Agenda – Council – February 26, 2014

Report – Standing Policy Committee on Property and Development – February 18, 2014

Item No. 12 Expropriation of Lands – Polo Park Infrastructure Improvements Project
(St. James – Brooklands Ward)

STANDING COMMITTEE RECOMMENDATION:

On February 19, 2014, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted the following to Council:

1. That the Director of Legal Services/City Solicitor be instructed to initiate expropriation proceedings, including preparing the necessary by-law for submission to Council, to acquire the land interests herein identified and required by the City for the Polo Park Infrastructure Improvements Project.

2. Subject to the approval of Recommendation No. 1, that the Director of Planning, Property and Development be authorized to request the Province of Manitoba to waive the requirement for an expropriation inquiry, under clause 9(8)(a) of the Expropriation Act.

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

Report – Standing Policy Committee on Property and Development – February 18, 2014

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 19, 2014, 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 February 18, 2014, 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 Lands – Polo Park Infrastructure Improvements Project.**
Assiniboia Community
St. James – Brooklands Ward

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 A/CAO

RECOMMENDATIONS

1. That the Director of Legal Services/City Solicitor be instructed to initiate expropriation proceedings, including preparing the necessary by-law for submission to Council, to acquire the land interests herein identified and required by the City for the Polo Park Infrastructure Improvements Project.
2. Subject to the approval of Recommendation No. 1, that the Director of Planning, Property and Development be authorized to request the Province of Manitoba to waive the requirement for an expropriation inquiry, under clause 9(8)(a) of the Expropriation Act.
3. That the proper officers of the City be authorized to do all things necessary to implement the foregoing, including execution of any necessary documents and preparation of any necessary by-laws.

REASON FOR THE REPORT

The subject properties, identified in the attached Schedule “A”, are required for the works required for the Polo Park Infrastructure Improvements Project. Council’s authorization to expropriate is required immediately to ensure that the City has a legal interest in all properties prior to advertising the construction tenders and to ensure the City is in possession of all land interests for construction to begin in the spring of 2014.

IMPLICATIONS OF THE RECOMMENDATIONS

There are no regulatory or human resource implications associated with this report.

The Public Works Department has advised that there is adequate funding for the expropriation available in the Capital Budget, Account # 003-181000-180604-1803000213-PROPERTY.

HISTORY

- At its January 29, 2013 meeting, Council Approved the Public Works Department's 2013 Capital Budget and the 2014 to 2018 Five-Year Forecast, which included the Polo Park Infrastructure Improvements Project.

- The Province of Manitoba has agreed to match the City's project funding up to $20,000,000.00 for the development of infrastructure improvements, less any land acquisition costs.

- In the spring of 2013 the Public Works Department retained the services of a private consultant to among other things identify the land requirements for the Polo Park Infrastructure Project.

- In June 2013 the Department was provided with preliminary design sketches that identified sixteen private properties from which land interests were required from.

- The Public Works Department has advised that the infrastructure work will be performed in two stages; Stage 1 – all works on the east side of St. James Street between Maroons Road and Ellice Avenue and St. Matthews Avenue east of St. James Street to Empress Street to be completed by September 2014 (partial acquisition of six properties from four different owners); Stage 2 - all works for the St. Matthews Avenue extension west of St. James Street to Century Street to be completed in 2015 (partial acquisition of nine properties and a total acquisition of one property from seven different owners).

- Negotiations with all the identified property owners began in early July of 2013 with an emphasis being with those property owners who's land are required for Stage 1 of the project. Presently no formal settlements have been reached with any of the property owners and it is anticipated that the Department will not be able to negotiate all the required land interests in time to meet the September 2014 construction timeline.

- The Public Works Department and the Department concur that for the City to begin construction in the spring of 2014 and to meet its September 2014 construction timeline for Stage 1 of the project expropriation is the best course of action to acquire the needed land interests and that the Province be requested to waive the expropriation inquiry.

FINANCIAL IMPACT

Financial Impact Statement **Date:** January 21, 2014

Project Name:

Expropriation of Lands - Polo Park Infrastructure Improvements Project

COMMENTS:

There are no direct finacial implications associated with this report as the recommendations are to initiate expropriation proceedings and for the City to continue negotiating acquisition of required properties.

"Original signed by"
Mike McGinn, CA
Manager of Finance

CONSULTATION

In preparing this report there was consultation with:

Public Works Department
Legal Services Department

SUBMITTED BY

Department Planning, Property & Development
Division Real Estate
Prepared by: Stewart Anderson
Date: January 28, 2014
File No. 32/3367, 5365/2, 5365/3, 7072, et el.

