Agenda – Council – February 25, 2015

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

Item No. 2 Expropriation of Lands – Capital Integration Project (Southwest Transitway (Stage 2) and Pembina Highway Underpass)

STANDING COMMITTEE RECOMMENDATION:

On February 18, 2015, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development submitted the following to Council:

1. That the Director of Legal Services and 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 Southwest Transitway (Stage 2) and Pembina Highway Underpass Project.

2. Subject to Council's confirmation of the proposed expropriation, that all lands acquired for the purpose of the Capital Integration Project (Southwest Transitway (Stage 2) and Pembina Highway Underpass) be approved to be open as a public works or public right of way as required for the project.

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

Agenda – Council – February 25, 2015

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

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 18, 2015, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and submitted the matter to Council.

David Sanders submitted a communication dated February 18, 2015, in opposition to the Expropriation of Lands – Capital Integration Project (Southwest Transitway (Stage 2) and Pembina Highway Underpass).

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 – Capital Integration Project (Southwest Transitway (Stage 2) and Pembina Highway Underpass).

ADMINISTRATIVE REPORT

Title: **Expropriation of Lands – Capital Integration Project (Southwest Transitway (Stage 2) and Pembina Highway Underpass)**

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 interests herein identified and required by the City for the Southwest Transitway (Stage 2) and Pembina Highway Underpass Project.

2. Subject to Council's confirmation of the proposed expropriation, that all lands acquired for the purpose of the Capital Integration Project (Southwest Transitway (Stage 2) and Pembina Highway Underpass) be approved to be open as a public works or public right of way as required for the project.

3. That the proper officers of the City be authorized to do all things necessary to implement the foregoing, including demolition of any buildings, 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 subject properties, identified in the attached Schedule "A", are needed for the works required for the Capital Integration Project (Southwest Transitway (Stage 2) and Pembina Highway Underpass). 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 resource 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 22, 2008, Council adopted the plan for the Southwest Rapid Transit Corridor (Stage 1), which was completed and operational in April 2012.

On November 16, 2011, Council adopted the Transportation Master Plan, which included the provision for the expansion of the Pembina Highway Underpass (PHU) and five new transit corridors, with the first being Stage 2 of the Southwest Transitway (BRT II).

Following the aforementioned Council approval, Winnipeg Transit and the Public Works Department worked with its consultant to identify potential transitway alignments for BRT II and proposed design options for PHU.

On March 20, 2012, Council approved an amendment to the Transportation Master Plan, which identified the preferred alignment for the BRT II to be from the PHU through the Parker Lands to the north/south Manitoba Hydro corridor switching to the CN Letellier Subdivision track south of Gregoire Avenue to Markham Road and across Pembina Highway into the University of Manitoba property, as shown on Figure 1 attached. Upon Council's approval of the preferred alignment, detailed design work on the BRT II commenced.

In December of 2012, the preliminary design for the Pembina Highway Underpass was completed.

Considering the proximity, timing and correlation of the two projects, it was determined that construction of both the BRT II and PHU as part of the same project would allow costs to be minimized, along with construction timelines and disruptions to traffic.

Upon completion of the preliminary design of the BRT II, the City held four public consultation open houses (November 18 and 19, 2013 and February 24 and 25, 2014).

On June 25, 2014, Council considered and approved Winnipeg Transit's report Capital Integration Project – Southwest Transitway (Stage 2) and Pembina Highway Underpass. The Director of Planning, Property and Development was also authorized to negotiate the acquisition of land required for this project.

The City will be required to expropriate 31 partial takings and 4 full takings from private land owners, as shown on the attached Schedule "A".

The City's Real Estate Division has initiated contact, in writing, with all 35 private property owners that lands are required for the BRT II & PHU project; however, due to the large number of land owners that acquisitions have to be negotiated with and the very aggressive timelines of this project, it is highly unlikely that all private land interests will be acquired in time to allow for preconstruction to commence in the first couple of months of 2016.

Winnipeg Transit, the Public Works Department and Planning, Property and Department Development all concur that it would be in the City's best interest to immediately initiate expropriation proceedings to ensure all land interests are acquired in sufficient time to allow for preconstruction work to commence in the first couple of months of 2016.

In the meantime, the Real Estate Division will continue its efforts to negotiate the acquisition of the required land interests for the private property owners.

FINANCIAL IMPACT

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

Project Name:

Expropriation of Lands – Capital Integration Project (Southwest Transitway (Stage 2) and Pembina Highway

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:

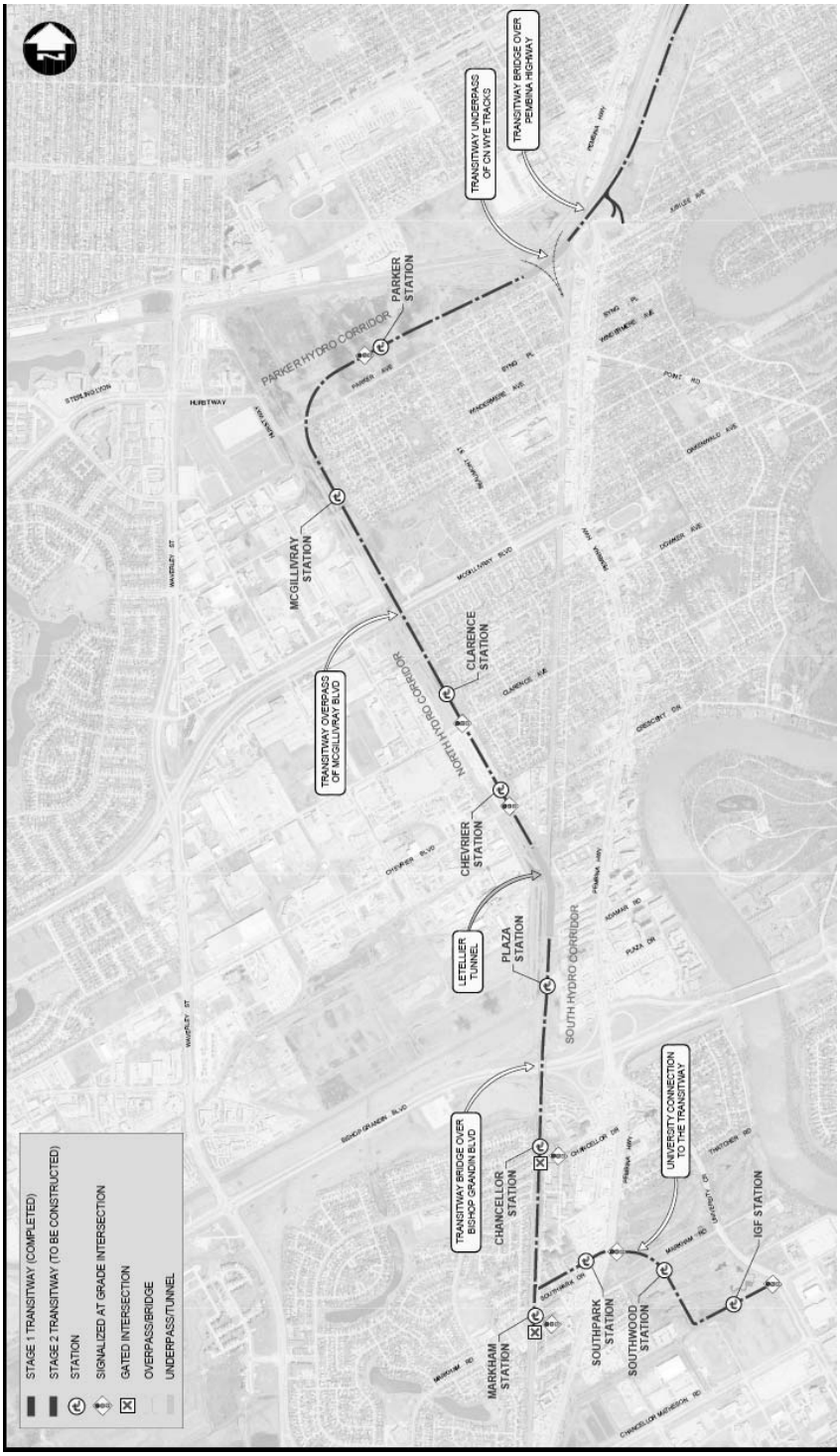
Legal Services
Winnipeg Transit
Public Works

SUBMITTED BY

Department Planning, Property & Development
Division Real Estate
Prepared by: Stewart Anderson
Date: February 5, 2015
File No. 9070/1, 9070/2 . . . 9070/39

o:\reports directive\real estate\acquisition\(sa)expropriation - swtransitway(stage2)&pembinahwyunderpassproject.doc

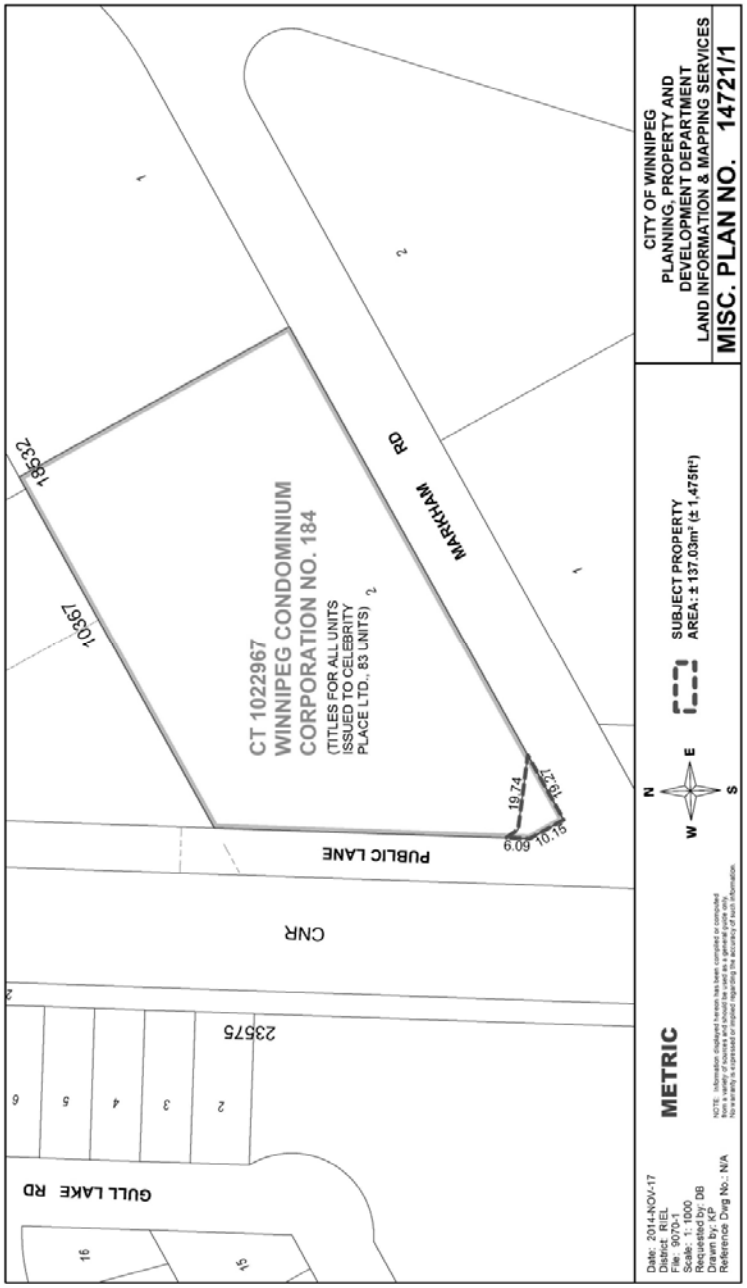
Figure 1


STAGE 1 TRANSITWAY (COMPLETED)
STAGE 2 TRANSITWAY (TO BE CONSTRUCTED)
STATION
SIGNALIZED AT GRADE INTERSECTION
GATED INTERSECTION
OVERPASS/BRIDGE
UNDERPASS/TUNNEL
TRANSITWAY UNDERPASS OF CN WYE TRACKS
TRANSITWAY BRIDGE OVER PEMBINA HIGHWAY
PARKER STATION
PARKER HYDRO CORRIDOR
MCGILLIVRAY STATION
TRANSITWAY OVERPASS OF MCGILLIVRAY BLVD
CLARENCE STATION
NORTH HYDRO CORRIDOR
CHEVRIER STATION
LETELLIER TUNNEL
PLAZA STATION
SOUTH HYDRO CORRIDOR
TRANSITWAY BRIDGE OVER BISHOP GRANDIN BLVD
CHANCELLOR STATION
UNIVERSITY CONNECTION TO THE TRANSITWAY
IGF STATION
MARKHAM STATION
SOUTHPARK STATION
SOUTHWOOD STATION

Schedule "A"

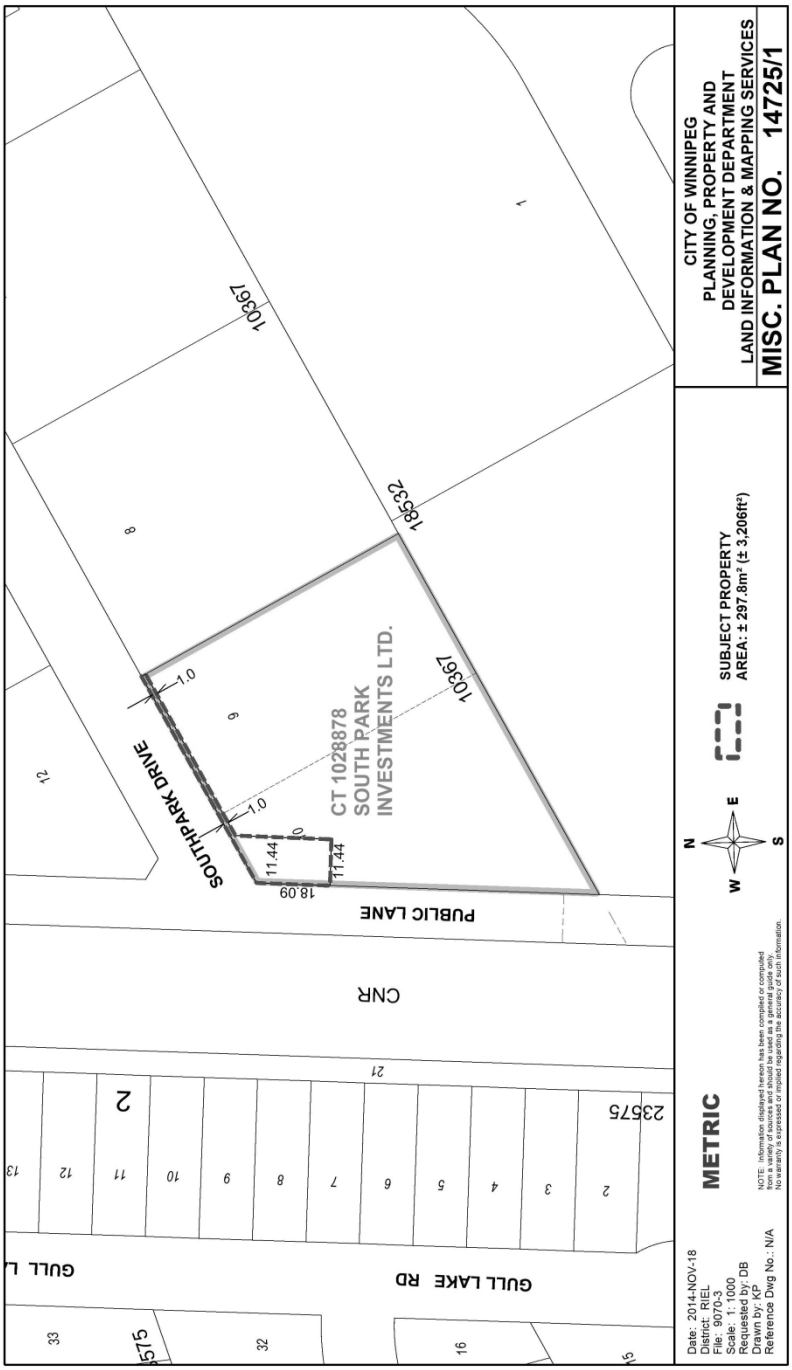
Holding # 1

Location:	991 & 995 Markham Road
Legal Description:	Lot 2 Plan 18532 WLTO in RL 6 Parish of St Vital
Zoning:	C2 - Commercial - Community
Property Taking:	Part Taking - +/- 137.03 M^2, (+/- 1,475 ft^2)
Description:	Landscape (sod, 1-2 Trees) Parking (1-2 spaces) Approach access will be removed/altered largely



