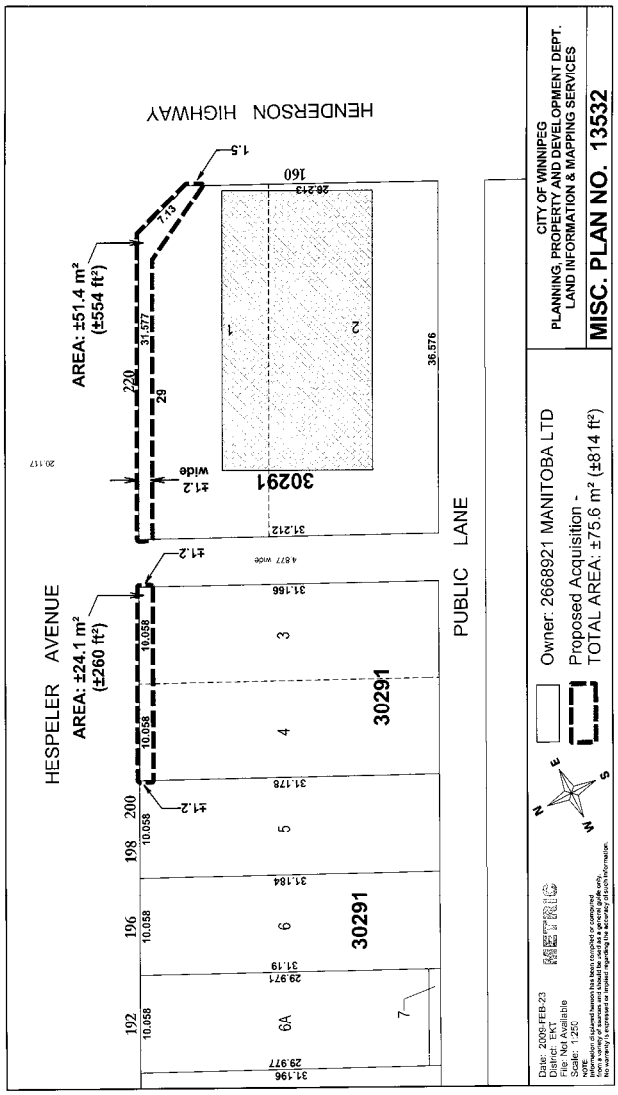
Legal Description:	Lot 13, Block B, Plan 817, 66/67 ST B
Certificate of Title:	1094601
Registered Owner:	Garry C. and Fortune L. Smith
Assessment Roll No.:	14091324500
Zoning:	R1-S- Residential-Single Family
Size of Parent Parcel:	+/- 242.5 m² (+/- 2,500 ft²)
Interest Required:	Fee simple +/- 9.5 m² (+/- 102 ft²)
Description:	Partial taking, improved residential landscaping.



Property # 14

Location:	204/220 Hespeler Ave.

Legal Description:	Lot 1-4, Plan 30291, 50/52 ST J
Certificate of Title:	1628533, 1628534, 1628535, 1628536
Registered Owner:	2668921 Manitoba Ltd.
Assessment Roll No.:	14083452200
Zoning:	C2- Commercial- Community
Size of Parent Parcel:	+/- 1,756.18 m² (18,904 ft²)
Interest Required:	Fee Simple, +/-75.5 m²(+/- 814 ft²)
Description:	Partial taking, improved landscaping and parking lot of commercial building.



SCHEDULE "B"

PROJECTED TIME LINE – EXPROPRIATION, WITH INQUIRY

Disraeli Bridges Project

Projected Date	Required Event
April 6, 2010	Standing Policy Committee on Property and Development considers the recommendation of Planning, Property and Development Department to initiate expropriation proceedings.
April 21, 2010	Executive Policy Committee considers the recommendation of the Standing Policy Committee on Property and Development to initiate expropriation proceedings.
April 28, 2010	Council considers the recommendation to initiate expropriation proceedings.
May – August 2010	Inquiry process and receipt of inquiry officer's report (if inquiry is necessary). An inquiry is triggered if any affected owner files an objection to the expropriation.
September 22, 2010	Council confirms expropriation.
October 2010	City registers and serves all documents including statutory offers of compensation and notices of possession.
December 2010	Anticipated possession of expropriated properties, commence construction.