Agenda - Council – January 30, 2013

STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT

MOTIONS

Moved by Councillor Browaty,
Seconded by Councillor ,

WHEREAS:

(a) Pursuant to its By-law No. 111/2012, The City of Winnipeg ("the City") authorized the expropriation of the following lands:

the lands taken for Sturgeon Road, as the same are shown bordered on Plan Deposit 936/2012, prepared by Kenneth Max Yerex of the City of Winnipeg, Manitoba Land Surveyor,

("the Lands")

for the purpose of the construction of the Sturgeon Road Bridge Project, and executed a Declaration of Expropriation dated October 24, 2012 ("the Declaration");

(b) The Declaration provided in section 2 that the Lands were expropriated free of encumbrances except for Caveat No. 80-18197, which grants to:

(i) the Manitoba Telephone System certain rights over the Lands with respect to telephone lines and related equipment and facilities, and

(ii) the Manitoba Hydro-Electric Board certain rights over the Lands with respect to electric power lines and related equipment and facilities;

(c) The City served notice of the intended expropriation upon all owners of the lands intended to be expropriated, and published notice of the intended expropriation in a newspaper having general circulation in the locality in which the said lands are situate, pursuant to section 1 of Schedule "A" to *The Expropriation Act*;

(d) The statutory period for owners to object to the intended expropriation has expired, and the confirming authority has not been served with any notices of objection;

(e) Both the Manitoba Telephone System and the Manitoba Hydro-Electric Board have, by means of execution of Plan Deposit 936/2012, formally consented to the City's acquisition of their respective interests in the Lands;

Standing Policy Committee on Property and Development – Motions (continued):

AND WHEREAS in light of the consent referred to in (e) above, the City may now proceed to expropriate the Lands free of encumbrances, which it is advantageous for the City to do;

AND WHEREAS under *The Expropriation Act* Council of the City may confirm the Declaration with such modification thereof as it considers proper;

THEREFORE BE IT RESOLVED THAT:

(1) The Declaration is amended to provide that the Lands are expropriated free of encumbrances; and

(2) The Declaration as amended herein and accordingly replaced by an Amended Declaration of Expropriation dated January 30, 2013 is hereby CONFIRMED.

The Lands except:

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.