THE CITY OF WINNIPEG

BY-LAW NO. 33/2015

A By-law of THE CITY OF WINNIPEG to acquire land for the purpose of construction of the Southwest Rapid Transit Bus Corridor including widening Markham Road, Southpark Drive, Seel Avenue, Chancellor Drive and Pembina Highway, in the City of Winnipeg, in Manitoba.

WHEREAS pursuant to The City of Winnipeg Charter and in particular sections 204 and 205, the City may expropriate land and improvements considered necessary for its purposes;

NOW THEREFORE THE CITY OF WINNIPEG, in Council assembled, enacts as follows:

1 The City hereby expropriates the following land:

Firstly,

The lands taken for Markham Road and Southpark Drive as shown on Plan Deposit 2119/2014 WLTO, prepared by Donald Neil Bourgeois, of the City of Winnipeg, Manitoba Land Surveyor, hereto attached,

Secondly,

The lands taken for Chancellor Drive as shown on Plan Deposit 2122/2014 WLTO, prepared by Donald Neil Bourgeois, of the City of Winnipeg, Manitoba Land Surveyor, hereto attached,

Thirdly,

The lands taken for Works and shown as parcels A and B on Plan Deposit 2137/2014 WLTO, prepared by Donald Neil Bourgeois, of the City of Winnipeg, Manitoba Land Surveyor, hereto attached,

Fourthly,

The lands taken for Works and shown as parcel A on Plan Deposit 0002/2015 WLTO, prepared by Donald Neil Bourgeois, of the City of Winnipeg, Manitoba Land Surveyor, hereto attached,

Fifthly,

All of the land contained within Lot 5, Plan 22602 WLTO,

Sixthly,

The lands taken for Works and shown as parcels A and B on Plan Deposit 0144/2015 WLTO, prepared by Kenneth Max Yerex, of the City of Winnipeg, Manitoba Land Surveyor, hereto attached,

Seventhly,

The lands taken for Seel Avenue as shown on Plan Deposit 0142/2015 WLTO, prepared by Kenneth Max Yerex, of the City of Winnipeg, Manitoba Land Surveyor, hereto attached,

Eighthly,

All of the land contained within Lots 17, 18, 19 and 20 in Block 56, Plan 276 WLTO,

Ninthly,

All of the land contained within Lots 9 and 10 in Block 6, Plan 1295 WLTO,

Tenthly,

The lands taken for Works and shown as parcel A on Plan Deposit 0054/2015 WLTO, prepared by Donald Neil Bourgeois, of the City of Winnipeg, Manitoba Land Surveyor, hereto attached,

Eleventhly,

The lands taken for Works and shown as parcel A on Plan Deposit 0036/2015 WLTO, prepared by Donald Neil Bourgeois, of the City of Winnipeg, Manitoba Land Surveyor, hereto attached,

Twelfthly,

The lands taken for Works and shown as parcels A, B and C on Plan Deposit 0141/2015 WLTO, prepared by Kenneth Max Yerex, of the City of Winnipeg, Manitoba Land Surveyor, hereto attached,

Thirteenthly,

The lands taken for Pembina Highway as shown on Plan Deposit 0001/2015 WLTO, prepared by Donald Neil Bourgeois, of the City of Winnipeg, Manitoba Land Surveyor, hereto attached,

Fourteenthly,

The lands taken for Works and shown as parcel A on Plan Deposit 0035/2015 WLTO, prepared by Donald Neil Bourgeois, of the City of Winnipeg, Manitoba Land Surveyor, hereto attached,

Fifteenthly,

The lands taken for Works and shown as parcel A on Plan Deposit 0055/2015 WLTO, prepared by Donald Neil Bourgeois, of the City of Winnipeg, Manitoba Land Surveyor, hereto attached,

Sixteenthly,

The lands taken for Works and shown as parcel A on Plan Deposit 0143/2015 WLTO, prepared by Kenneth Max Yerex, of the City of Winnipeg, Manitoba Land Surveyor, hereto attached,

for the purpose of construction of the Southwest Transit-Way (Stage 2) and Pembina Highway Underpass Project, in the City of Winnipeg, in Manitoba.

2 The lands described in section 1 are expropriated free of encumbrances, except for Instrument Numbers: **1579780, 1579777, 1579772, 1877561, 221134, 187579, 187580, 194482, 195046, 229301, 256931, 207405, 2495910, 2513473, 165092, 197495, 2324928, 4321570, 175024, 175025, 179180, 1988949, 3529771, 209786, 2069730, 2198952.**

3 The land described in section 1 excepts:

a) 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

b) 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.

4 The proper officers of the City are hereby authorized, instructed and empowered to do all things necessary to complete the expropriation of all land referred to in this By-law in accordance with the provisions of The City of Winnipeg Charter and The Expropriation Act.

DONE AND PASSED this 25th day of March, 2015.

_____
Mayor

_____
City Clerk

ADMINISTRATIVE APPROVALS:

Approved as to legal description:

_____
Donald Neil Bourgeois, M.L.S.
for Marc Pittet, Acting Director
Planning, Property and Development
Department

Approved as to details:

_____
Dave Wardrop, Director of Transit

Approved as to form:

_____
Angela Czarnecki, Solicitor
for Krista Boryskavich,
Acting Director of Legal Services and City Solicitor

_____
Michael Jack,
Acting Chief Administrative Officer