Agenda - Executive Policy Committee – February 18, 2015

Report - Standing Policy Committee on Property and Development – February 17, 2015

Moved by Councillor

That Rule 10(3) of The Procedure By-law No. 50/2007 be suspended in order that the following item, which was received less than 96 hours preceding the committee meeting, be considered by Committee.

Item No. 1 Expropriation of Lands – Cockburn-Calrossie Combined Sewer Area – Drainage Upgrade Project (Fort Rouge-East Fort Garry Ward)

STANDING COMMITTEE RECOMMENDATION:

On February 17, 2015, the Standing Policy Committee on Property and Development concurred in the recommendation of the Winnipeg Public Service 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 interest herein identified and required by the City for the Cockburn-Calrossie Combined Sewer Area – Drainage Upgrades Project.

2. That the proper officers of the City be authorized to do all things necessary to implement the foregoing including but not limited to execution of any necessary documents and preparation of any necessary by-laws.

Agenda - Executive Policy Committee – February 18, 2015

Report - Standing Policy Committee on Property and Development – February 17, 2015

DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On February 17, 2015, 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.

David Sanders, submitted a communication dated February 17, 2015, in opposition to the Expropriation of Lands – Cockburn-Calrossie Combined Sewer Area – Drainage Upgrade Project.

ADMINISTRATIVE REPORT

Title: **Expropriation of Lands – Cockburn-Calrossie Combined Sewer Area – Drainage Upgrade Project**

Critical Path: **Standing Policy Committee on Property and Development**
Executive Policy Committee
Council

AUTHORIZATION

Author	Department Head	CFO	CAO
J. Zabudney	M. Pittet	M. Ruta	M. Jack 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 interest herein identified and required by the City for the Cockburn-Calrossie Combined Sewer Area – Drainage Upgrades Project.

2. That the proper officers of the City be authorized to do all things necessary to implement the foregoing including but not limited to execution of any necessary documents and preparation of any necessary by-laws.

REASON FOR THE REPORT

- Council approval is required for the City to expropriate land. The lands identified as “Lands Required For Retention Pond Area” on attached Schedule “A” (Subject Property) is needed for the works required for the Cockburn-Calrossie Combined Sewer Area – Drainage Upgrades Project. Authorization to expropriate is required immediately to ensure that the City is in legal possession of all land interests for construction to commence in early 2016.

IMPLICATIONS OF THE RECOMMENDATIONS

There are no regulatory or human resources implications associated with this report. No environmental issues are anticipated related to the proposed recommendations of this report, but proposed offers of settlement will include terms and conditions to protect the City's interests in this regard. While there are no direct financial implications associated with the initiation of expropriation proceedings, doing so will ensure that the City will acquire the property and incur settlement and ancillary costs. Such costs are not reasonably estimable at this time.

HISTORY

On October 21, 1987, Council approved the Basement Flood Relief Capital program (now named the Combined Sewer Overflow and Basement Flood Management Strategy). This is an on-going program with a focus of identifying and facilitating capacity relief to the various combined sewer districts in the City.

In May 2010, a conceptual study was completed for the Cockburn Calrossie combined sewer districts. This study evaluated several relief/separation alternatives to provide basement flooding relief with consideration also being given to City's Combined Sewer Overflow strategy. The goal of the study was to best determine how to bring the current combined sewer district to a 5-year level of basement flood protection with the ability to increase the level of protection to a 10-year level in the future.

In June 2011, the City's Chief Administrative Officer approved an engineering consultant assignment to begin work on preliminary and detailed design identifying conceptual design options to address the needed relief requirements and combined sewer overflow mitigation in the Cockburn and Calrossie combined sewer districts.

In August 2012, several preliminary design options were completed. However, at this time a design was not selected due to other City projects in the planning stage in the immediate area, including Southwest Transitway (Stage 2), Pembina Highway Underpass, and the possible Sterling Lyon Extension, which may impact the proposed designs. Additional consideration was also required due to the proposed development of unserviced lands on Taylor Avenue and the Parker Lands located within the study area. This design integrates those considerations.

