STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT

MOTIONS

Minute No. 807
Moved by Councillor Browaty,
Seconded by Councillor Swandel,

WHEREAS

(a) Pursuant to its By-law No. 21/2014, The City of Winnipeg ("the City") authorized the expropriation of the lands described therein for the purpose of the widening St. James Street and St. Matthews Avenue for Polo Park Area Infrastructure Improvements and executed a Declaration of Expropriation dated February 26, 2014;

(b) Notice of the intended expropriation was served by the City upon all owners of the lands intended to be expropriated, and was published 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;

(c) Notices of objection to the intended expropriation were served upon the City by some of the said owners, pursuant to section 3 of Schedule "A" to The Expropriation Act;

(d) The City requested the Minister of Justice to appoint an inquiry officer;

(e) The Minister of Justice on June 16, 2014 appointed an inquiry officer pursuant to section 4(2) of Schedule "A" to The Expropriation Act, and an inquiry was conducted on June 17, 19 and 20, 2014; and

(f) The inquiry officer obtained an Order dated July 9, 2014 from The Honorable Madame Justice Suche of the Manitoba Court of Queen's Bench that the time for the Confirming Authority to make an order with respect to the Declaration of Expropriation is extended to September 25, 2014.

AND WHEREAS the inquiry officer submitted his report to the City on September 16, 2014, wherein he stated that in his opinion the intended expropriation is fair and reasonably necessary for the achievement of the objectives of the City, without any required changes.

THEREFORE BE IT RESOLVED that the Declaration of Expropriation dated the 26th day of February, 2014, made pursuant to By-law No. 21/2014 and expropriating the following lands:

(a) the lands taken for St. James Street as shown on Plan Deposit 0086/2014 WLTO, prepared by Donald Neil Bourgeois, of the City of Winnipeg, Manitoba Land Surveyor

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(b) the lands taken for St. Matthews Avenue as shown on Plan Deposit 0093/2014 WLTO, prepared by Donald Neil Bourgeois, of the City of Winnipeg, Manitoba Land Surveyor

is hereby confirmed.

The lands described above in (a) are expropriated subject only to the following existing interests:

Caveat (Instrument No. 2234931/1) registered by MTS Netcom Inc. on February 13, 1998.
Caveat (Instrument No. 1459885/1) registered by The Manitoba Telephone System on September 11, 1991.
Caveat (Instrument No. 4300424/1) registered by The Manitoba Hydro-Electric Board, MTS Inc. and Shaw on November 27, 2013.

The lands described above in (b) are expropriated subject only to the following existing interests:

Caveat (Instrument No. 2352047/1) in favour of The Manitoba Hydro-Electric Board registered on February 19, 1999.

The aforesaid lands except:

- 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

- 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.

Carried