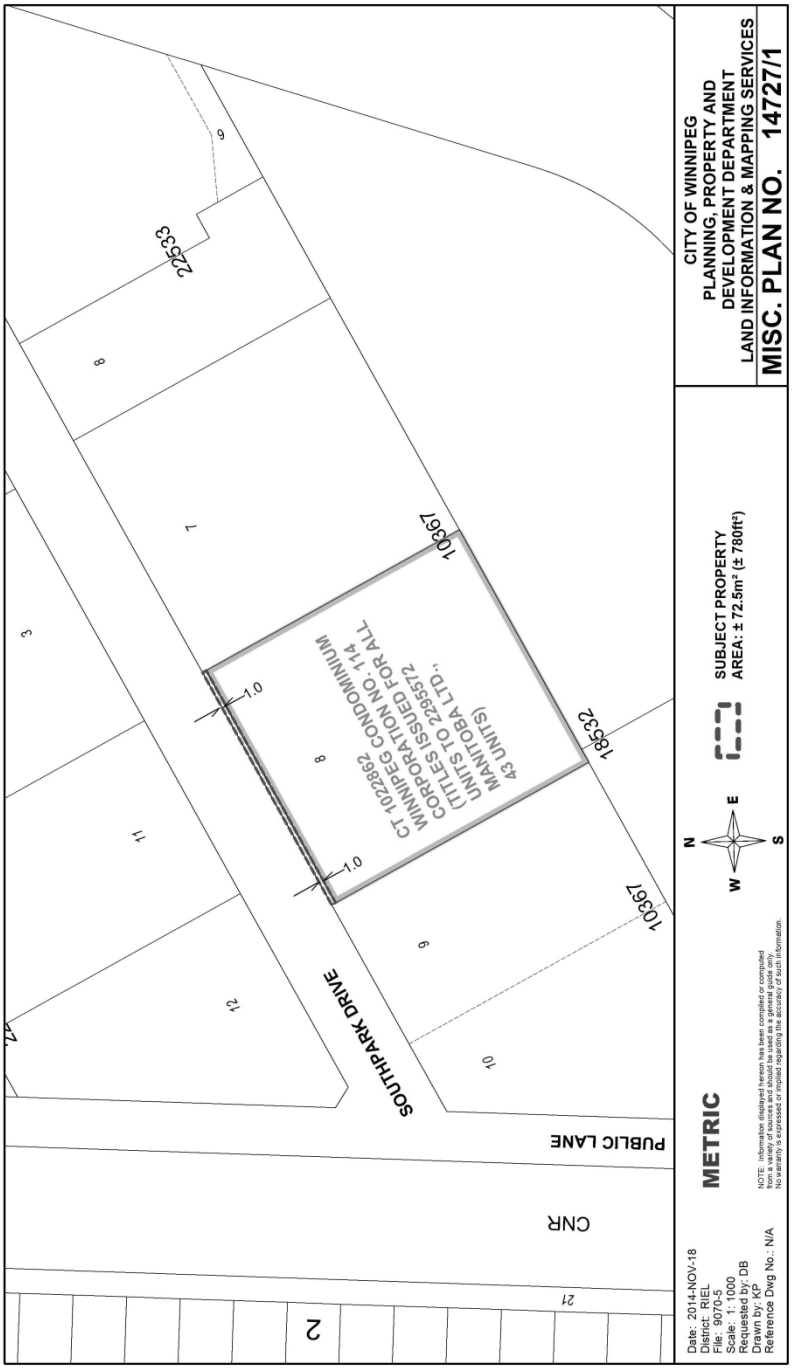
Holding # 3

Location: 88 Southpark Drive
Legal Description: Lots 9 And 10, Plan 10367 WLTO in RL 7 Parish of St Vital
Zoning: C2 - Commercial - Community
Property Taking: Part Taking - +/- 297.8 M^2, (+/- 3,206 ft^2)
Description: Landscape (Sod, 7-8 trees possible) 7-8 Parking Stalls, Reduced Approach Access during construction



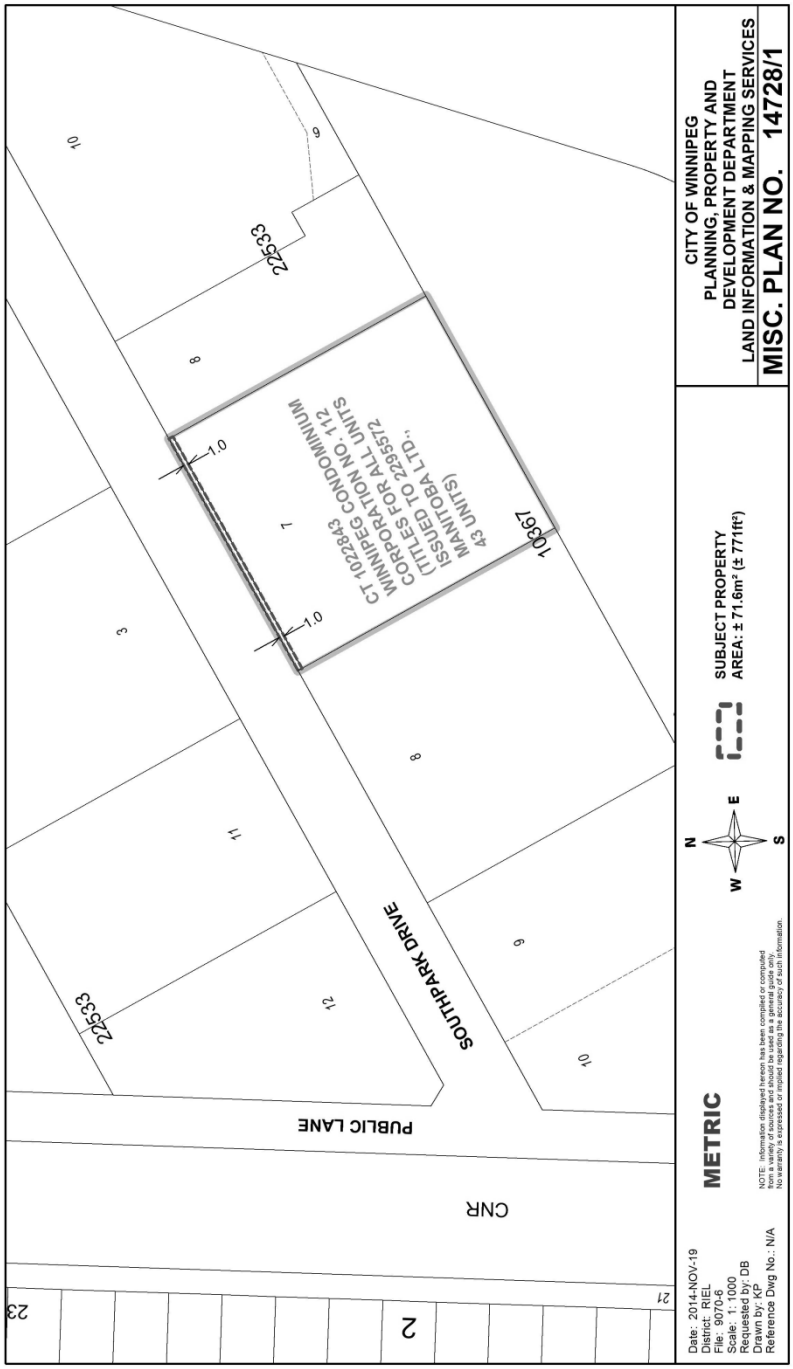
Holding # 5

Location:	70 Southpark Drive
Legal Description:	Lot 8 Plan 10367 WLTO in RL 7 Parish of St Vital
Zoning:	C2 - Commercial - Community
Property Taking:	Part Taking - +/- 72.5 M^2, (+/- 780 ft^2)
Description:	Landscape (sod), Approach access reduced during construction.



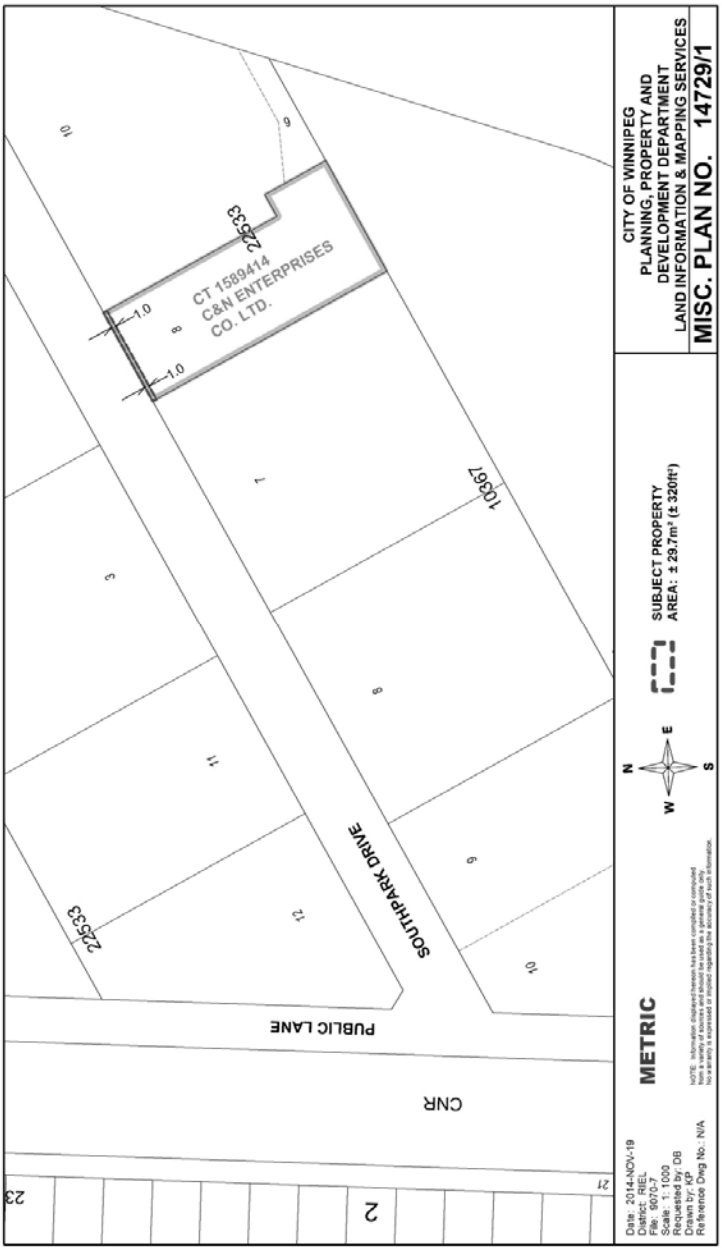
Holding # 6

Location:	50 Southpark Drive
Legal Description:	Lot 7 Plan 10367 WLTO in RL 7 Parish of St Vital
Zoning:	C2 - Commercial - Community
Property Taking:	Part Taking - +/- 71.6 M^2 (+/- 771 ft^2)
Description:	Landscape (sod), Approach access reduced during construction



Holding #7

Location:	34 Southpark Drive
Legal Description:	SP Lot 8 Plan 22533 WLTO Together With a Right Of Way for All Purposes and As Appurtenant To Said Lot 8 over and Upon SP Lot 9 As Shown On Said Plan in RL 3 To 9 And9A, Parish of St Vital
Zoning:	C2 - Commercial - Community
Property Taking:	Part Taking - +/-29.7 M^2 (+/-320 ft^2)
Description:	Landscaped Space, (sod and sidewalk)



Holding #8

Location: 2211, 2215, 2217, 2219 Pembina Highway

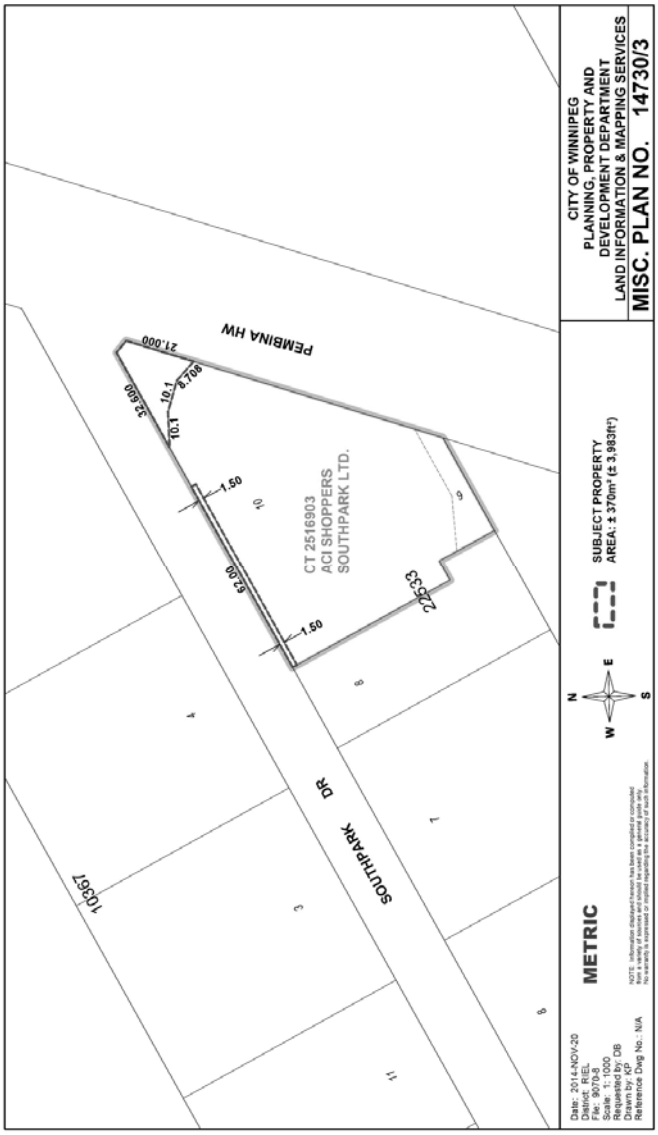
Legal Description: SP Lots 9 And 10 Plan 22533 WLTO Subject To a Right Of Way for All Purposes and As Appurtenant To SP Lot 8 As Shown On Said Plan over and Upon Said Lot 9 in RL 3 To 9 and 9A Parish of St Vital