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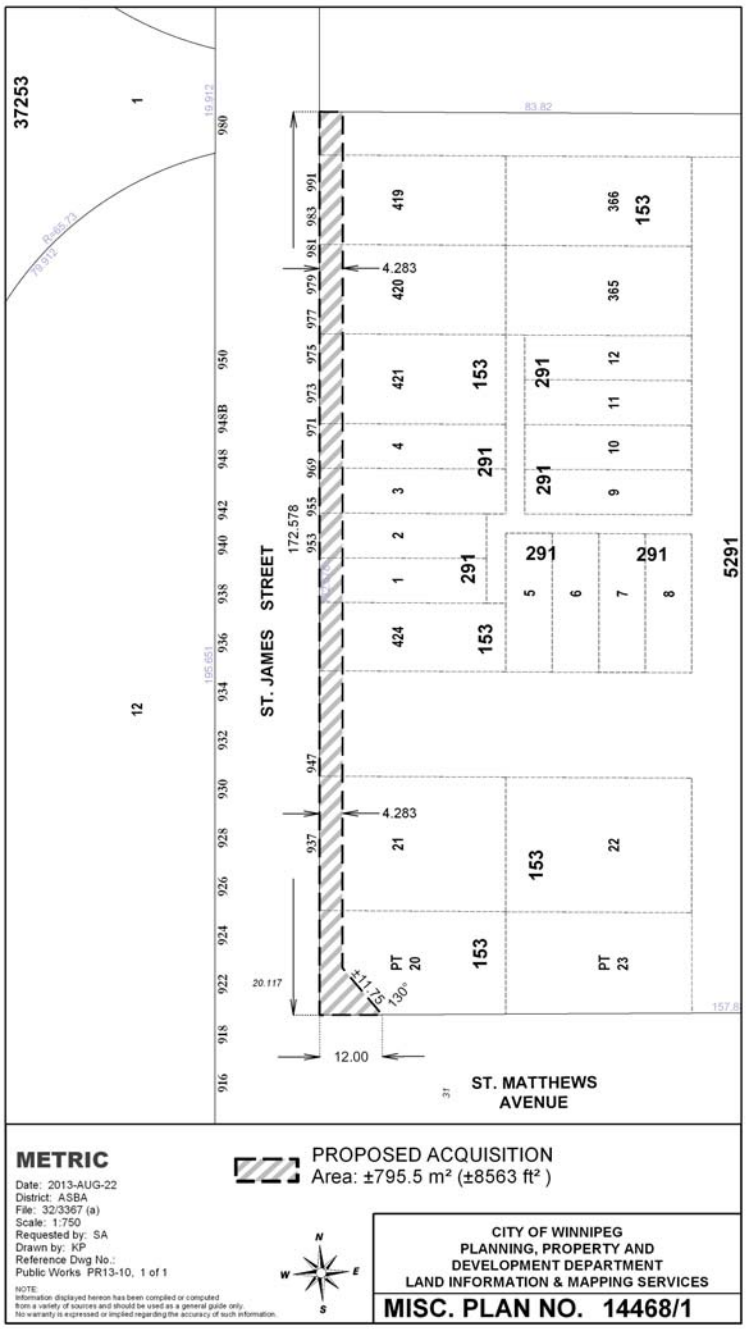
Schedule "A"

