Agenda – Council – February 26, 2014

Report – Executive Policy Committee – February 5, 2014

Item No. 4 Kapyong Barracks Land Acquisition for the Kenaston Widening Project

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 5, 2014, the Executive Policy Committee concurred in the Council Motion of January 29, 2014 and submitted the following to Council:

1. That the Winnipeg Public Service negotiate an agreement with the First Nations Groups and the Federal Government that would permit the City to acquire the Kenaston widening land prior to the Supreme Courts final decision on the First Nations case.

2. That the Director of Legal Services and City Solicitor provide an opinion to the Interim Acting Chief Administrative Officer within thirty days regarding the possibility of the City seeking "intervenor" status at the Supreme Court of Canada to seek an order that the City be allowed to acquire the necessary land in the event an agreement is not negotiated with both parties.

3. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Report – Executive Policy Committee – February 5, 2014

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 5, 2014, the Executive Policy Committee concurred in the Council Motion of January 29, 2014 and submitted the matter to Council.

COUNCIL DECISION:

On January 29, 2014, Council ruled automatic referral of the following motion to the Executive Policy Committee:

Moved by Councillor Swandel,
Seconded by His Worship Mayor Katz,

WHEREAS the litigation regarding the Kapyong Barracks land between First Nations Groups and the Federal Government continues to drag on;

AND WHEREAS the site continues to deteriorate and is creating an eyesore within the City;

AND WHEREAS the widening of Kenaston is identified as a short-term priority in the City's Transportation Master Plan;

AND WHEREAS regardless of who ends up with the land the City will ultimately be able to acquire the lands necessary for the Kenaston Widening Project either through the Treaty Land Entitlement Service Agreement Process with the First Nations Groups, or through the Development Agreement process with the Federal Government's development entity;

THEREFORE BE IT RESOLVED THAT the Public Service be directed to negotiate an agreement with both parties that would permit the City to acquire the Kenaston widening land prior to the Supreme Courts final decision on the First Nations case;

AND BE IT FURTHER RESOLVED THAT the City Solicitor be directed to provide an opinion to the interim Chief Administrative Officer within thirty days regarding the possibility of the City seeking "intervenor" status at the Supreme Court of Canada to seek an order that the City be allowed to acquire the necessary land in the event an agreement is not negotiated with both parties.