Zoning: "C3" – Commercial - Corridor

Property Taking: Part Taking - +/-370 M^2 (+/-3,983 ft^2)

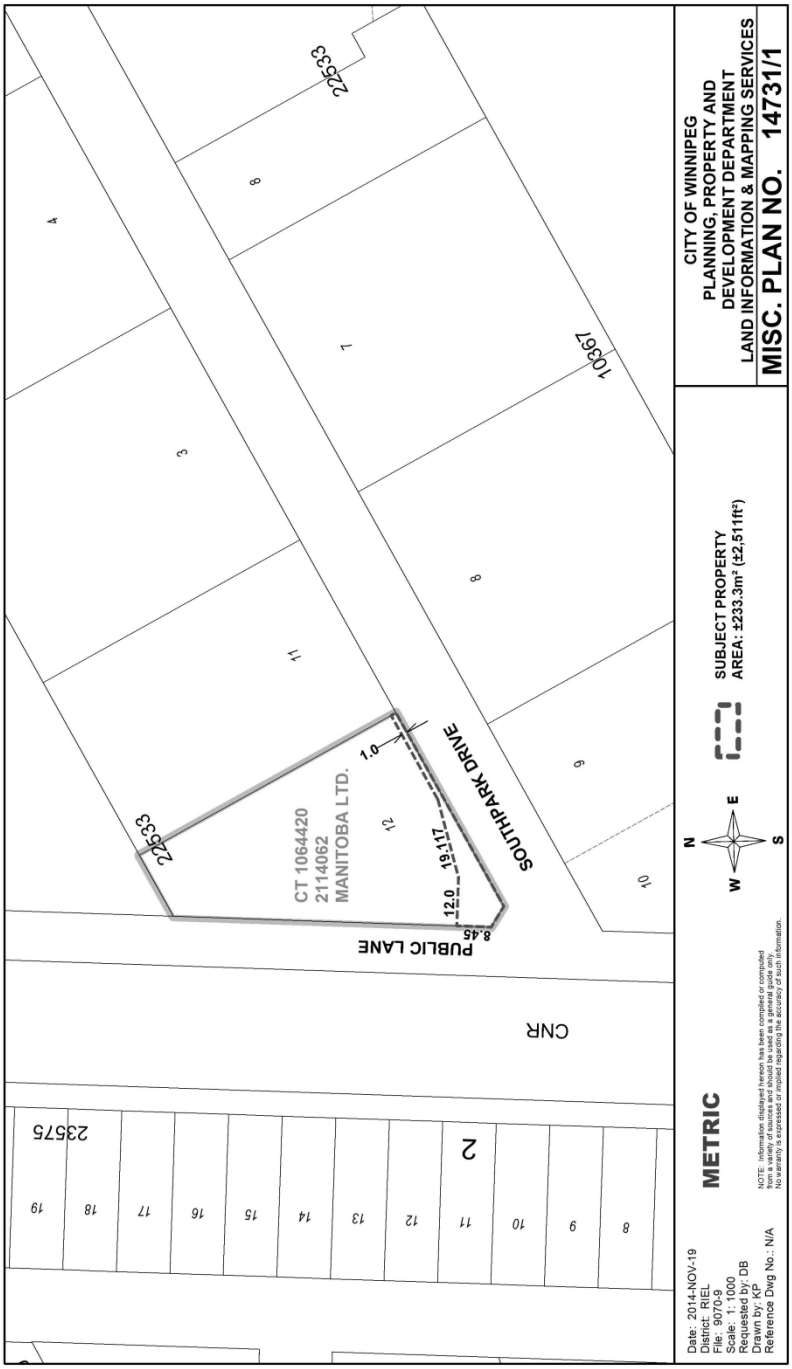
Description: Possible 6 Parking Stalls, Landscaping (sod, 8 trees, shrubs) Limited access

to 2 approaches during construction. One approach is to loading dock of commercial bldg.



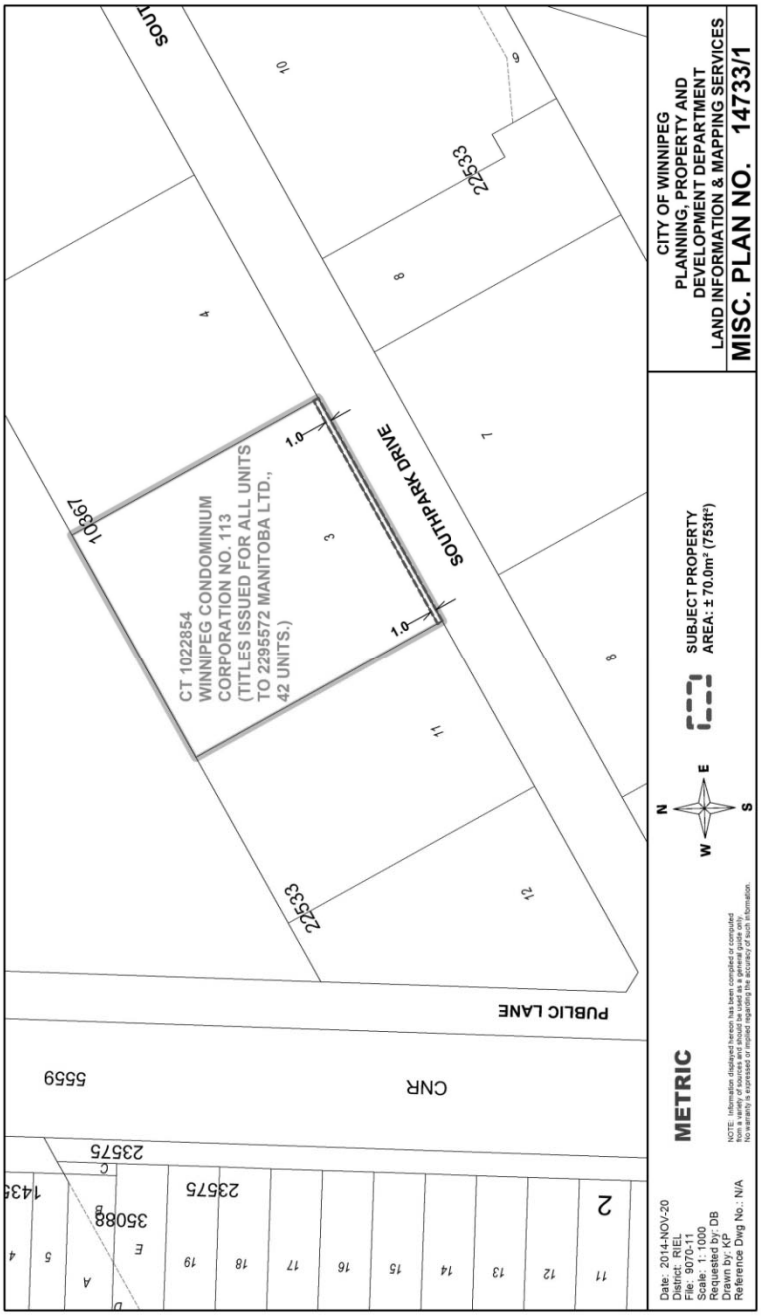
Holding # 9

Location: 75 Southpark Drive
Legal Description: SP Lot 12 Plan 22533 WLTO in RLs 3 To 9 and 9A Parish of St Vital
Zoning: C2 - Commercial - Community
Property Taking: Part Taking - +/-233.3 M^2 (+/-2,511 ft^2.)
Description: Landscape (sod) Possible 3 parking stalls



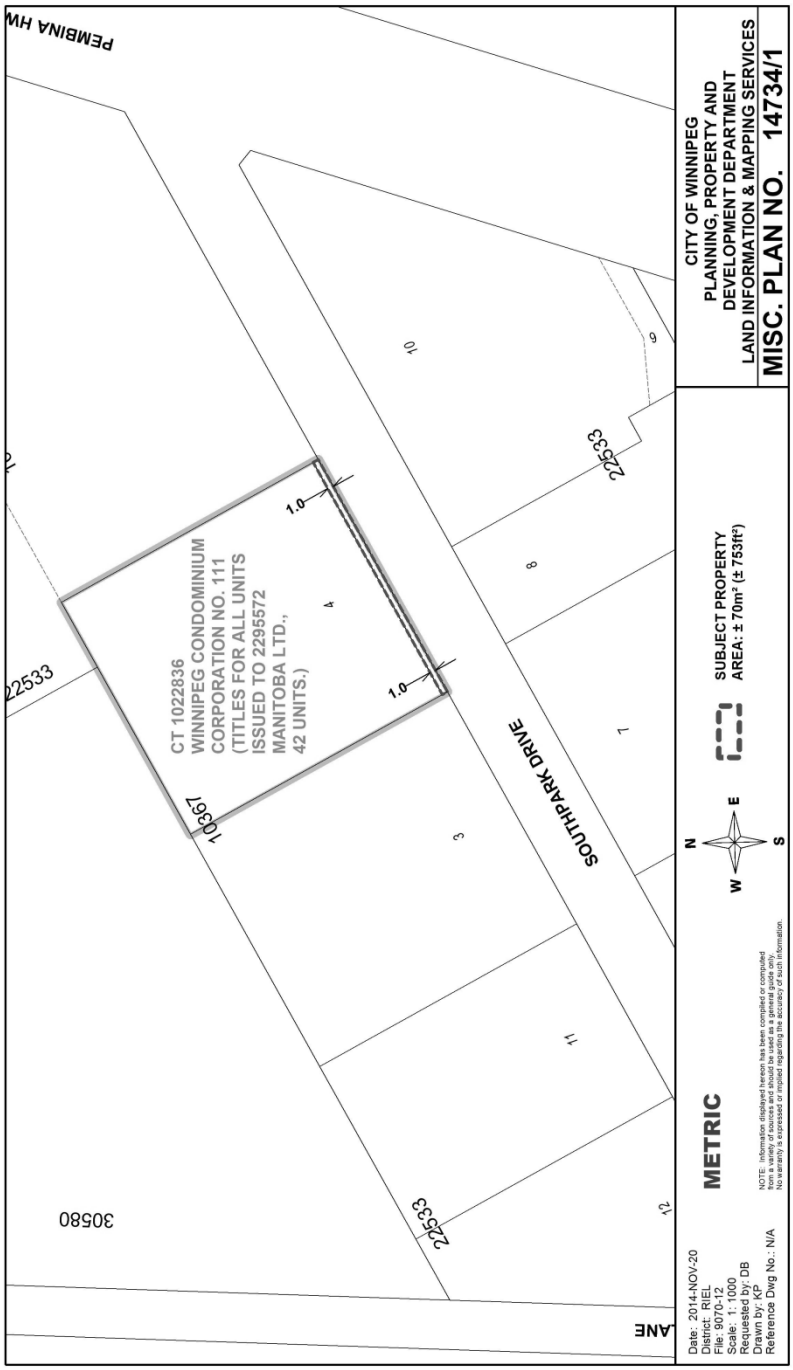
Holding # 11

Location: 53 Southpark Drive
Legal Description: Lot 3 Plan 10367 WLTO in RL 7 Parish of St Vital
Zoning: C2 - Commercial - Community
Property Taking: Part Taking - +/- 70 M^2, (+/- 753 ft^2)
Description: Landscape (sod, 20' fence, grading soil) 2 Parking stalls, reduced approach access during construction



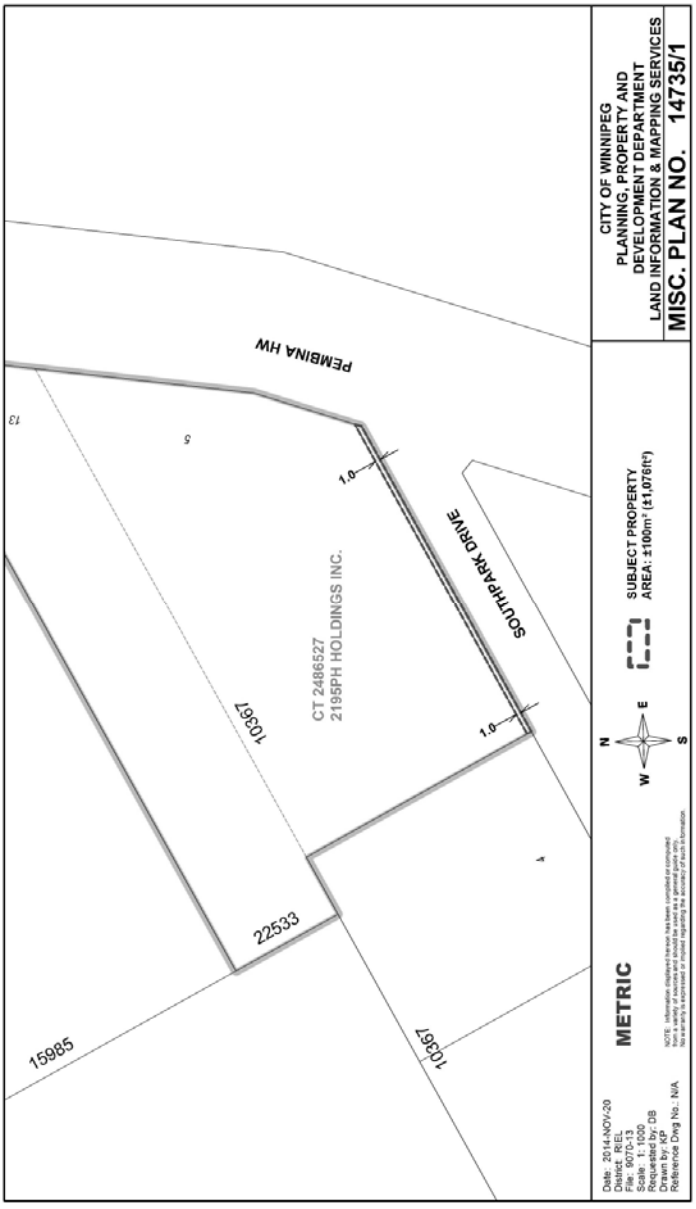
Holding # 12

Location: 33 Southpark Drive
Legal Description: Lot 4 Plan 10367 WLTO in RL 7 Parish of St Vital
Zoning: C2 - Commercial - Community
Property Taking: Part Taking - +/- 70 M^2, (+/- 753 ft^2)
Description: Landscape (Sod) move/replace Garbage Enclosure, 2 stalls possibly affected, 2 approaches with reduced access during construction.