Holding #9 & #10

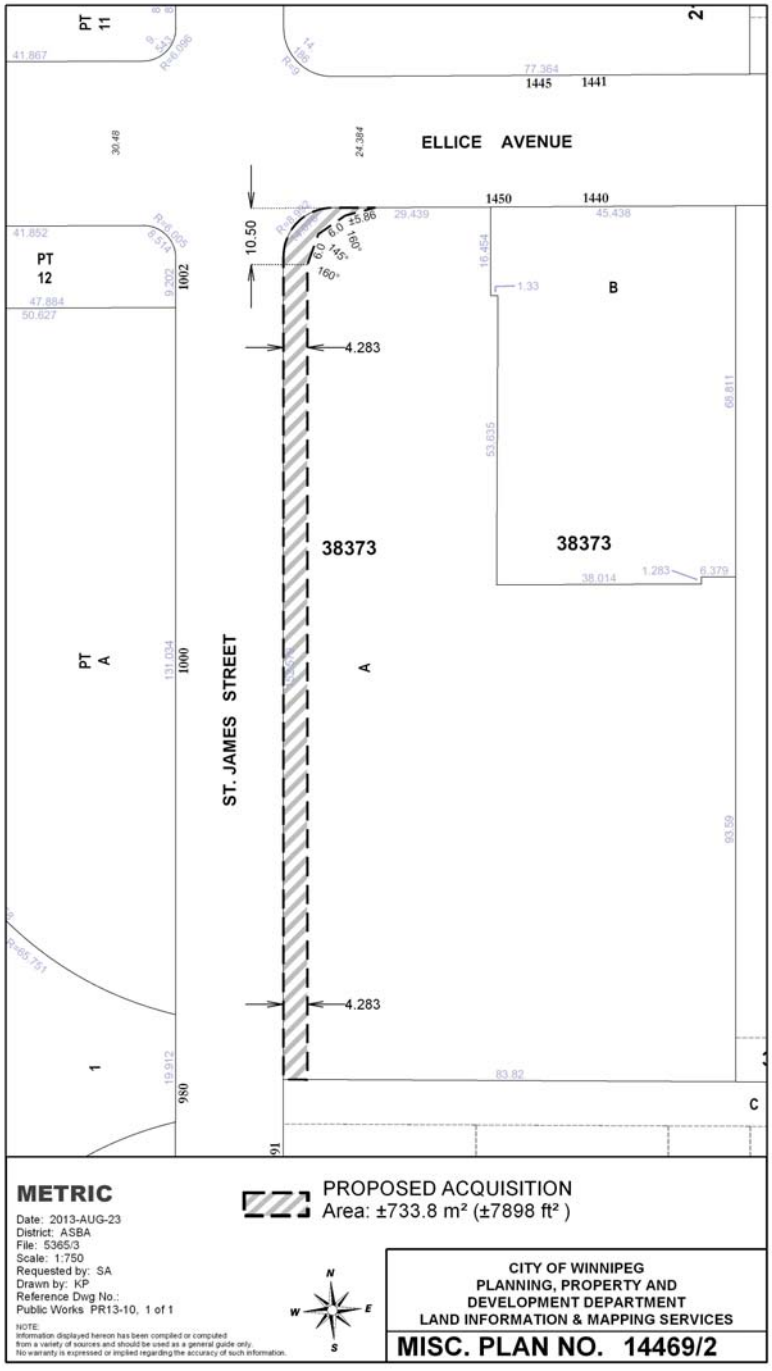
Location:	842 Milt Stegall Drive, 1501 – 1509 St. Matthews Avenue, 937 – 991 St. James Avenue
Legal Description:	Lots 1 – 12, 20 – 23, 62 – 62, 297 – 302, 355 – 360, 365 – 366, 419 – 421 & 424 & Lot C, Plan 37643, DGS 42 St. James
Certificate of Title:	1738126, 1677179
Registered Owner:	St. James Square Limited
Realty Roll No.:	13096008500
Assessment (2013):	$13,588,000
Zoning:	"C3" Commercial
Property Taking:	795.5+/-m^2 (8,563+/- sq. ft.)
Description:	Partial taking, frontage along east side of St. James Street,

impacts parking, signage and landscaping.



Holding #11

Location:	1440 – 1450 Ellice Avenue
Legal Description:	Pcls A & B, Plan 38373
Certificate of Title:	1742698
Registered Owner:	Barcoga Holding Inc.
Realty Roll No.:	13000436800
Assessment (2013):	$7,150,000
Zoning:	"C3" - Commercial
Property Taking:	73.9+/- m^2 (794.9+/-sq. ft.)
Description:	Partial taking, frontage along east side of St. James Street, impacts parking, signage and landscaping.


