THE CITY OF WINNIPEG

BY-LAW NO. 89/2016

A By-law of THE CITY OF WINNIPEG to acquire land for the purpose of construction of the Waverley Street at CN Mainline (Rivers) Grade Separation Project, 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 lands:

Firstly: The lands taken for Works and shown as Parcels A and B on Plan Deposit 722/2016 WLTO, prepared by Albert Gerhard Degner of the City of Winnipeg, Manitoba Land Surveyor, in part RL 47 and 48 Parish of St Boniface hereto attached;

Secondly: The lands taken for Land Drainage Sewer Easement and shown as Parcel A on Plan Deposit 742/2016 WLTO, prepared by Albert Gerhard Degner of the City of Winnipeg, Manitoba Land Surveyor, in part RL 50 Parish of St Boniface hereto attached;

Thirdly: The lands taken for Temporary Work Space Easement and shown as Parcel A on Plan Deposit 723/2016 WLTO, prepared by Albert Gerhard Degner of the City of Winnipeg, Manitoba Land Surveyor, in part RL 47 Parish of St Boniface hereto attached;

Fourthly: The lands taken for Land Drainage Sewer Easement as the same are shown as Parcel A and the lands taken for Temporary Work Space Easement as the same are shown as Parcel B on Plan Deposit 725/2016 WLTO, prepared by Albert Gerhard Degner of the City of Winnipeg, Manitoba Land Surveyor, in part RL's 47, 48, 49 and 50 Parish of St Boniface hereto attached;

Fifthly: The lands taken for Waverley Street to be Opened as the same are shown bordered on Plan Deposit 721/2016 WLTO, prepared by Albert Gerhard Degner of the City of Winnipeg, Manitoba Land Surveyor, in part RL 47 Parish of St Boniface hereto attached;

Sixthly: The lands taken for Hurst Way to be Opened as the same are shown bordered on Plan Deposit 718/2016 WLTO, prepared by Albert Gerhard Degner of the City of Winnipeg, Manitoba Land Surveyor, in part RL 20 and 21 Parish of St Boniface hereto attached;

Seventhly: The lands taken for Temporary Work Space Easement and shown as Parcel A on Plan Deposit 720/2016 WLTO, prepared by Albert Gerhard Degner of the City of Winnipeg, Manitoba Land Surveyor, in part RL 24 and 46 Parish of St Boniface hereto attached;

Eighthly: The lands taken for Taylor Avenue to be Opened as the same are shown bordered on Plan Deposit 719/2016 WLTO, prepared by Albert Gerhard Degner of the City of Winnipeg, Manitoba Land Surveyor, in part RL 46 Parish of St Boniface hereto attached;

Ninthly: The lands taken for Cambridge Street to be Opened as the same are shown bordered on Plan Deposit 724/2016 WLTO, prepared by Albert Gerhard Degner of the City of Winnipeg, Manitoba Land Surveyor, in part RL 46 Parish of St Boniface hereto attached;

Tenthly: The lands taken for Waverley Street to be Opened as the same are shown bordered on Plan Deposit 744/2016 WLTO, prepared by Albert Gerhard Degner of the City of Winnipeg, Manitoba Land Surveyor, in part RL 46 Parish of St Boniface hereto attached and;

Eleventhly: The lands taken for Waverley Street to be Opened as the same are shown bordered on Plan Deposit 647/2016 WLTO, prepared by Albert Gerhard Degner of the City of Winnipeg, Manitoba Land Surveyor, in part RL 46 and 47 Parish of St Boniface hereto attached,

for the purpose of construction of the Waverley Street at CN Mainline (Rivers) Grade Separation Project, in the City of Winnipeg, in Manitoba.

2 The lands described in section 1 are expropriated free of encumbrances, except for part of the lands Firstly described, being Parcels A and B on Plan Deposit 722/2016 WLTO which is expropriated subject to Caveat numbered 81-22968/1 and Instrument numbered A52027/1.

3 The lands described in section 1 except:

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 lands 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 13th day of July, 2016.

Mayor

City Clerk

ADMINISTRATIVE APPROVALS:

Approved as to legal description:

Donald Neil Bourgeois, M.L.S.
for John Kiernan, Director
Planning, Property and Development
Department

Approved as to details:

Lester Deane, Director
Public Works Department

Approved as to form:

Angela Czarnecki
for Krista Boryskavich
Director of Legal Services / City Solicitor

Douglas McNeil
Chief Administrative Officer