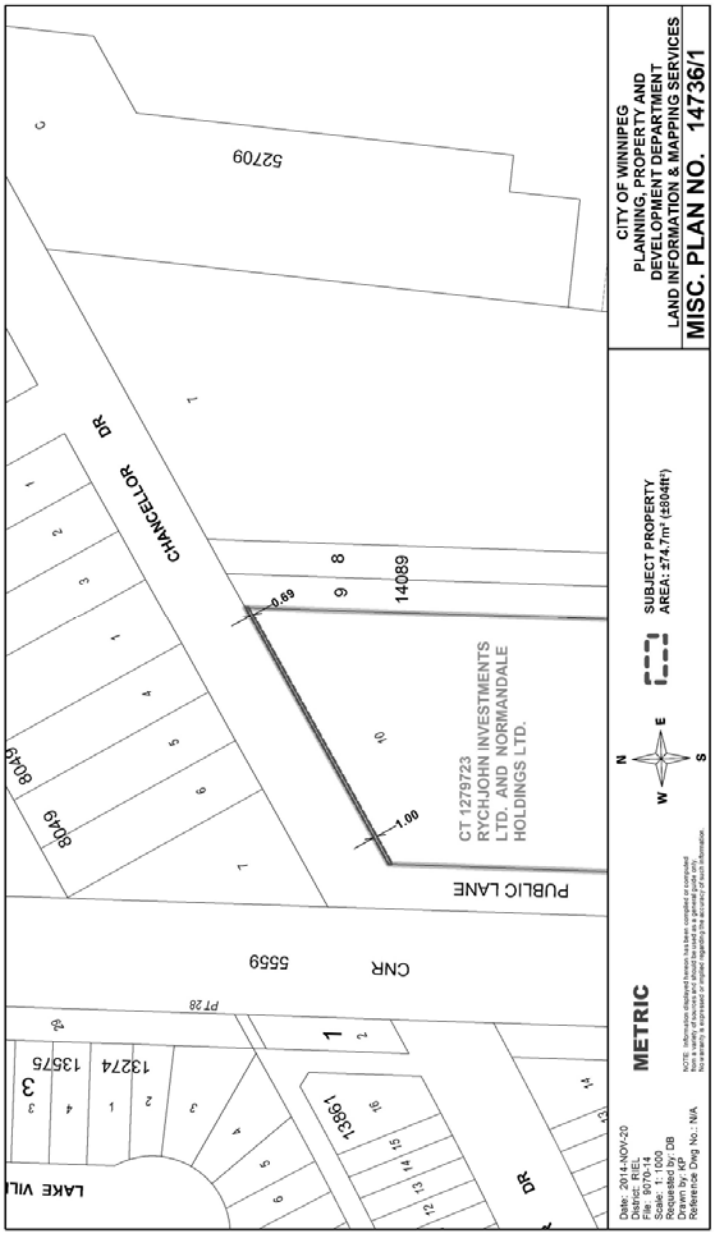
Holding # 13

Location: 2195 Pembina Highway
Legal Description: FIRSTLY: Lots 13 and 14 Plan 22533 WLTO in RL 3 To 9 and 9A Parish of St Vital.
SECONDLY: Lots 5 and 6 Plan 10367 WLTO in RL 7 Parish of St Vital
Zoning: C3 – Commercial - Corridor
Property Taking: Part Taking - +/- 100 M^2, (+/- 1,076 ft^2)
Description: Landscape (sod) and narrow sliver parking lot, no stalls. Interruption of access to two approaches, one for loading dock of commercial bldg..



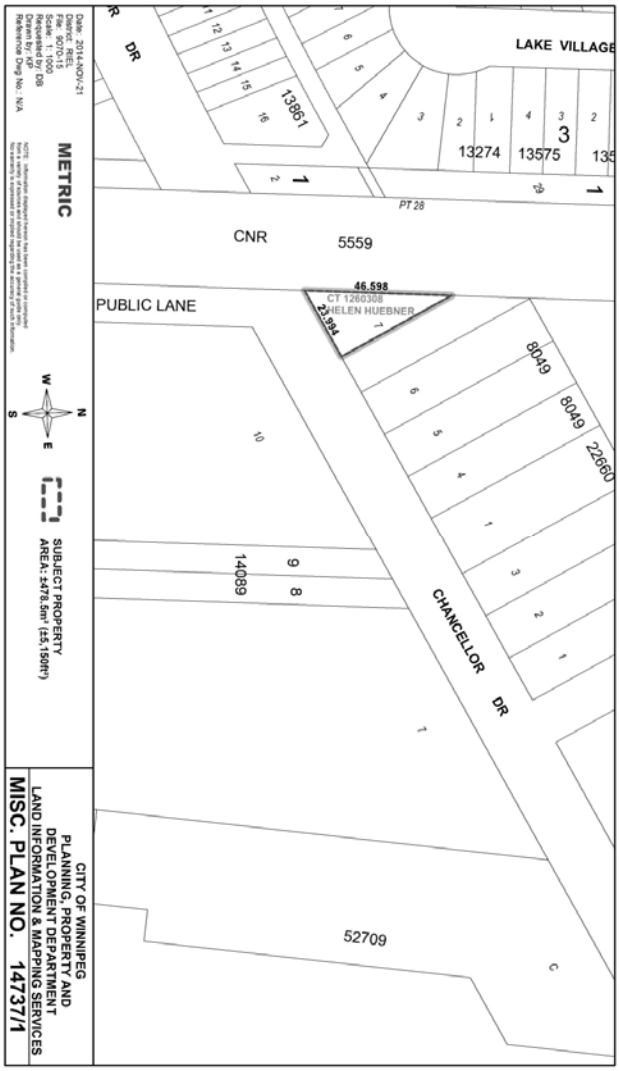
Holding # 14

Location:	948 & 952 Chancellor Drive
Legal Description:	Lot 10 Plan 14089 WLTO in RL 8 to 11 Parish of St Vital
Zoning:	C2 - Commercial - Community
Property Taking:	Part Taking - +/- 74.7 M^2, (+/- 804 ft^2)
Description:	Landscape (sod, two small signs, tree) Interruption of access to approach during construction



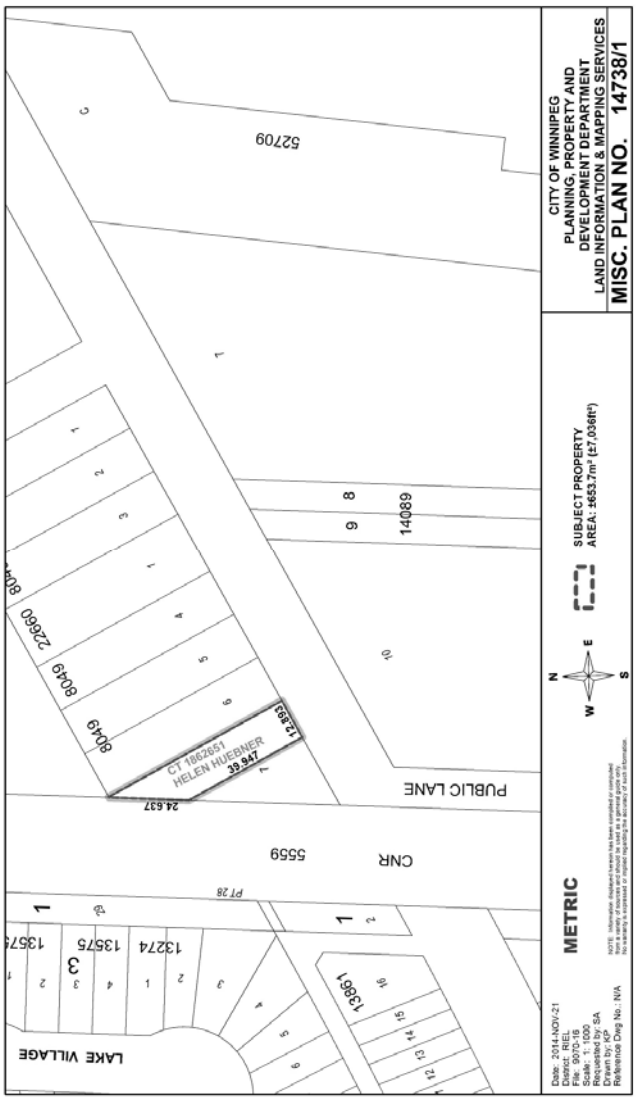
Holding # 15

Location: 971 & 973 Chancellor Drive
Legal Description: Parcel 7 Plan 8049 WLTO Exc The Ely 42.3 Feet Perp in RL 11 Parish of St Vital
Zoning: R2 – Residential – Two-Family
Property Taking: Part Taking - +/- 478.5 M^2, (+/- 5,150 ft^2)
Description: Entire 5150 sq ft improved residential lot with 1666 sq. ft. duplex



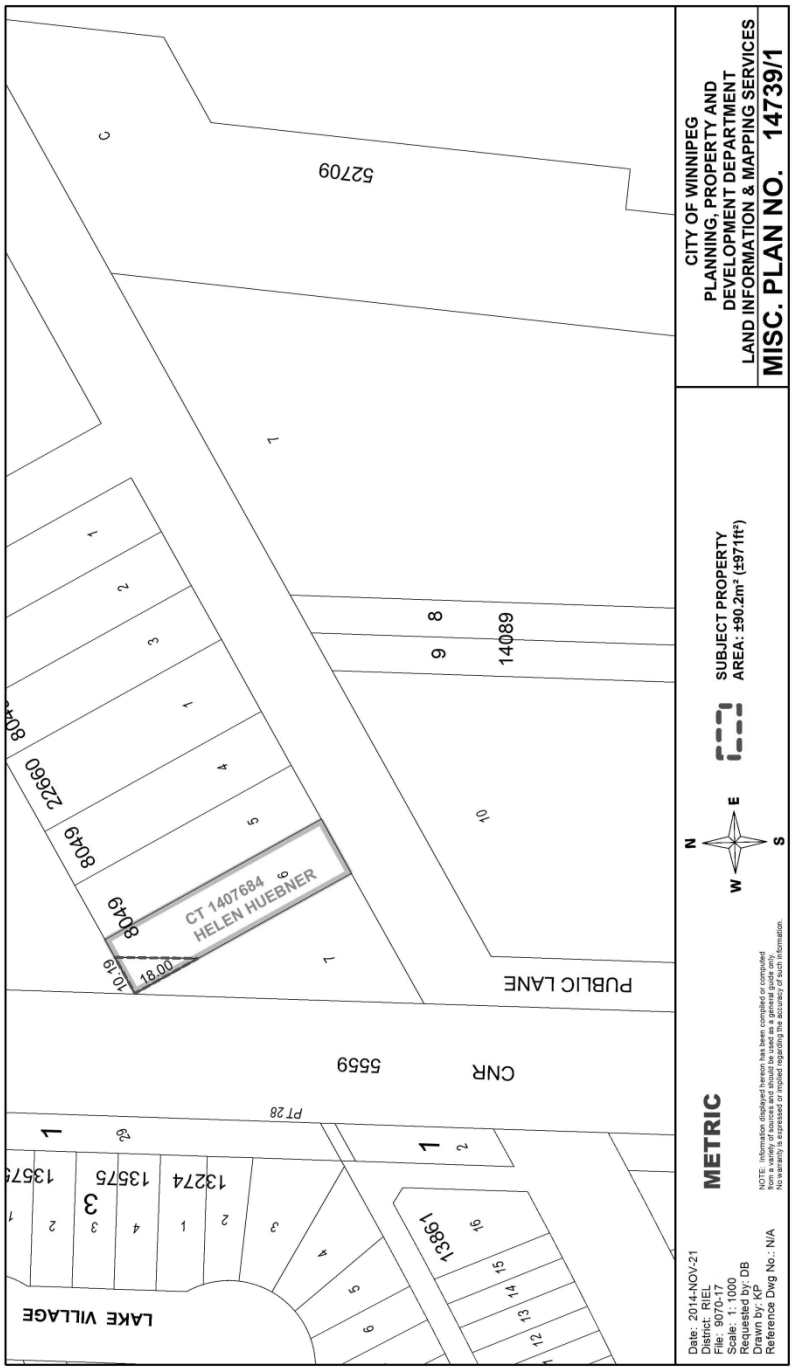
Holding # 16

Location: 967 & 969 Chancellor Drive
Legal Description: Ely 42.3 Feet Perp of Parcel 7 Plan 8049 WLTO in RL 11 Parish of St Vital
Zoning: R2 – Residential – Two-Family
Property Taking: Part Taking - +/- 653.7 M^2 (+/- 7,036 ft^2.)
Description: Entire 7036 sq ft improved residential lot with 1666 sq. ft. duplex



