Agenda – Council – October 23, 2013

STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT

MOTIONS

Moved by Councillor Browaty,
Seconded by Councillor ,

WHEREAS:

(a) Pursuant to its By-law No. 56/2013, The City of Winnipeg ("the City") authorized the expropriation of the following lands:

the lands taken for Works and shown as Parcels A, B, C, D, E, F, and G on Plan Deposit 636/2013, prepared by Kenneth Max Yerex, of the City of Winnipeg, Manitoba Land Surveyor,

("the Land")

for the purpose of the construction of the Plessis Road Twinning and Grade Separation at CN Rail, and executed a Declaration of Expropriation dated May 29, 2013 ("the Declaration");

(b) 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, in accordance with The Expropriation Act;

(c) The statutory period for owners to object to the intended expropriation has expired, and the City was served with two notices of objection, one of which has been withdrawn;

(d) The City has entered into a temporary construction easement agreement with the other objector, the owner of Parcel G of the Land, therefore the City no longer needs to expropriate that parcel;

(e) The City has entered into a temporary construction easement agreement with the owner of Parcel F of the Land, and has entered into a purchase agreement with each of the owners of Parcels C and D of the Land, therefore the City no longer needs to expropriate those parcels;

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

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

THEREFORE BE IT RESOLVED THAT:

(1) The Declaration is amended to:

a) Delete Parcels C, D, F and G from the Land; and

b) Replace the original Plan Deposit 636/2013 with an updated version (which, after deleting the above four parcels, redesignates Parcel E as Parcel C in order to meet the plan registration requirement of consecutive parcel lettering);

(2) The Declaration as amended herein and accordingly replaced by an Amended Declaration of Expropriation dated October 23, 2013 is hereby CONFIRMED.

The Land excepts:

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.