It should be noted that under Environment Act Licence No 3042 regarding the operation of combined sewers in the City of Winnipeg, dated September 4, 2013, all new land developments in combined sewer areas shall not increase the frequency or volume of combined sewer overflows in any sewershed due to new or upgraded land development activities. With this requirement and without a new area land drainage system, land

drainage contributions to the Cockburn Calrossie combined sewer system from new developments in the area would be limited to pre-development contribution rates.

In December 2013, the Water and Waste Department requested the Planning, Property and Development Department to initiate negotiation with the land owner to acquire the lands needed for the development of an area retention pond based on the preliminary design of the selected project option.

The City's Real Estate Division met with the land owner and several subsequent telephone calls took place concerning acquiring the proposed lands required for the area retention pond. The land owner advised that he planned on developing these lands in the very near future and the development of the pond would greatly impact his ability to go forward with this proposed development.

Also at this time, further consultation was taking place with Manitoba Hydro as how to accommodate existing and future facilities with the development of the area retention pond, the Southwest Transitway (Stage 2), Pembina Highway Underpass. This information was also conveyed to the property owner and it was agreed that further discussions would take place once the final land requirements have been determined. In the meantime, the land owner plans to proceed with the development of the 38 acres to the west of the Subject Property.

In November 2014, Manitoba Hydro provided the City with all of its facility requirements and the final design and land requirements were confirmed by the Water and Waste Department, shown as "Land Required For Retention Pond Area" on attached Misc. Plan 12251/13.

The Real Estate Division has been in contact with the owner of the Subject Property and discussions to purchase the required lands are on-going; however, it is unlikely that a mutually acceptable agreement will be reached in a timely fashion.

The Cockburn-Calrossie Combined Sewer Area – Drainage Upgrades Project is a separate project from the Transitway (Stage 2) and Pembina Highway Underpass Project. These projects are dependent on these upgrades to the land drainage system, as the additional land drainage flows generated cannot be accommodated in the existing combined sewers. The City stakeholder departments have met, including Water and Waste, Public Works and Transit, and have agreed that the development of the retention pond is critical to the completion of these projects thus it is necessary for construction to commence in early 2016.

The stakeholder departments and Planning, Property and Development concur that it would be in the City's best interest to initiate expropriation proceedings immediately to ensure that the needed lands are acquired in sufficient time to allow for the development of the retention pond to begin as soon as possible.

The Water and Waste Department has advised that sufficient funding for the Cockburn-Calrossie Combined Sewer Area – Drainage Upgrades Project has been identified in the Combined Sewer Overflow and Basement Flood Management Flood Strategy Capital Budget.
In the meantime, the Real Estate Division will continue its efforts to negotiate the acquisition of the required land with the owner of the Subject Property.

FINANCIAL IMPACT

Financial Impact Statement **Date:** January 26, 2015

Project Name:

Expropriation of Lands – Cockburn-Calrossie Combined Sewer Area – Drainage Upgrade Project

COMMENTS:

While there are no direct financial implications associated with the initiation of expropriation proceedings, doing so will ensure that the City will acquire the property and incur settlement and ancillary costs. Such costs are not reasonably estimable at this time.

"Original Signed By"
Mike McGinn, CA
Manager of Finance

CONSULTATION

In preparing this report there was consultation with:

Legal Services
Water and Waste

SUBMITTED BY

Department Planning, Property & Development
Division Real Estate
Prepared by: Stewart Anderson
Date: January 30, 2015
File No.