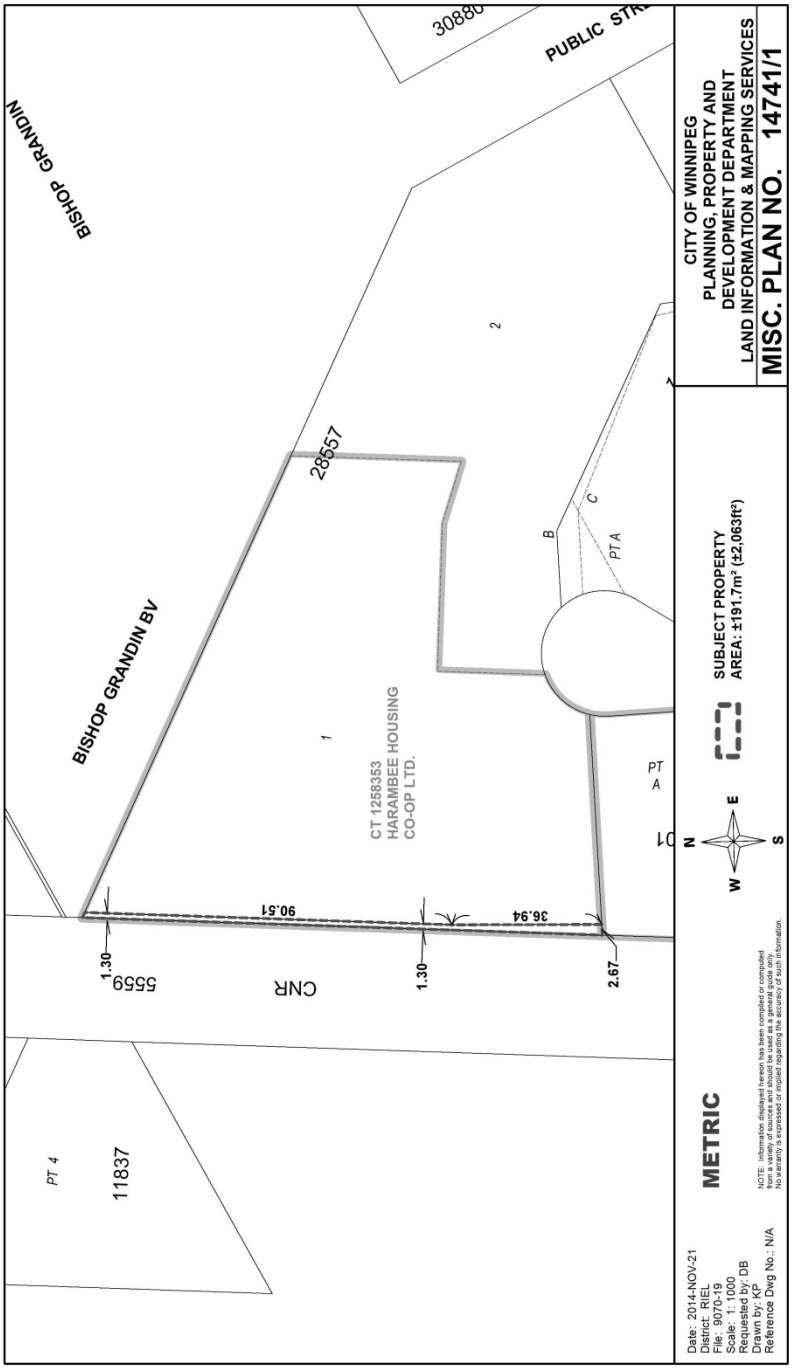
Holding # 17

Location: 963 & 965 Chancellor Drive
Legal Description: Parcel 6 Plan 8049 WLTO in RL 11 Parish of St Vital
Zoning: R2 – Residential – Two-Family
Property Taking: Part Taking - +/-90.2 M^2 (+/-971 ft^2)
Description: Landscape (sod, few trees)



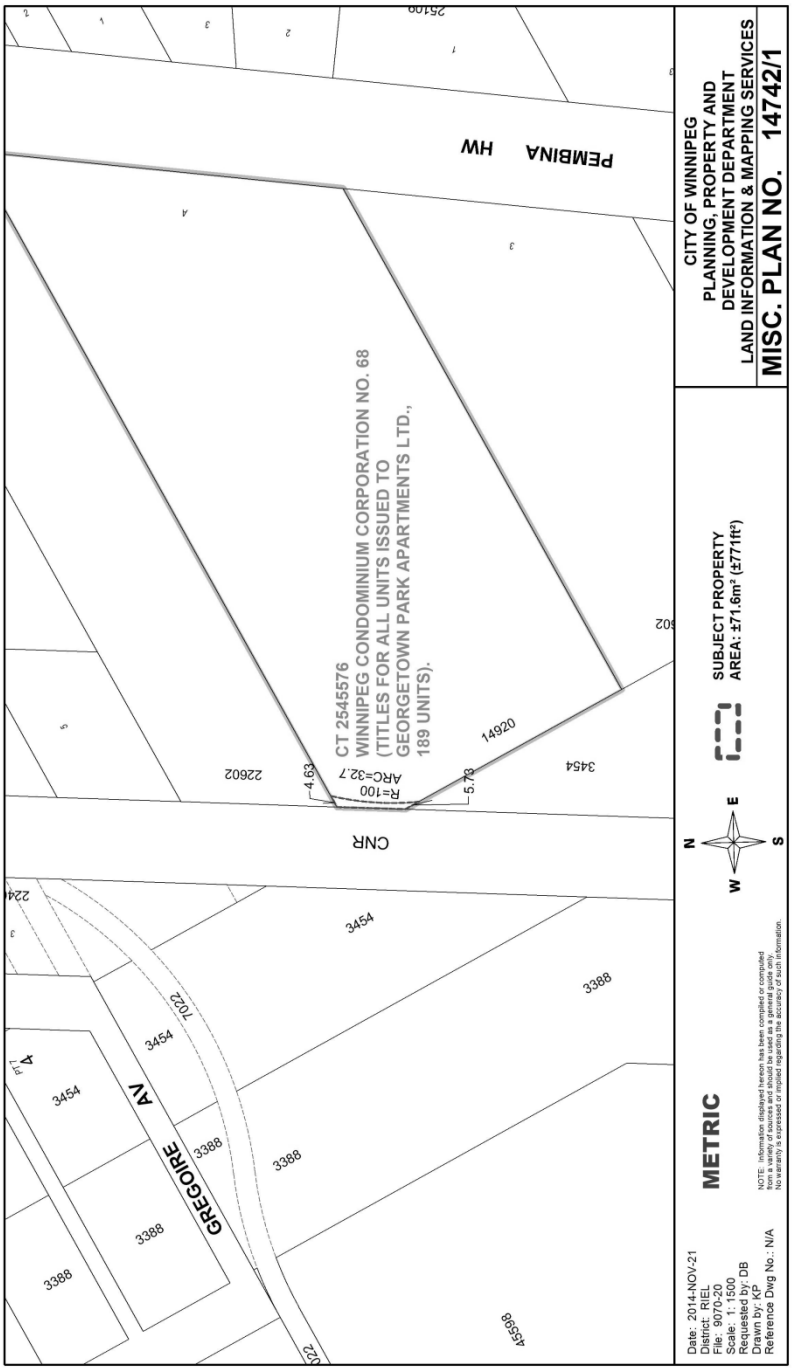
Holding # 19

Location: 45 Gaylene Place
Legal Description: Lot 1 Plan 28557 WLTO in RL 11, 12 And 13 Parish of St Vital
Zoning: RMF-M – Residential – Multi-Family
Property Taking: Part Taking - +/-191.7 M^2 (+/-2,063ft^2)
Description: Landscaped space (sod)



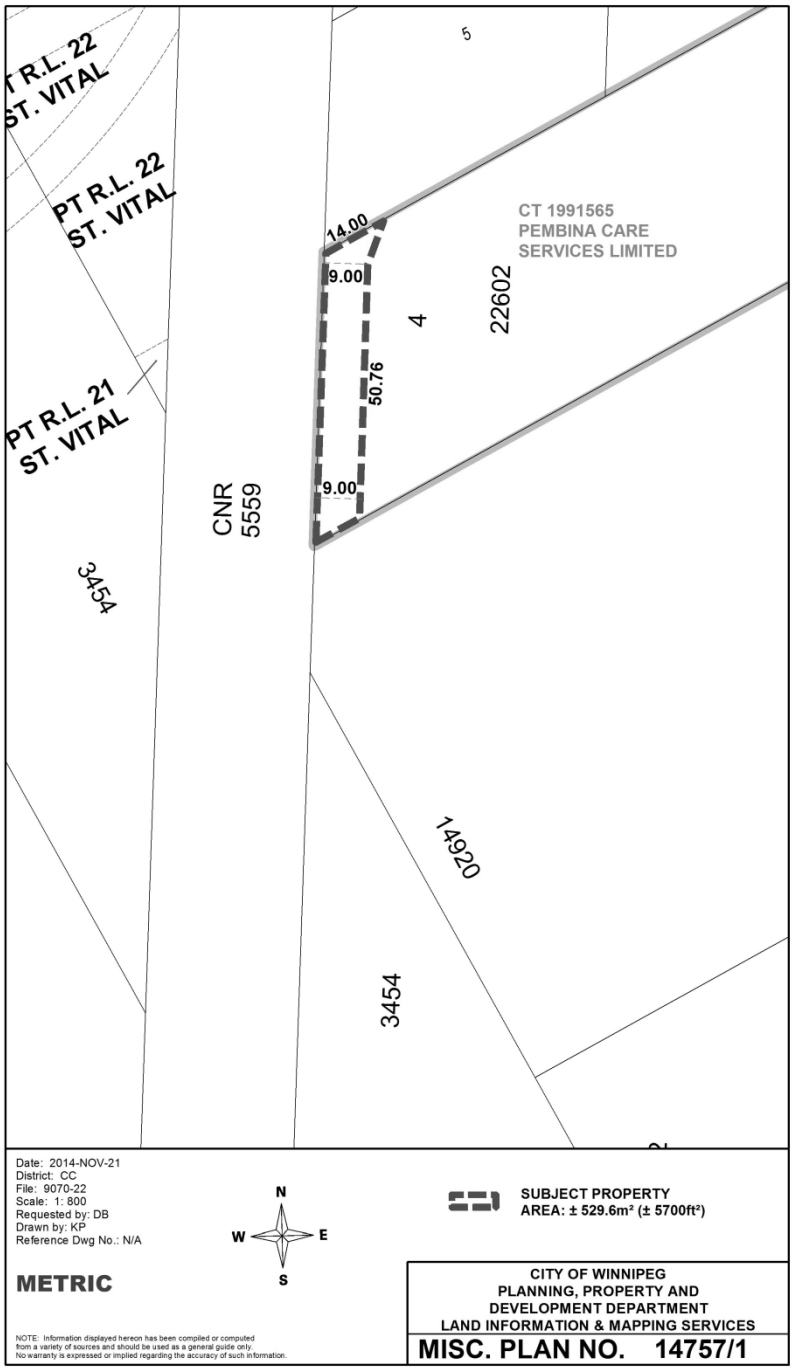
Holding # 20

Location: 1681-1699 Pembina Highway
Legal Description: Parcel A Plan 14920 WLTO in RL 20 And 21 Parish of St Vital
Zoning: RMF-S – Residential – Multi-Family
Property Taking: Part Taking - +/-71.6 M^2 (+/-771 ft^2)
Description: 3 Parking Stalls affected/removed.



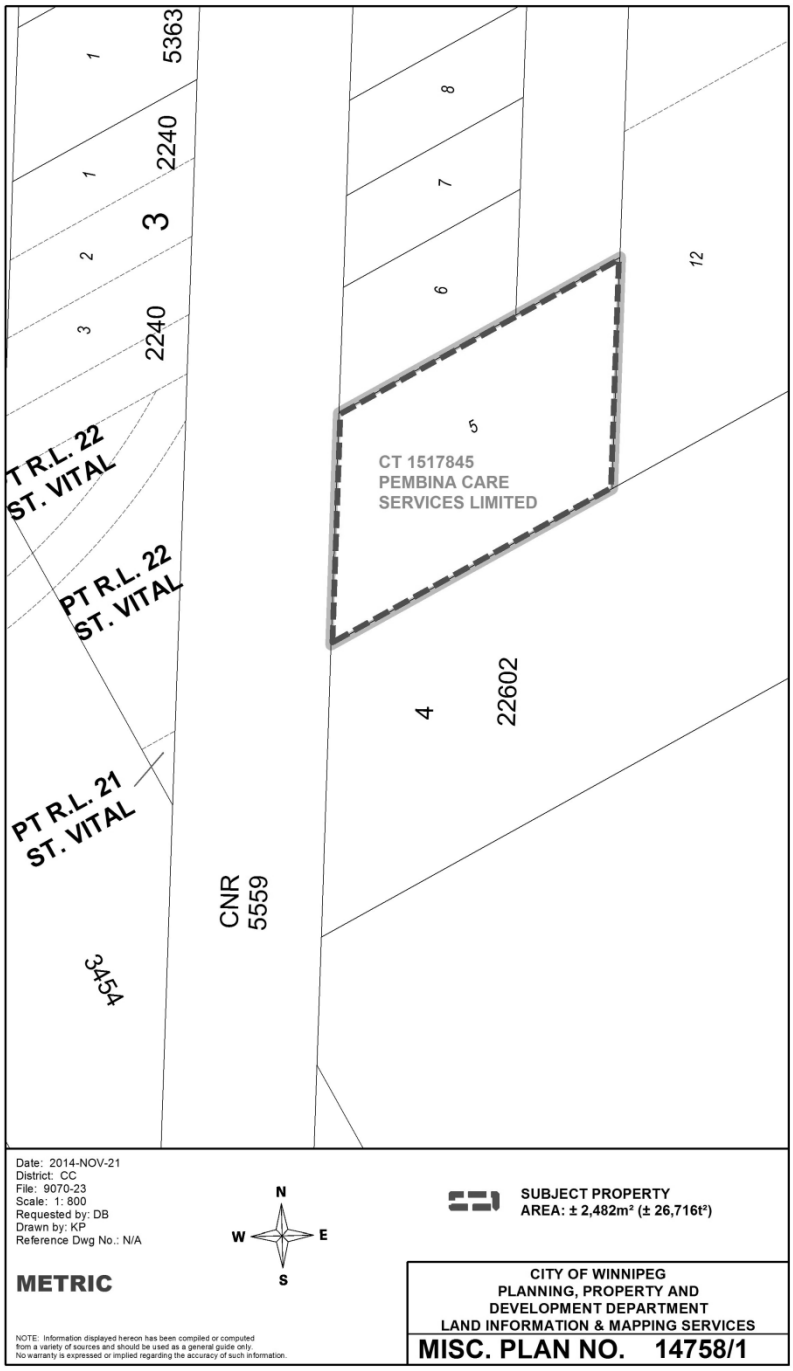
Holding # 22

Location:	1679 Pembina Highway
Legal Description:	SP Lot 4 Plan 22602 WLTO in RL 19 to 23 Parish of St Vital
Zoning:	RMF-M – Residential – Multi-Family
Property Taking:	Part Taking - +/- 529.6 M^2, (+/- 5,700 ft^2)
Description:	Landscape (sod, shrubs) Caveats, MTS and MB Hydro



