Agenda – Council – October 24, 2012

Report – Standing Policy Committee on Property and Development – October 9, 2012

Item No. 10 Expropriation of Land – Northwest Corner of Portage Avenue and Sturgeon Road – Sturgeon Road Bridge Project

STANDING COMMITTEE RECOMMENDATION:

On October 17, 2012, 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 the Director of Legal Services be instructed to initiate expropriation proceedings, including preparing the necessary by-law for submission to Council, to acquire the land identified as "PROPOSED ACQUISITION" on the attached Misc. Plan No. 13982/2, which is required by the City for the Sturgeon Road Bridge Project; and to effect the associated right-of-way opening.

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

Report – Standing Policy Committee on Property and Development – October 9, 2012

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On October 17, 2012, 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 October 9, 2012, 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

Title: **Expropriation of Land – Northwest Corner of Portage Avenue and Sturgeon Road – Sturgeon Road Bridge Project.**

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

AUTHORIZATION

Author	Department Head	CFO	CAO
J. Zabudney	B. Thorgrimson	N/A	D. Joshi, COO

RECOMMENDATIONS

1. That the Director of Legal Services be instructed to initiate expropriation proceedings, including preparing the necessary by-law for submission to Council, to acquire the land identified as “PROPOSED ACQUISITION“ on the attached Misc. Plan No. 13982/2 , which is required by the City for the Sturgeon Road Bridge Project; and to effect the associated right-of-way opening.

2. That the proper officers of the City be authorized to do all things necessary to implement the intent of the foregoing, including execution of any necessary documents and preparation of any necessary by-laws.

REASON FOR THE REPORT

- The Public Works Department has identified the land shown as “PROPOSED ACQUISITION “ on the attached Misc. Plan No. 13982/2 as being a requirement for the Sturgeon Road Bridge Project.

- Authorization to expropriate is required to ensure that the City has a legal interest in the “PROPOSED ACQUISITION” and to ensure the City has possession of all property interests for construction to begin in 2013.

IMPLICATIONS OF THE RECOMMENDATIONS

- There are no regulatory or human resources implications associated with this report.
- The Public Works Department has advised that there is adequate funding for the expropriation available in the 2010 Sturgeon Road Bridge Capital Project, account number 003-181000-180604-1805000210-PROPERTY.
- There are no direct financial implications associated with this recommendation.

HISTORY

- At its December 15, 2009 meeting, Council approved the Public Works Department 2010 Capital Budget and the 2011 to 2015 five year Capital Forecast, which included the Sturgeon Road Bridge Project.
- In August of 2010, the Public Works Department approached the Planning, Property and Development Department to discuss the future land requirements for the Sturgeon Road Bridge Project. The only identified property requirement was the partial taking shown identified as "PROPOSED ACQUISITION" on the attached Misc. Plan No. 13982/2. The Proposed Acquisition is required for the construction of a one lane yield with smart channel island.
- The Department contacted Imperial Oil, the owner at the time, to discuss the City's requirement for the acquisition of a portion of their property. Negotiations held between September 2010 and February 2012 resulted in Imperial Oil requesting that the City pay an unjustifiable sum for the corner cut, or purchase the whole site, otherwise they would sell the property on the open market. Discussions with Public Works identified that the acquisition of the entire site would not be possible due to available project budget, and that the requested amount for partial taking was not justifiable. It was decided that it would be in the City's best interest to wait for the property to be sold, and attempt to negotiate with the new owner. Shortly thereafter Imperial Oil listed the property for sale on the open market.
- In April of 2012, the Department requested that mylars for a plan expropriation be prepared in the event that the City was unable to negotiate with Imperial Oil, or the new owner of the property, in time for the April 2013 construction start of the project.
- In June of 2012, the Department was contacted by Imperial Oil who provided the contact information for the purchaser of the site, so that the City could contact the purchaser to discuss the acquisition of the corner cut.
- On August 23, 2012, title to the subject property was registered to Keith Earle Ltd. Shortly thereafter Mr. Earle was contacted and provided a Schedule "A" outlining the terms and conditions of the acquisition of the City's required corner cut.
- As of the date that this report was submitted, a formal agreement for the acquisition of the City's required partial taking has not been entered into with the property owner. While the Department is confident an agreement for the required partial taking will be entered into, approval to expropriate the required land interest is requested, to ensure that the required partial taking is acquired in time for the scheduled construction start date of April 2013.

