Proposed Settlement of Due Compensation - Vacant Farm Property Expropriated from Joseph R. Grandmont for Expansion of the Brady Road Landfill Site
File GL-4 (Vol. 6)

3. On December 8, 1988, Council authorized the City Solicitor to initiate the expropriation of land for the Brady Road Landfill.
On February 21, 1989, the City's former Committee on Finance and Administration, approved a formal Offer of Compensation in accordance with Section 16 of The Expropriation Act of Manitoba.

The amount approved for the property was $210,500.00 and represented only the estimated market value portion of the total due compensation, which may be taken by the owner as an advance, without prejudicing the right to due compensation.
By-Law 5060/88 was adopted and the expropriation confirmed on May 17, 1989.
The expropriated owner took the "advance" in June, 1989, and, in August, gave up legal possession of the property.

Negotiations were carried out intermittently until early in 2001, when the City recommenced settlement discussions with the owners. Later in 2001 the owners hired a new lawyer and negotiations continued in earnest, resulting in the settlement proposal.
Particulars of the subject, Joseph R. Grandmont property, are as follows:

Address:	West side Waverley St. south of the Perimeter Hwy.
Legal Description:	Part OTM Lot 86 & 87, ST N
Former Owners:	J.R. Grandmont
Certificate of Title:	558704 & 732112
Zoning:	"A" Agricultural
Site Size:	161.905 Acres
Property description:	Vacant farm land

The owner rejected the City's formal, market value only, Offer of Compensation. Initially the owner's claim far exceeded the amount proposed. The claim was submitted to the Land Value Appraisal Commission (LVAC), but was not adequately supported by appraisal evidence. Further negotiations ensued and only after an exhaustive series of negotiations, was the proposed settlement reached.
Particulars of the proposed settlement are as follows:

Market Value	$275,238.50
Less Advance	$210,500.00
Sub Total	$ 64,738.50
Interest Aug 1/89-Oct 31/01	$ 76,089.42
Sub Total	$140,827.92
Legal Fees - Murray & Kovnats	$ 2,600.00
Legal Fees from prior lawyer	$ 2,302.56
Total Payable	$145,730.48

The market value portion of this settlement proposal is based upon a rate of $1,700.00 per acre, identical to the City's settlement with Westendorf and Sons, owners of the acreage immediately south. The Executive Policy Committee approved that settlement proposal at its meeting of October 11, 2000.

As the owner has taken the advance monies on the due compensation, as provided for in The Expropriation Act, statutory interest has been calculated on the unpaid balance. The sum of the balances payable is $145,730.48, subject only to any potential adjustments for additional statutory interest or other relatively minor adjustments applicable to the period between reaching tentative settlement and final Council approval. For the level of complexity of this case, the amount of the legal costs is considered reasonable. There are adequate funds in the Water and Waste Department's capital accounts for the Brady Road Landfill Project to conclude this matter.

The Legal Services Division of the Corporate Services Department, the Solid Waste Division of the Water and Waste Department as well as the Real Estate Division of the Planning Property and Development Services Department are all of the opinion that the City's best interests are served by settling this case. The subject settlement, together with three others being considered for final approval by the Executive Policy Committee, is the last of the required settlements that will complete the expropriation project for the Brady Road landfill.

The Executive Policy Committee recommends:

I. That the City Solicitor/Manager of Legal Services be authorized to settle the due compensation for the expropriation of the Joseph R. Grandmont property, as shown on Misc. Plan No. 11314/1 (Appendix "A"), in accordance with the terms as described and more particularly at the all-inclusive amount of $356,230.48.

II. That the Proper Officers of the City be authorized to do all things necessary to implement the foregoing, including the execution of any documents related thereto.

Appendix "A" referred to in Clause 3 of the Report of the Executive Policy Committee dated March 13, 2002

Financial Impact Statement

Date: March 8, 2002

Project Name:

Proposed Settlement of Due Compensation - Vacant Farm Property Expropriated from Joseph R. Grandmont for the Expansion of the Brady Road Landfill Site.