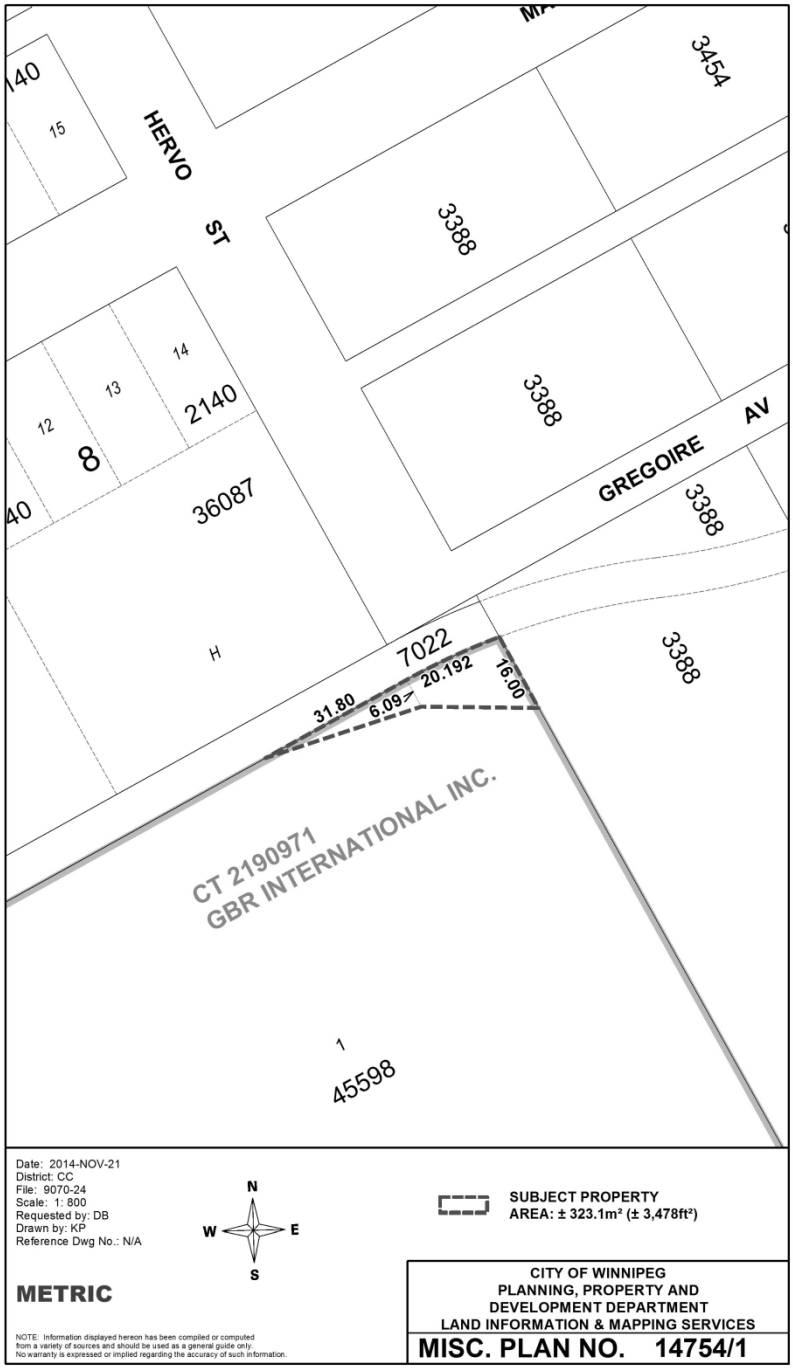
Holding # 23

Location:	South end of Hudson Street
Legal Description:	SP Lot 5 Plan 22602 WLTO in RL 19 to 23 Parish of St Vital
Zoning:	R1-L – Residential Single-Family
Property Taking:	Full Taking - +/- 2482 M^2, (+/- 26,716 ft^2)
Description:	Landscaping (trees, shrubs, sod) Caveats, MTS, MB Hydro, City of Wpg.



Holding # 24

Location: 5 55 Hervo Street
Legal Description: Lot 1 Plan 45598 WLTO in RL 18 to 22 Parish of St Vital
Zoning: C2 – Commercial - Community
Property Taking: Part Taking - +/- 323.1 M^2, (+/- 3,478 ft^2)
Description: Landscape (Portion of Concrete lot, Sod)



Holding # 25

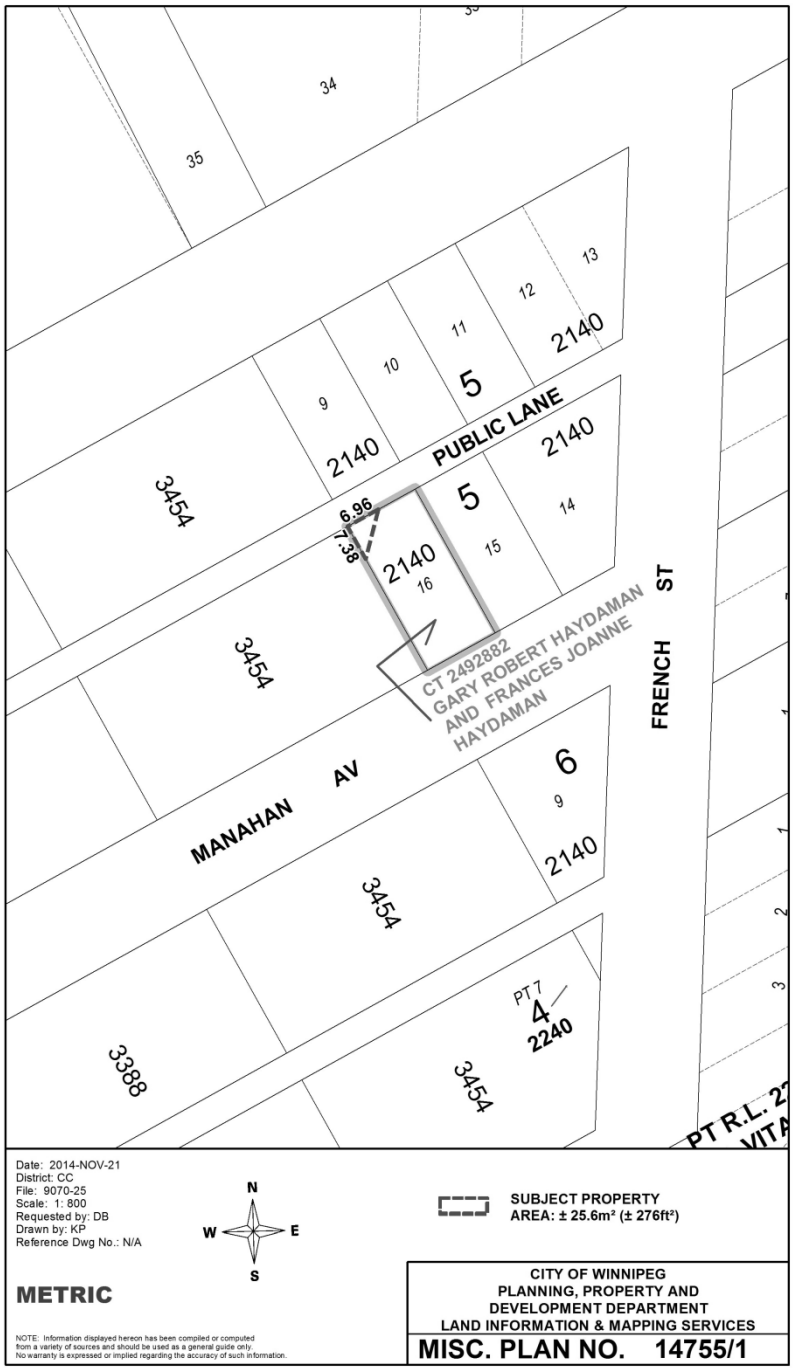
Location: 1155 Manahan Ave

Legal Description: Lot 16 Block 5 Plan 2140 WLTO in RL 23 Parish of St Vital

Zoning: M2 – Manufacturing - General

Property Taking: Part Taking - +/- 52.6 M^2, (+/- 276 ft^2)

Description: Move/replace 20’ fence -Vacant land – Storage compound.



Holding # 26

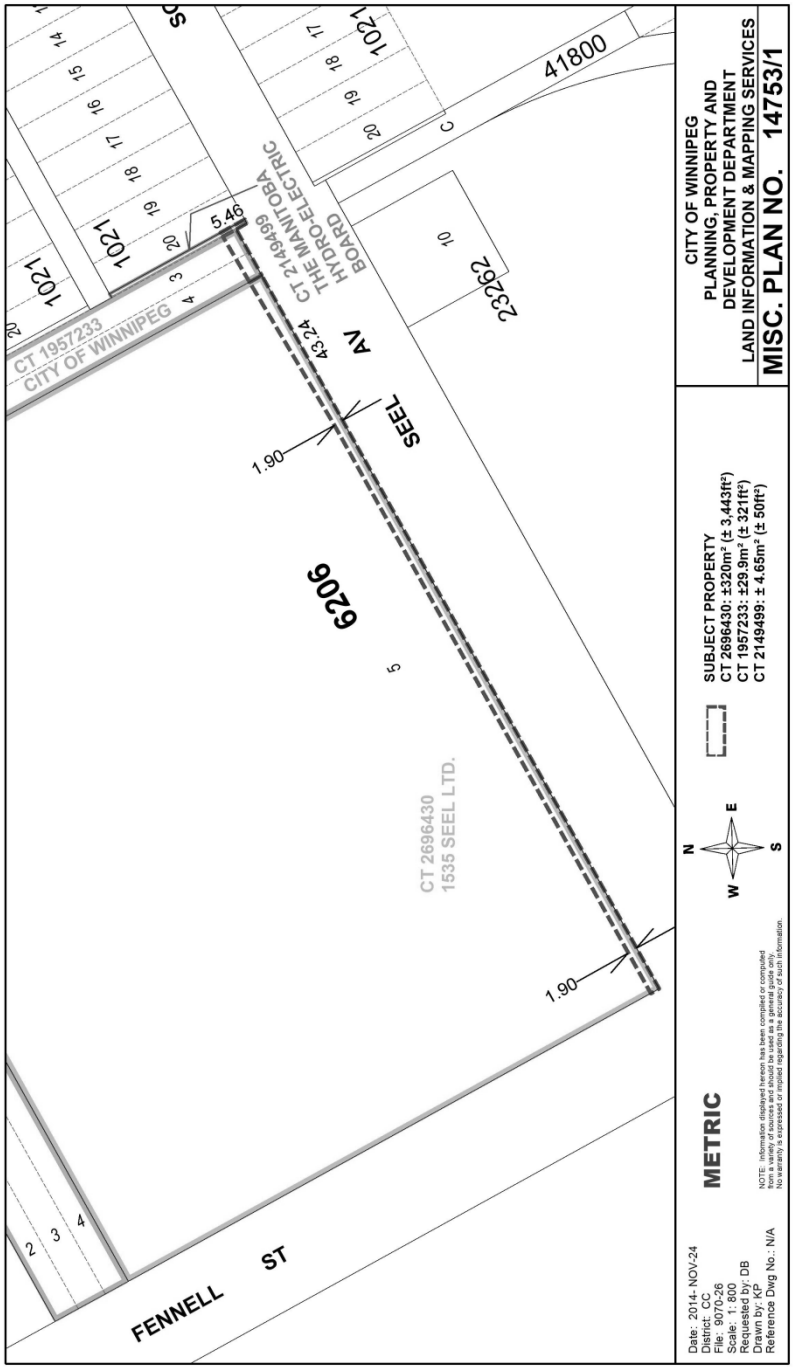
Location: 1535 Seel Ave

Legal Description: Lot 5 Block 3 Plan 6206 WLTO in RL 7 to 13 Parish of St Boniface

Zoning: M2 – Manufacturing – General

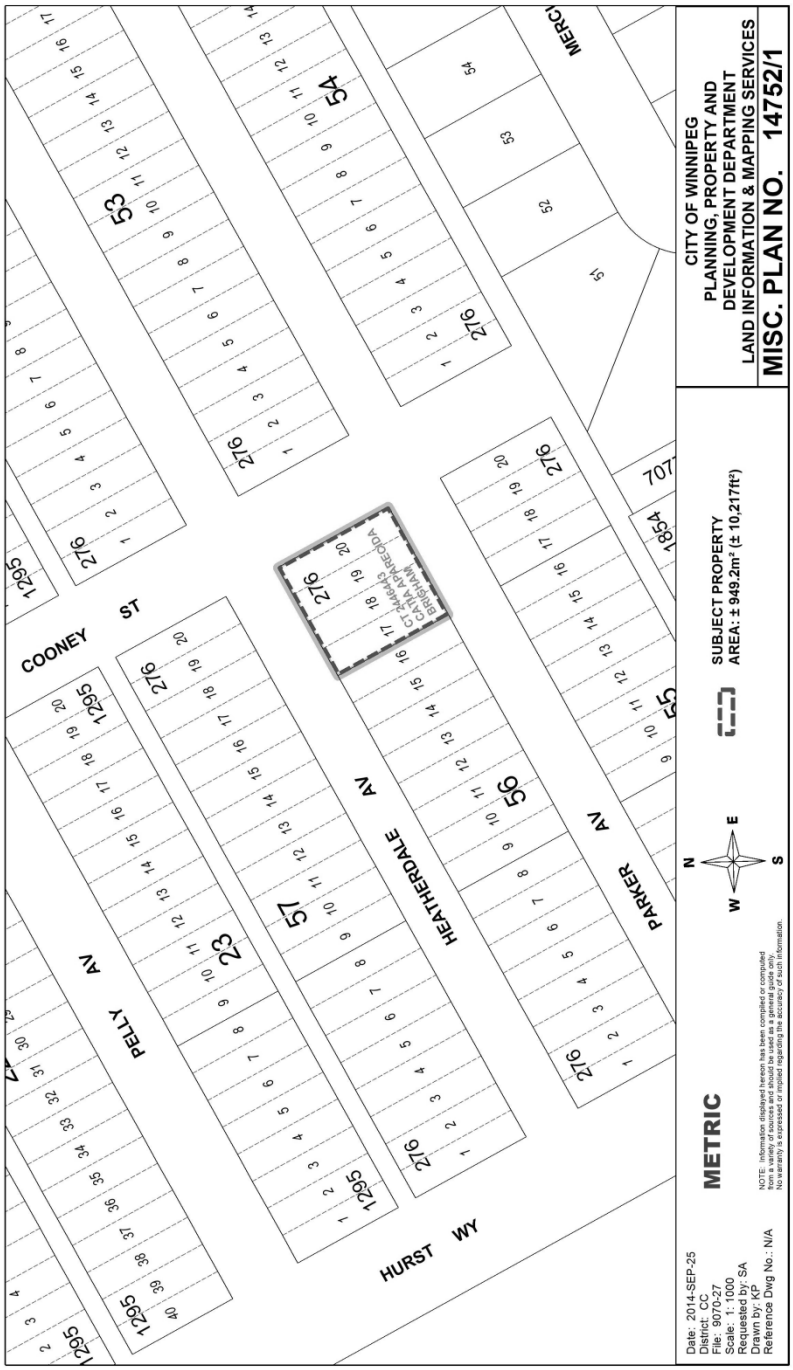
Property Taking: Part Taking - +/- 320 M^2 (+/- 3,443 ft^2)

Description: Landscape (sod, 1 tree) reduced access to two approaches and paved bike path during construction



Holding # 27

Location: 1500 Parker Avenue
Legal Description: Lots 17 to 20 Block 56 Plan 276 WLTO (W Div) in RL 17 Parish of St Boniface
Zoning: R1-M – Residential – Single-Family
Property Taking: Full Taking - +/-949.2 M^2 (+/-10,217 ft^2)
Description: 1080 sq ft Single Family Dwelling