FINANCIAL IMPACT

Financial Impact Statement Date: September 17, 2012

Project Name:

Expropriation of Land – Northwest Corner of Portage Avenue and Sturgeon Road – Sturgeon Road Bridge Project

COMMENTS:

The recommendations contained in this report include 1) that the Director of Legal Services be instructed to initiate expropriation proceedings, including preparing the necessary by-law for submission to Council, to acquire the land identified as "PROPOSED ACQUISITION" on the attached Misc. Plan No. 13982/2 , which is required by the City for the Sturgeon Road Bridge Project; and to effect the associated right-of-way opening and 2) that the proper officers of the City be authorized to do all things necessary to implement the intent of the foregoing, including execution of any necessary documents and preparation of any necessary by-laws.

Should the acquisition cost of the property referenced in this report be $100,000 or less plus ancillary costs, the acquisition will be authorized by the Chief Administrative Officer in accordance with section 26(17) of the City Organization By-law. If the property's price exceeds $100,000, the acquisition will be the subject of a future report.

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:

The Public Works Department
The Legal Services Department (JC)

SUBMITTED BY

Department	Planning, Property and Development Department
Division	Real Estate
Prepared by:	Elliott Hannam
Date:	*September 19, 2012*
File No.	8974

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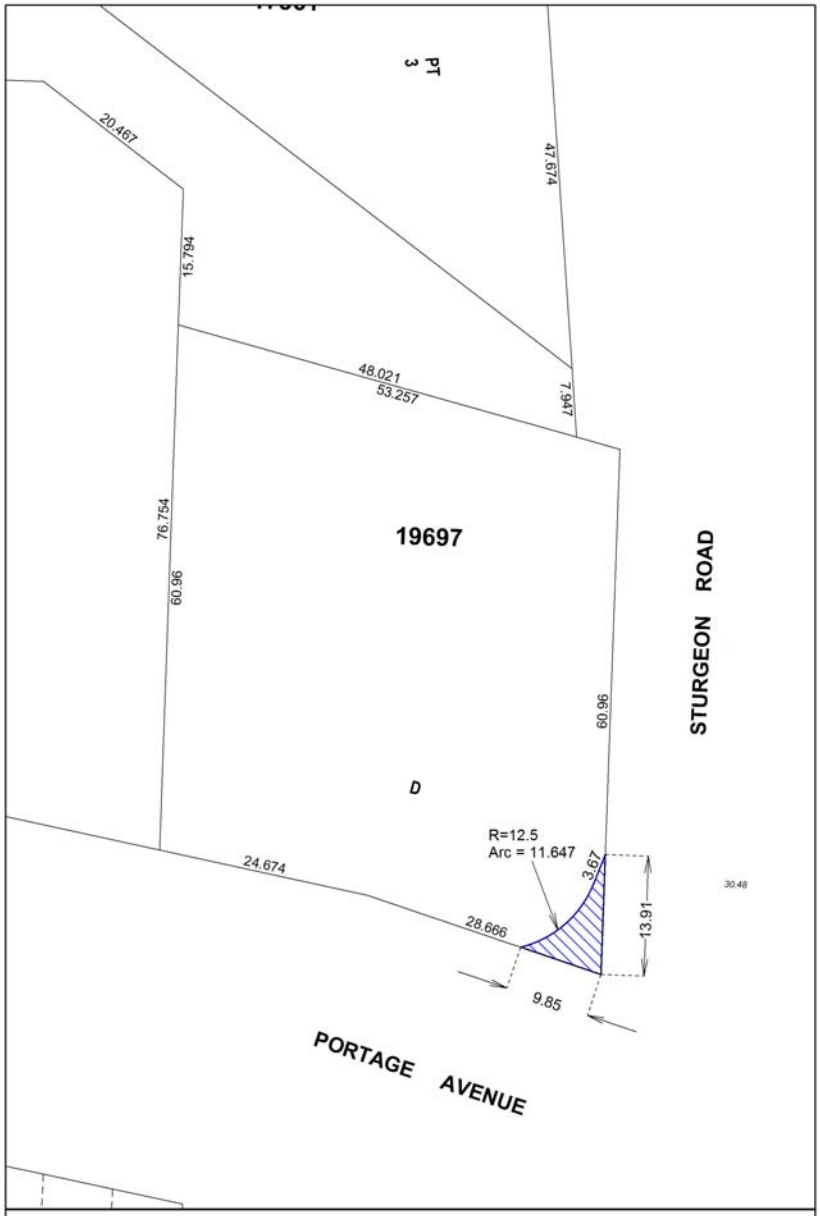
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PORTAGE AVENUE
N
W
E
S
PROPOSED ACQUISTION - Area: ±46.1 m² (±496 ft²)
Date: 2012-AUG-15
District: ASBA
File: S - 4 - A
Scale: 1:500
METRIC
NOTE:
Information displayed hereon has been compiled or computed
from a variety of sources and should be used as a general guide only.
No warranty is expressed or implied regarding the accuracy of such information.
CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 13982 / 2