PT 11
ELLICE AVENUE
1450
1440
1445
1441
PT 12
1002
10.50
4.283
38373
38373
B
A
PT A
1000
ST. JAMES STREET
1
980
4.283
83.82
C
METRIC
Date: 2013-AUG-23
District: ASBA
File: 5365/3
Scale: 1:750
Requested by: SA
Drawn by: KP
Reference Dwg No.:
Public Works PR13-10, 1 of 1
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.
PROPOSED ACQUISITION
Area: ±733.8 m² (±7898 ft²)
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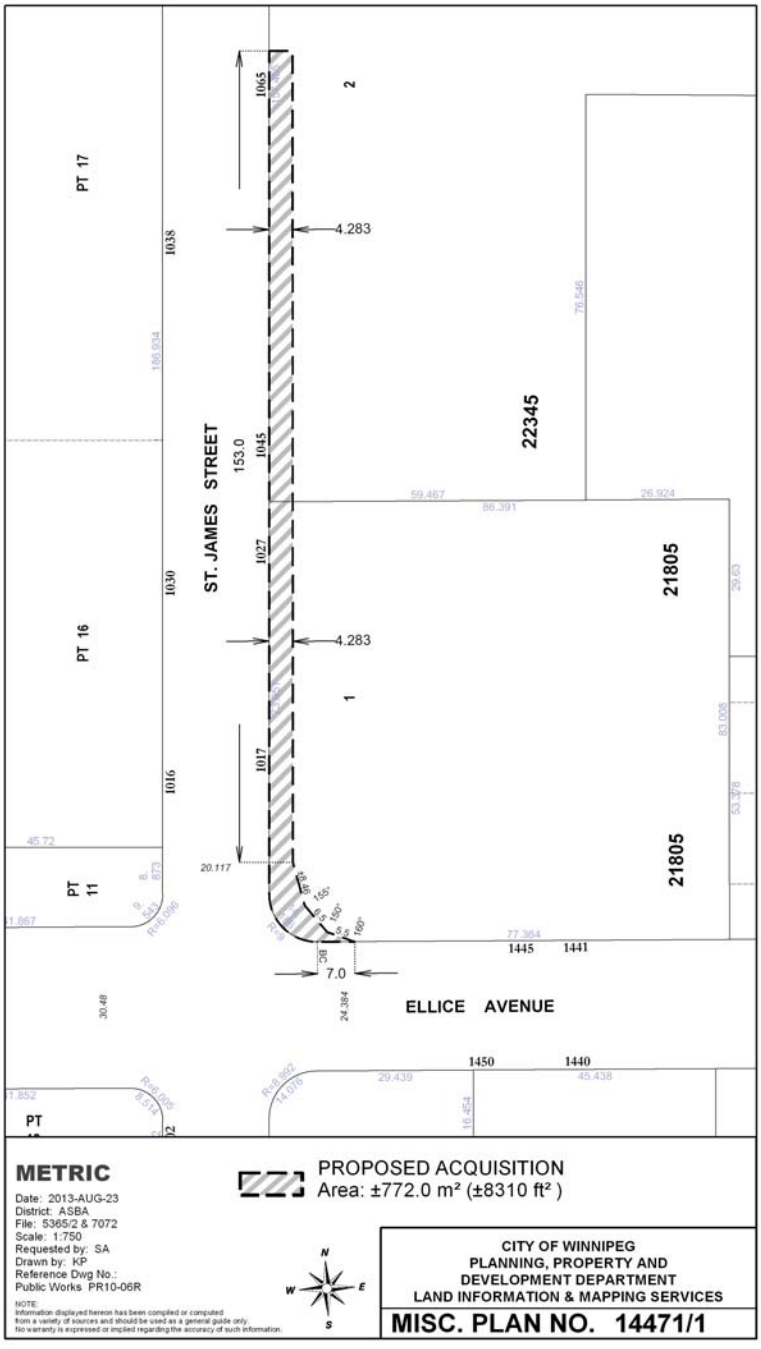
CITY OF WINNIPEG
PLANNING, PROPERTY AND
DEVELOPMENT DEPARTMENT
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 14469/2