Holding # 28

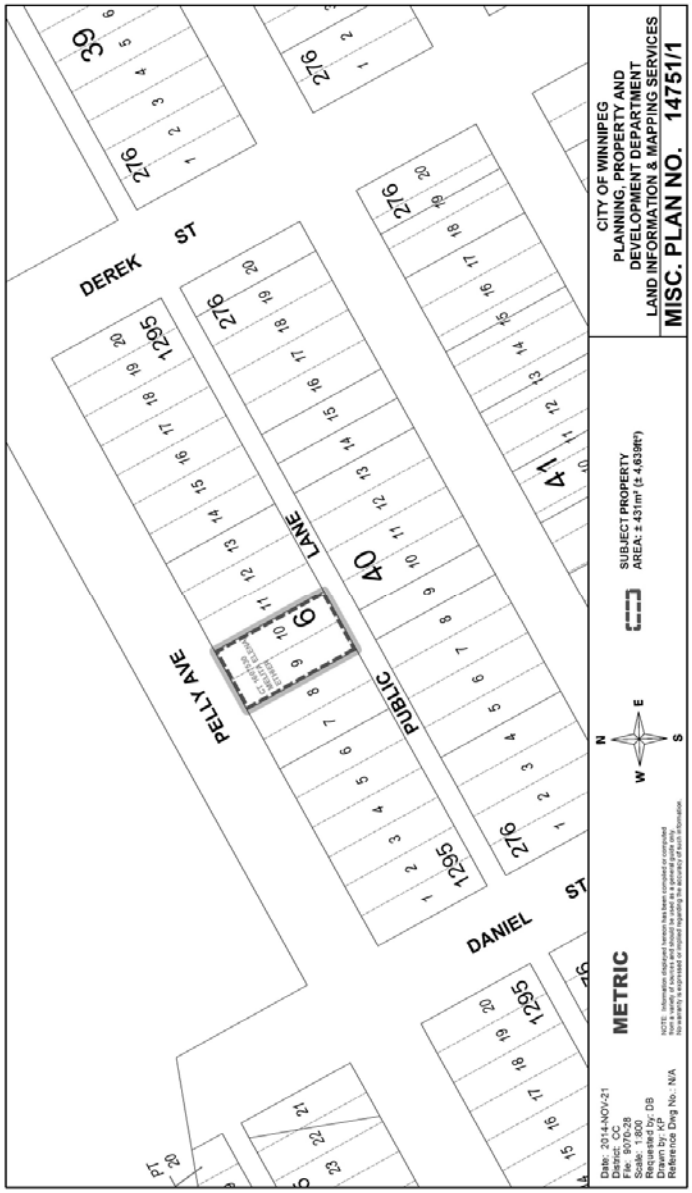
Location: On Pelly Ave approximately ½ way between Derek Street and Daniel Street

Legal Description: Lots 9 and 10 Block 6 Plan 1295 WLTO in RL 18 to 20 Parish of St Boniface

Zoning: R1-M – Residential - Multi-Family

Property Taking: Full Taking - +/-431 M^2 (+/-4,639 ft^2)

Description: Entire Vacant Residential lot. Unserviced lot



Holding # 29

Location: North of Heatherdale Ave from Derek Street to Wynne Street

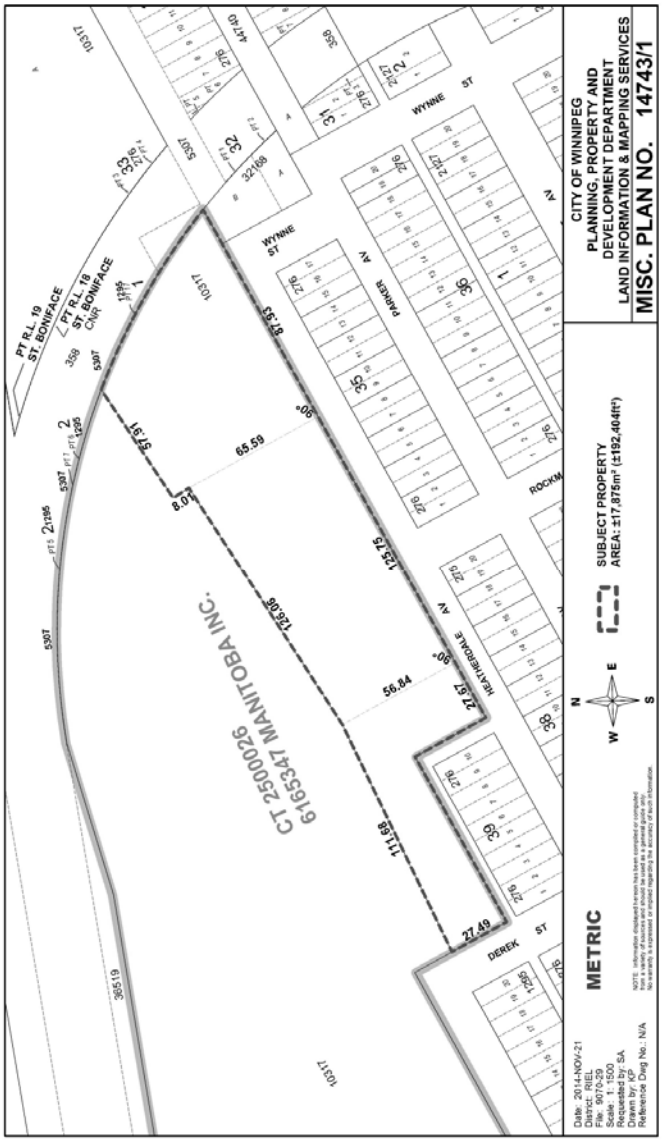
Legal Description: Parcel "B" Plan 10317 WLTO Exc Firstly: Plan 32168 WLTO and Secondly: All

Mines and Minerals, Mineral Oils, Petroleum Gas, Coal, Gravel and Valuable Stone In, Upon Or Under The Said Lands and The Right to Enter and Remove Same in RL 17 to 24, 46 to 50, 52 to 55 and 57 to 59 Parish of St Boniface

Zoning: M1 – Manufacturing - Light
M2 – Manufacturing - General
A - Agricultural

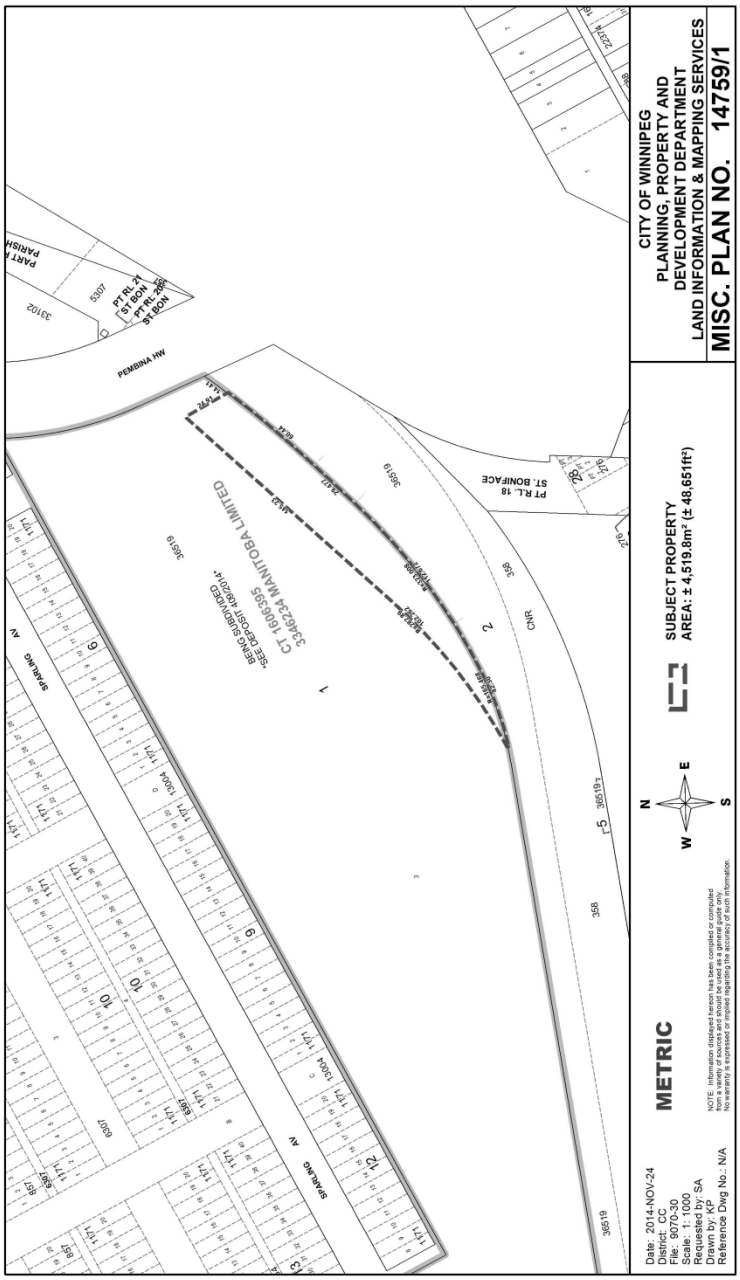
Property Taking: Part Taking - +/-17,875 M^2 (+/-192,404 ft^2)

Description: Vacant industrial land. No services.



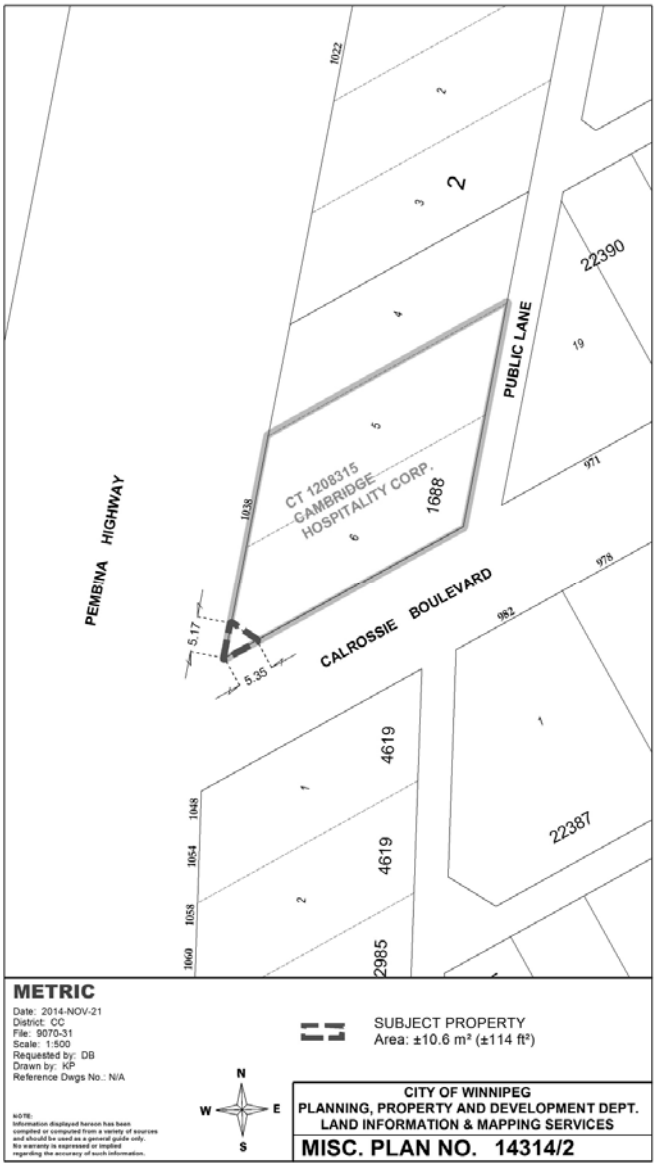
Holding # 30

Location: West of the Jubilee Overpass and Pembina Highway
Legal Description: Lot 3 Block 1 Plan 36519 WLTO in RL 18 to 25 And 46 Parish of St Boniface
Zoning: M1 - Manufacturing – Light M2 - Manufacturing - General
Property Taking: Part Taking - +/-4,519.8M^2 (+/-48,651 ft^2)
Description: Vacant Industrial Land, No services. MB Hydro Caveat, MTS Easement



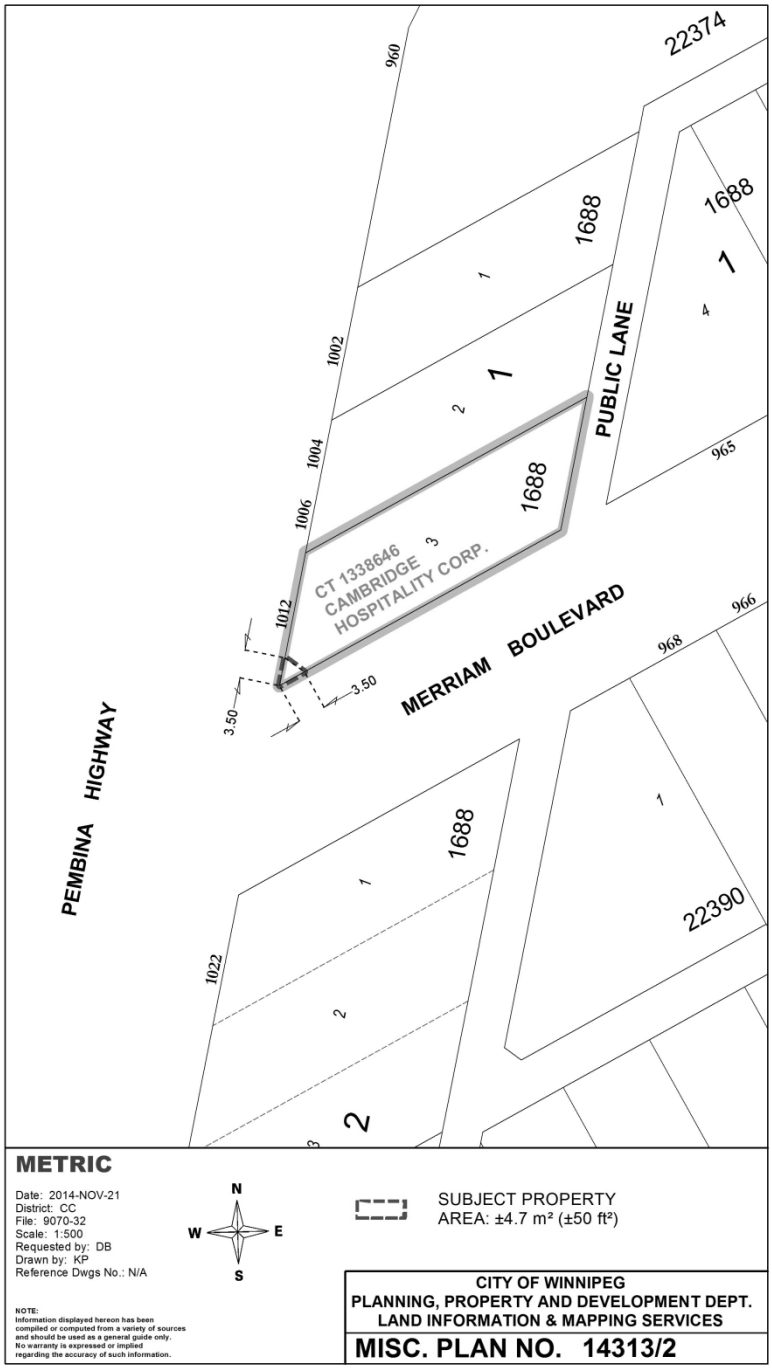
Holding # 31

Location:	1038 Pembina Highway
Legal Description:	Lots 5 And 6 Block 2 Plan 1688 WLTO Reserving From Said Lots 5 and 6 All Mines Minerals Mineral Oils Petroleum Gas Coal and Valuable Stone in Upon or Under Said Land and The Right To Enter and Remove The Same As More Fully Set Forth In Transfer No 822473 WLTO in RL 13 Parish of St Boniface
Zoning:	C2 – Commercial - Community
Property Taking:	Part Taking - +/- 10.6 M^2, (+/- 114 ft^2)
Description:	Landscaping (shrubs)