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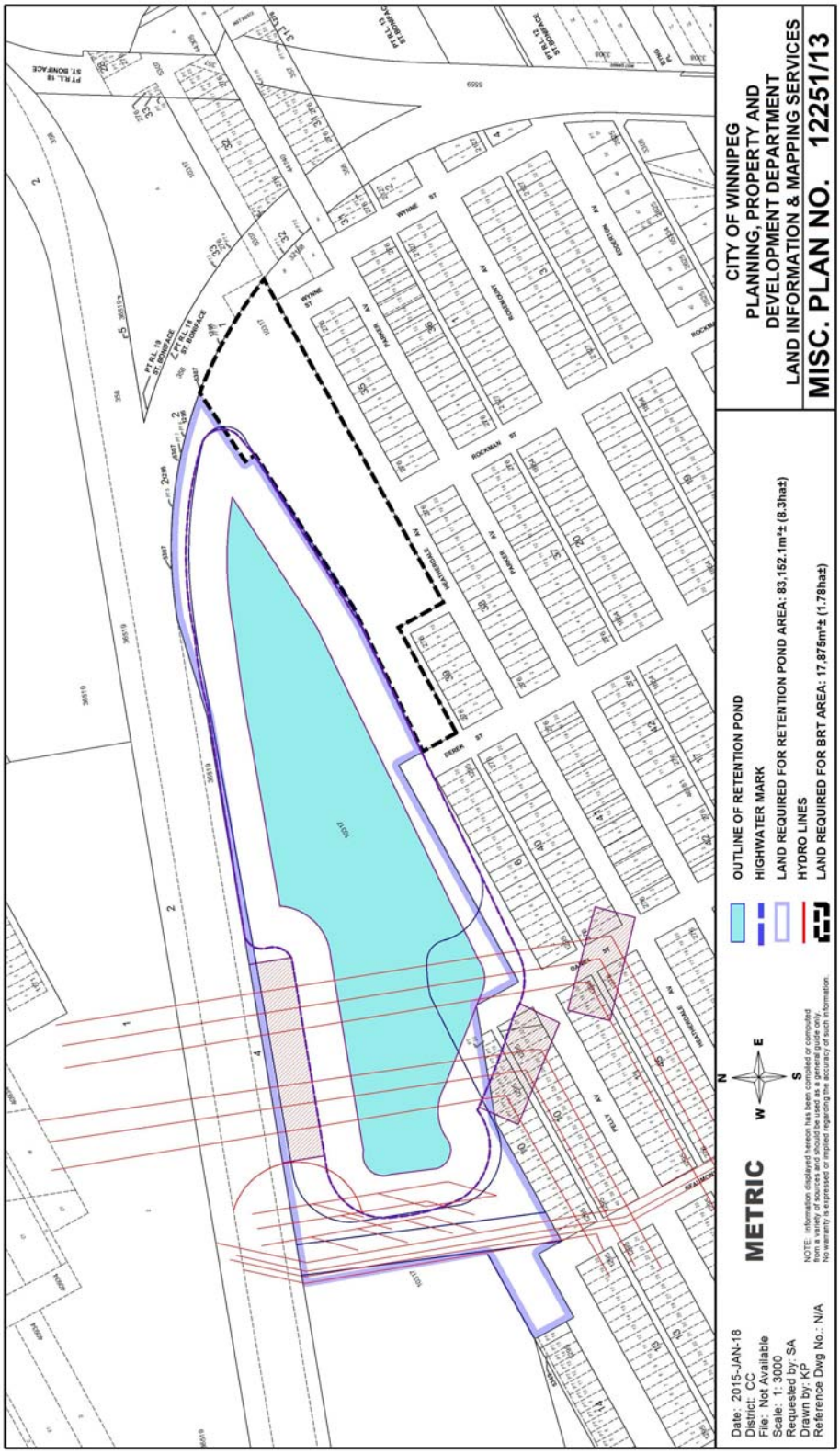
"**Schedule A"**


CITY OF WINNIPEG
PLANNING, PROPERTY AND
DEVELOPMENT DEPARTMENT
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 12251/13
OUTLINE OF RETENTION POND
HIGHWATER MARK
LAND REQUIRED FOR RETENTION POND AREA: 83,152.1m²± (8.3ha±)
HYDRO LINES
LAND REQUIRED FOR BRT AREA: 17,875m²± (1.78ha±)
METRIC
Date: 2015-JAN-18
District: CC
File: Not Available
Scale: 1: 3000
Requested by: SA
Drawn by: KP
Reference Dwg No.: N/A
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