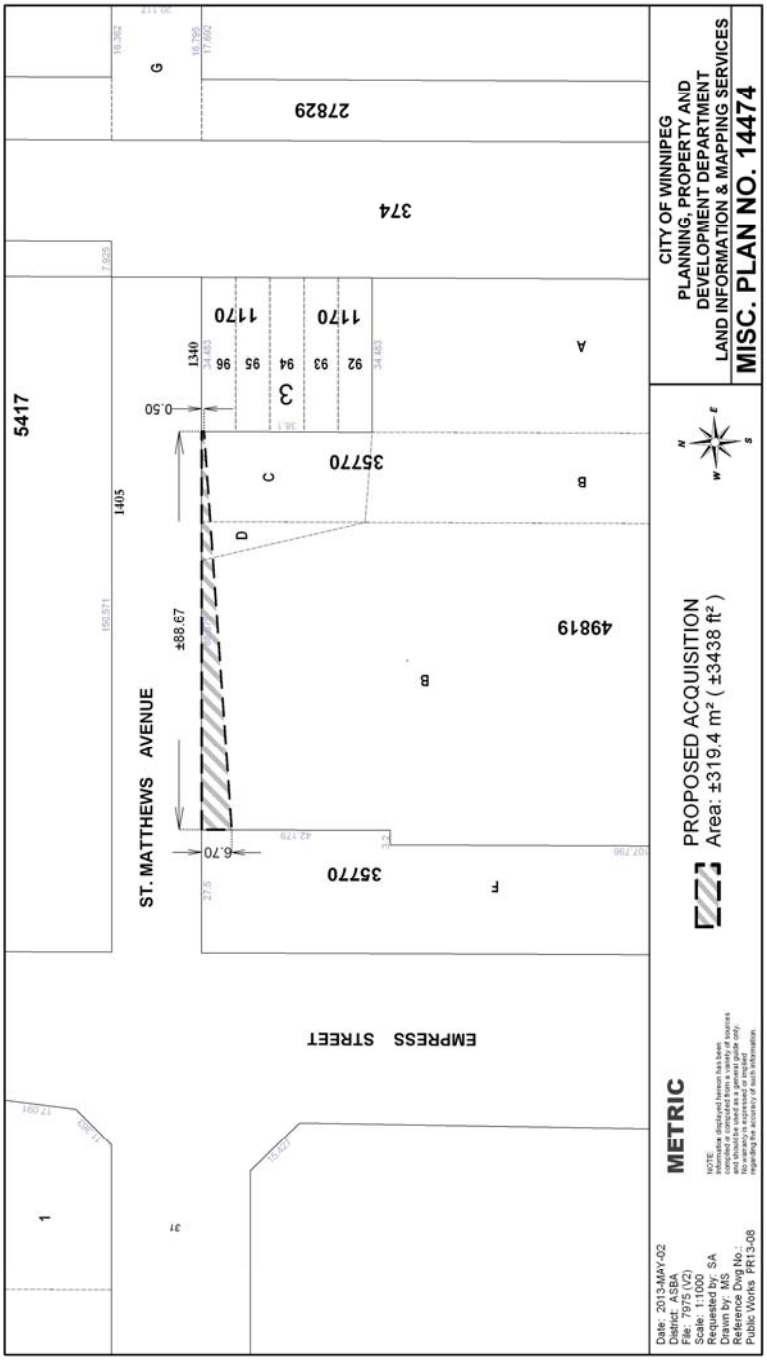
Holding #12 & #13

Location:	1017 – 1065 St. James Street, 1441 – 1445 Ellice Avenue
Legal Description:	Lot 1, Plan 21805 & Lot 2, Plan 22345
Certificate of Title:	2282305 & 2492751
Registered Owner:	4310926 Canada Ltd
Realty Roll No.:	13000462000 & 13000459000
Assessment (2013):	$9,329,000 (1017 – 1065 St. James Street) $2,973,000 (1441 – 1445 Ellice Avenue)
Zoning:	"C4" - Commercial
Property Taking:	772.0 +/- m^2 (8,310 +/-sq. ft.)
Description:	Partial taking, Partial taking, frontage along east side of St. James Street, impacts parking, signage and landscaping.


PT 17
PT 16
PT 11
ST. JAMES STREET
153.0
1065
1045
1027
1017
1038
1030
1016
2
1
4.283
4.283
22345
21805
21805
20.117
7.0
ELLICE AVENUE
1445
1441
1450
1440
METRIC
Date: 2013-AUG-23
District: ASBA
File: 5365/2 & 7072
Scale: 1:750
Requested by: SA
Drawn by: KP
Reference Dwg No.:
Public Works PR10-06R
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.
PROPOSED ACQUISITION
Area: ±772.0 m² (±8310 ft²)
N
W
E
S
CITY OF WINNIPEG
PLANNING, PROPERTY AND
DEVELOPMENT DEPARTMENT
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 14471/1

Holding #14

Location:	727 Empress Street
Legal Description:	Pcl B, Plan 49819 & Pcl A/D & G, Plan 35770, DGS 43/44 St. James
Certificate of Title:	2438897
Registered Owner:	Home Depot Holdings Inc.
Realty Roll No.:	130961349000
Assessment (2013):	$12,427,000
Zoning:	"C4" - Commercial
Property Taking:	319.4+/- m^2 (3,438+/- sq. ft.)
Description:	Partial Taking, south side of St. Matthews asphalt parking/loading area, gravel storage area.


CITY OF WINNIPEG
PLANNING, PROPERTY AND
DEVELOPMENT DEPARTMENT
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 14474
PROPOSED ACQUISITION
Area: ±319.4 m² (±3438 ft²)
METRIC
Date: 2013-MAY-02
District: ASBA
File: 7975 (V2)
Scale: 1:1000
Requested by: SA
Drawn by: MS
Reference Dwg No.:
Public Works PR13-08
ST. MATTHEWS AVENUE
EMPRESS STREET
5417
374
27829
35770
49819
1170
±88.67
6.70
0.50