Holding # 32

Location: 1012 & 1022 Pembina Highway
Legal Description: Lot 3 Block 1 Plan 1688 WLTO in RL 13 Parish of St Boniface
Zoning: C2 – Commercial - Community
Property Taking: Part Taking - +/- 4.7 M^2, (+/- 50 ft^2)
Description: Concrete paving, not parking space



Holding # 33

Location: 1011 Pembina Highway

Legal Description: PARCEL 1: Lots 1 to 7 Block 30 and Lots 18, 19 and 20 Block 31 Plan 276 WLTO (W Div) Exc Out of Said Lots 4 to 7 Block 30, Those Portions Taken for Pembina Highway and Exc Out of Lots 6 and 7 Block 30, Public Street Plan 10193 WLTO and Exc Out of Said Lots 18, 19 and 20 Block 31 Red River Valley Railway Right-of-Way Plan 357 WLTO in RL 17 Parish of St Boniface

PARCEL 2: All That Portion of RL 17 Parish of St Boniface Bounded as Follows: On the South by the Southern Limit of Said Lot on The North by The Straight Production of the Southern Limit of Parker Avenue on the East by the Western Limit of Lot 1 Block 30 and on the West by the Eastern Limit of Lot 20 Block 31 as Said Lots and Parker Avenue Are Shown on Said Plan 276 WLTO Exc out of The Secondly Described Parcel of Land That Portion Which Lies to the West of a Line Drawn Concentric With and Radially Distant Ely 49.5 Feet From the Centre of the Land Taken for Red River Valley Railway Right-of-Way Plan 357 WLTO

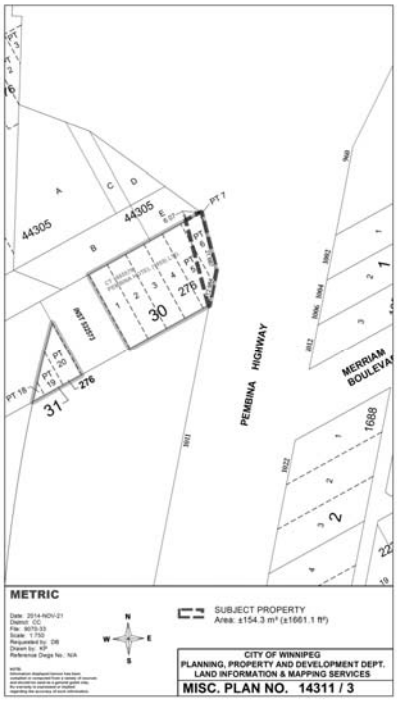
PARCEL 3: All That Portion of The Nly 160 Feet Perp of RL 13 Parish of St Boniface Lying Between The Eastern Limit of the Land Taken for the Red River Valley Railway Right-Of-Way Plan 5559 WLTO and the Western Limit of the Pembina Highway Plan 549 WLTO Said Parcel 3 Being Subject to the Reservations Contained In The Grant From The Crown

PARCEL 4: Sly 150 Feet Perp of Nly 310 Feet Perp of RL 13 Parish of St Boniface Lying Between the Eastern Limit Taken for Red River Valley Railway Right-of-Way Plan 360 WLTO and Western Limit of Pembina Highway Plan 549 WLTO

Zoning: C2 – Commercial - Community

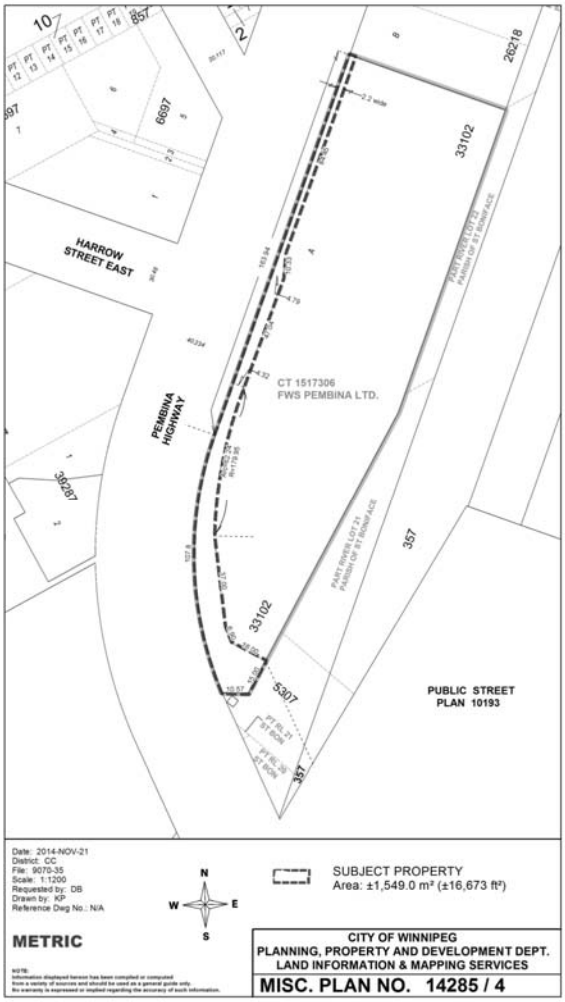
Property Taking: Part Taking - +/- 154.3 M^2, (+/- 1661.1 ft^2)

Description: Portion of Parking lot with Billboard to relocate. Multiple Stalls



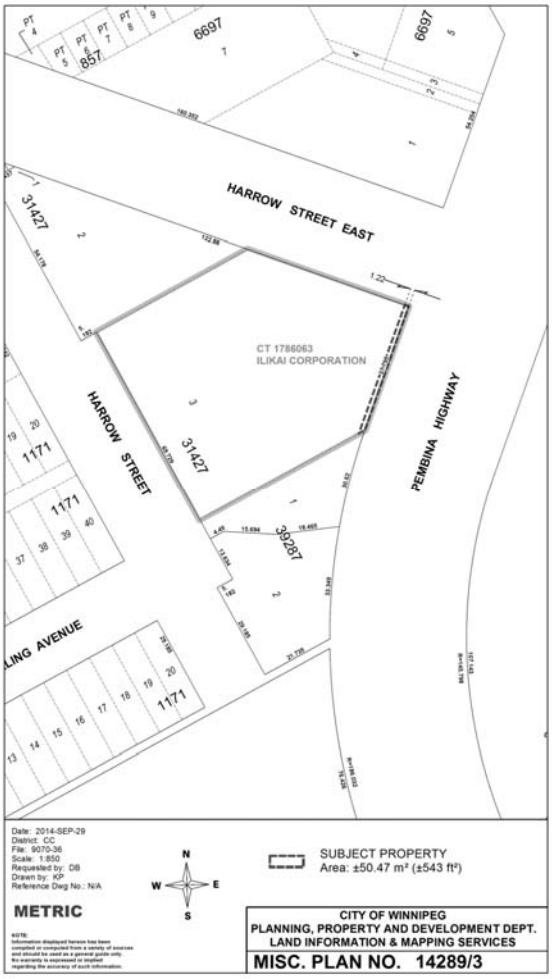
Holding # 35

Location: 850 & 870 & 890 Pembina Highway
Legal Description: Parcel A Plan 33102 WLTO in RL 21 to 23 Parish of St Boniface
Zoning: M1 – Manufacturing - Light
Property Taking: Part Taking - +/- 1549.0 M^2, (+/- 16,673 ft^2)
Description: Reduced assess to approach during construction. Landscape (Move/replace sign, 3 trees, sod) 11-14 Parking stalls removed



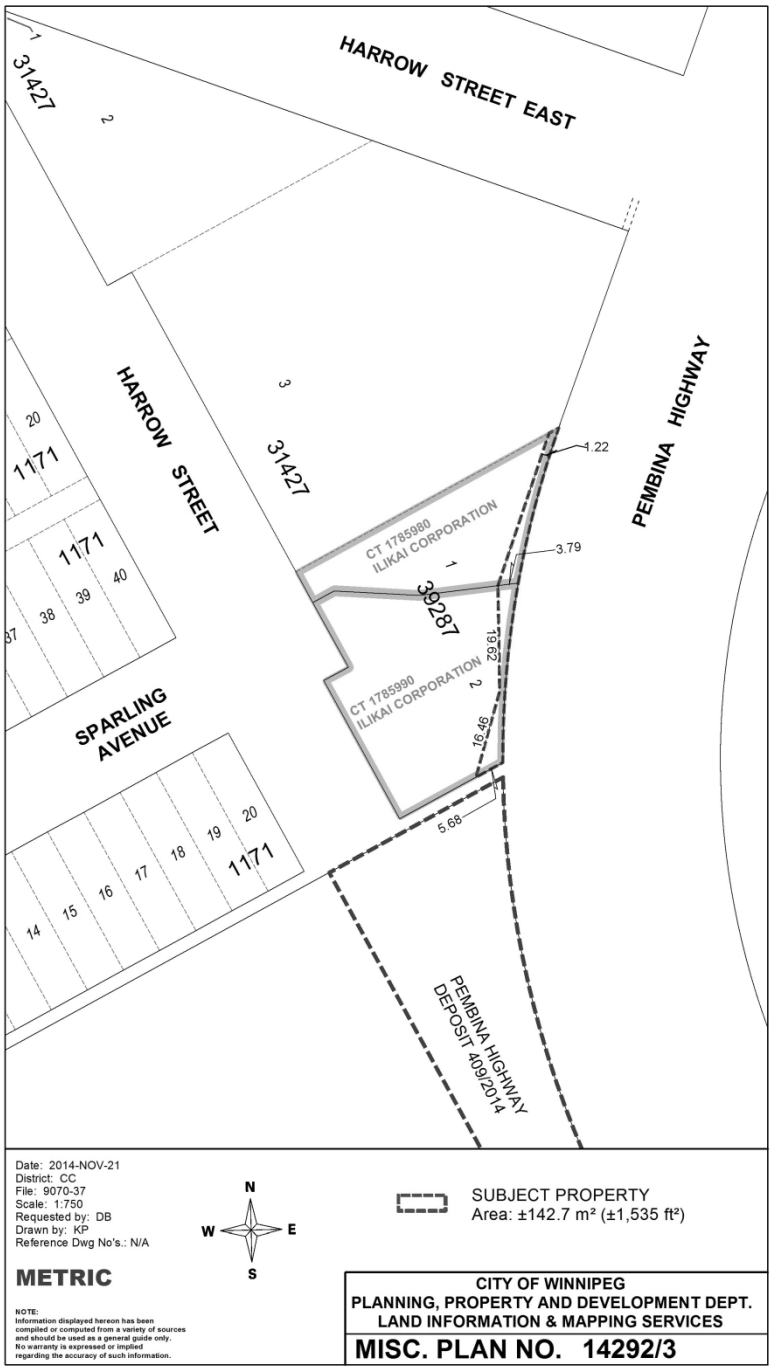
Holding # 36

Location: 800 & 900 Harrow Street
Legal Description: SP Lot 3 Plan 34127 WLTO in RL 22, 23 and 24 Parish of St Boniface
Zoning: C2 – Commercial Community
Property Taking: Part Taking - +/- 50.47 M^2 (+/- 543 ft^2.)
Description: Landscape (move/replace small fence, Sod)



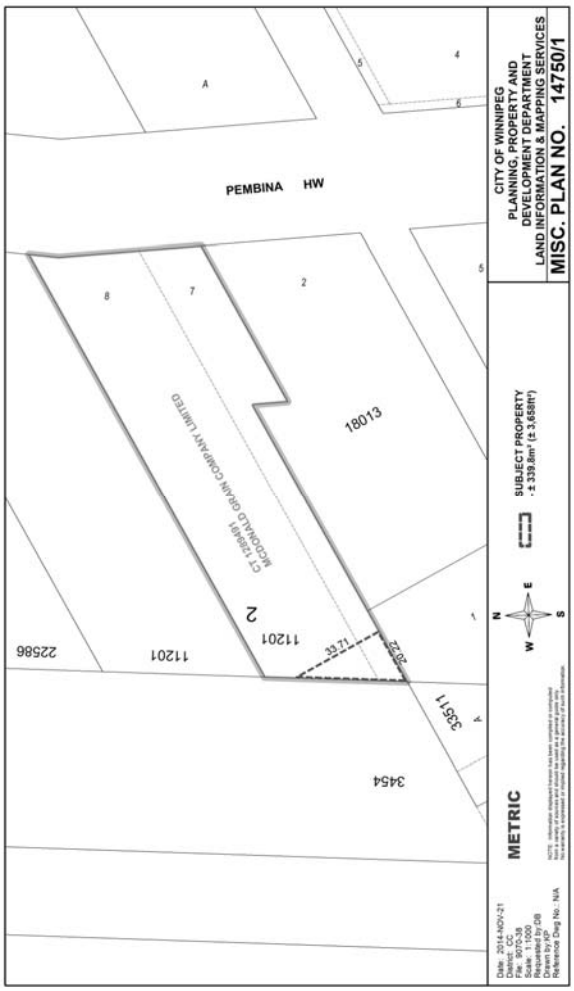
Holding # 37

Location:	717 Harrow Street
Legal Description:	Lot 1, Plan 39287 in RL 22 Parish of St Boniface And Lot 2, Plan 39287 in RL 22 Parish of St Boniface
Zoning:	C2 – Commercial Community
Property Taking:	Part Taking - +/-142.7 M^2 (+/-1,535 ft^2)
Description:	Landscape (sod, possible Bill board and Tree move)



Holding # 38

Location: 1833 Pembina Highway
Legal Description: Lots 7 & 8 Block 2 Plan 11201 WLTO in RL 15, 16 and 17 Parish of St Vital
Zoning: RMF-M – Residential – Multi-Family
Property Taking: Part Taking - +/- 339.8 M^2 (+/- 3,658 ft^2)
Description: Loss of roughly 12 Parking stalls and reconfiguration of lot.



Holding # 39

Location: 1000 Taylor Avenue just west of Pembina Highway & just south of Sparling Avenue.

Legal Description: Lot 3 Block 1 Plan 36519 WLTO in RL 18 to 25 And 46 Parish of St Boniface

Zoning: M1 – Manufacturing Light

Property Taking: Part Taking - +/-380.6 M^2 (+/-4,097 ft^2)

Description: Vacant industrial land. No services.