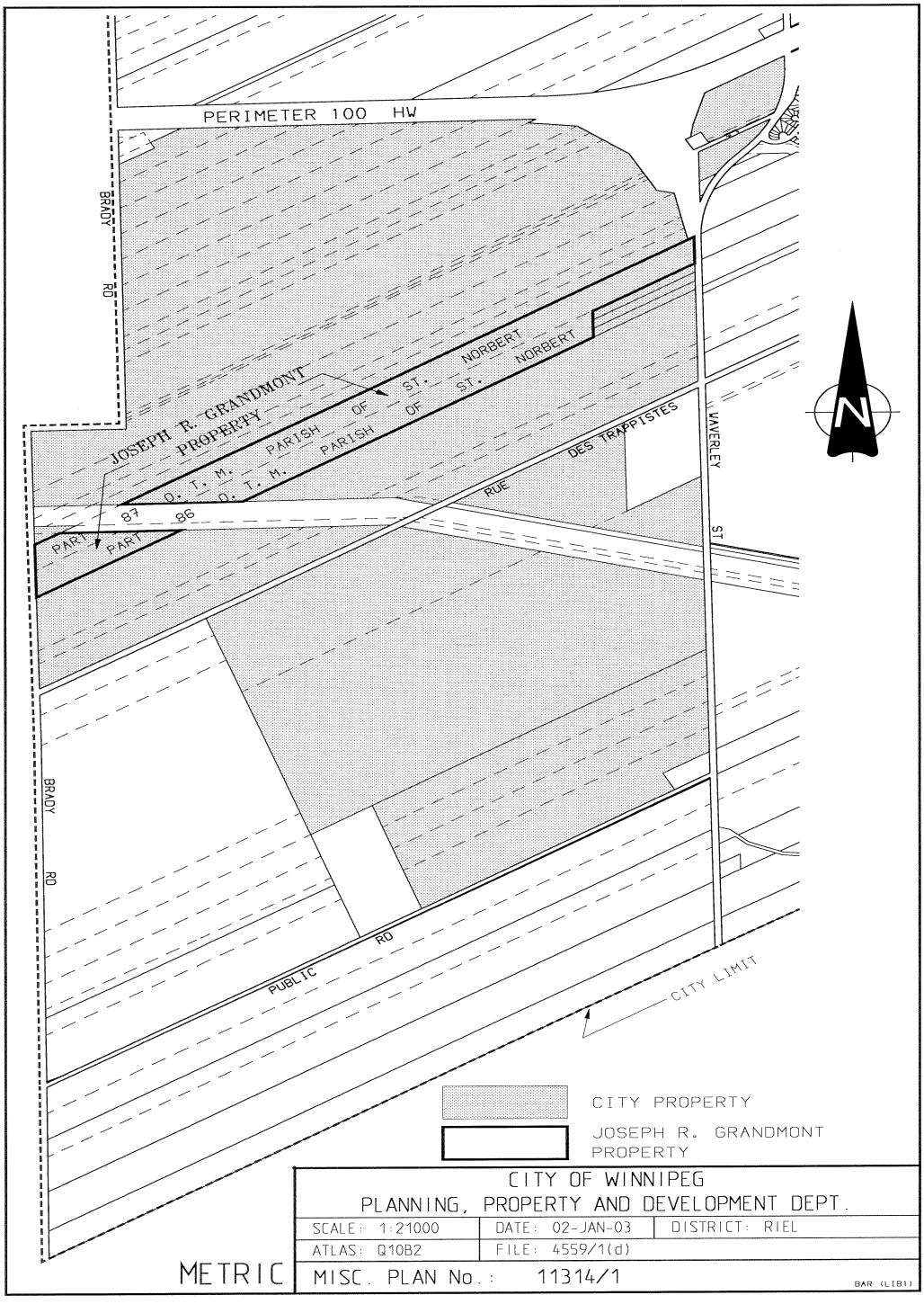
First Year of Program 2002

	2002	2003	2004	2005	2006
Capital					
Capital Expenditures Required	$ 156,106	$ -	$ -	$ -	$ -
Less: Existing Budgeted Costs	156,106	-	-	-	-
Additional Capital Budget Required	$ -	$ -	$ -	$ -	$ -
Funding Sources:					
Debt - Internal	$ 156,106	$ -	$ -	$ -	$ -
Debt - External	-	-	-	-	-
Grants (Enter Description Here)	-	-	-	-	-
Reserves, Equity, Surplus	-	-	-	-	-
Other - Enter Description Here	-	-	-	-	-
Total Funding	$ 156,106	$ -	$ -	$ -	$ -
Total Additional Capital Budget Required	$ -				
Total Additional Debt Required	$ 156,106				
Current Expenditures/Revenues					
Direct Costs	$ 5,073	$ 14,830	$ 14,830	$ 14,830	$ 14,830
Less: Incremental Revenue/Recovery	6,004	-	-	-	-
Net Cost/(Benefit)	$ (931)	$ 14,830	$ 14,830	$ 14,830	$ 14,830
Less: Existing Budget Amounts	(931)	14,830	14,830	14,830	14,830
Net Budget Adjustment Required	$ 0	$ 0	$ 0	$ 0	$ 0

Additional Comments:

The total amount requiring financing, of $156,106, consists of the due compensation balance net of deposits, plus GST, interest and administrative charges.

Gord Courage, Manager
Support Services Division


PERIMETER 100 HW
BRADY RD
JOSEPH R. GRANDMONT PROPERTY
PARISH OF ST. NORBERT
O. T. M.
PARISH OF ST. NORBERT
O. T. M.
DES TRAPPISTES RUE
WAVERLEY ST
PART 87
PART 86
BRADY RD
PUBLIC RD
CITY LIMIT
N
CITY PROPERTY
JOSEPH R. GRANDMONT PROPERTY
CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
SCALE: 1:21000
DATE: 02-JAN-03
DISTRICT: RIEL
ATLAS: Q10B2
FILE: 4559/1(d)
MISC. PLAN No.: 11314/1
METRIC
BAR (LIB1)