Minute No. 21
Report – Executive Policy Committee – November 9, 2016

Item No. 7 **Expropriation Settlement – Southwest Rapid Transitway (Stage 2) and Pembina Highway Underpass Project – Holding #27, 1500 Parker Ave (River Heights – Fort Garry Ward)**

COUNCIL DECISION:

Council concurred in the recommendation of the Executive Policy Committee and adopted the following:

1. That the proposed expropriation settlement negotiated with Catia Macieira (Holding #27) of $345,000 (plus GST, which shall be remitted by the City directly on behalf of the expropriated party), plus ancillary costs, be approved, pursuant to Section 28 of The Expropriation Act of Manitoba.

2. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Report – Executive Policy Committee – November 9, 2016

DECISION MAKING HISTORY:

Moved by His Worship Mayor Bowman,

That the recommendation of the Executive Policy Committee be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On November 9, 2016, the Executive Policy Committee concurred in the recommendation of the Winnipeg Public Service and submitted the matter to Council.

ADMINISTRATIVE REPORT

Title: Proposed Expropriation Settlement – Southwest Rapid Transitway (Stage 2) and Pembina Highway Underpass Project – Holding #27 –
1500 Parker Ave - Catia Aparecida Macieira (formerly Brigham)

Critical Path: Executive Policy Committee - Council

AUTHORIZATION

Author	Department Head	CFO	CAO
J. Zabudney	J. Kiernan	M. Ruta	D. McNeil

EXECUTIVE SUMMARY

Negotiations for the settlement of the expropriation of lands with the owner of 1500 Parker Avenue are now complete and approval by Council will enable the transaction to be finalized.

RECOMMENDATIONS

1. That the proposed expropriation settlement negotiated with Catia Macieira (Holding #27) of $345,000 (plus GST, which shall be remitted by the City directly on behalf of the expropriated party), plus ancillary costs, be approved, pursuant to Section 28 of The Expropriation Act of Manitoba.

2. That the proper officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

REASON FOR THE REPORT

Under The Expropriation Act of Manitoba, the City is required to pay such reasonable costs, expenses and losses (i.e. disturbance damages) that arise out of or are incidental to the expropriation.

Council is authorized to approve the settlement claims brought by or against the City and claims arising out of expropriations (excluding interest and legal and appraisal fees) exceeding $250,000.

IMPLICATIONS OF THE RECOMMENDATIONS

There are no regulatory, environmental or human resource implications associated with this report.

Winnipeg Transit has advised that there is adequate funding for the expropriation available in the Capital Integration Project – Southwest Rapid Transitway (Stage 2) and Pembina Highway Underpass budget, Account # 442-181000-420755-4230010514-PROPERTY.

The City shall pay to the expropriated party $85,000, in combination with previous payments, results in a final settlement amount of $345,000 (plus GST, which shall be remitted by the City directly on behalf of the expropriated party).

HISTORY

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 the Planning, Property and Development Department was also authorized to negotiate the acquisition of land required for this project.

At its February 25, 2015 meeting Council concurred with the Standing Policy Committee on Property and Development, recommending 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 required by the City for the Southwest Transitway (Stage 2) Project.

An inquiry hearing was held on August 4th, 6th, 7th, 10th, 11th, 12th, 25th, September 2nd and 4th to determine whether the "*intended expropriation is fair and reasonably necessary for the achievement of the objective of the expropriating authority*" (The Expropriation Act, Schedule A, 6(2)). The inquiry hearing occurred based on the objections from the expropriated parties.

On November 16, 2015, the Inquiry Officer completed the Inquiry Report which included a recommendation to the expropriating authority that changes be made to the expropriation.

On January 27, 2016, Council confirmed the expropriation of lands for the Southwest Rapid Transitway (Stage 2) and Pembina Highway Underpass Project as outlined in the amended Declaration of Expropriation which reduced the taking size of 2 parcels and removed 3 holdings which were previously settled.

Holding #27, the subject of this report, was not part of the amendments and was confirmed unmodified. This holding is a full taking located at 1500 Parker Avenue that consisted of an older 1,080 sq. ft. single family residential home on a 10,217 sq. ft. lot.

An advance for $260,000 was paid out to the owners in June of 2016 so the remaining balance to be paid is $85,000.

Negotiations for the settlement of the expropriation of lands with the owner of 1500 Parker Avenue are now complete and only require the approval of Council to be finalized.

The Department has consulted with Winnipeg Transit, who is in support of the proposed settlement as negotiated.

FINANCIAL IMPACT

Financial Impact Statement

Date: October 11, 2016

Project Name:

First Year of Program **2016**

Proposed Expropriation Settlement – Southwest Rapid Transitway (Stage 2) and Pembina Highway Underpass Project – Holding #27 – 1500 Parker Ave - Catia Aparecida Macieira (formerly Brigham)

	2016	2017	2018	2019	2020
Capital					
Capital Expenditures Required	$ 87,763	$ -	$ -	$ -	$ -
Less: Existing Budgeted Costs	87,763	-	-	-	-
Additional Capital Budget Required	$ -	$ -	$ -	$ -	$ -
Funding Sources:					
Debt - Internal	$ -	$ -	$ -	$ -	$ -
Debt - External	-	-	-	-	-
Grants (Enter Description Here)	-	-	-	-	-
Reserves, Equity, Surplus	-	-	-	-	-
Other - Enter Description Here	-	-	-	-	-
Total Funding	$ -	$ -	$ -	$ -	$ -
Total Additional Capital Budget Required	$ -				
Total Additional Debt Required	$ -				
Current Expenditures/Revenues					
Direct Costs	$ -	$ -	$ -	$ -	$ -
Less: Incremental Revenue/Recovery	2,763	-	-	-	-
Net Cost/(Benefit)	$ (2,763)	$ -	$ -	$ -	$ -
Less: Existing Budget Amounts	(2,763)	-	-	-	-
Net Budget Adjustment Required	$ -	$ -	$ -	$ -	$ -

Additional Comments: Capital expenditures consist of the $345,000 offer of compensation, less the $260,000 advance paid in June 2016, or $85,000 + short-term financing charges and corporate admin fees of $2,763. The latter amount is offset by an equal recovery in the current budget of the Corporate Finance Department. Ancillary costs have been excluded from the analysis as they are considered to be immaterial and/or not reasonably determinable at this time.

"Original signed by"
Mike McGinn, CPA, CA
Manager of Finance

CONSULTATION

Legal Services as to Legal Issues
Winnipeg Transit

OURWINNIPEG POLICY ALIGNMENT

N/A

SUBMITTED BY

Department: Planning, Property & Development
Division: Real Estate
Prepared by: Marlene Haderer, Senior Negotiator
File No. 9070/27
Date: October 14, 2016

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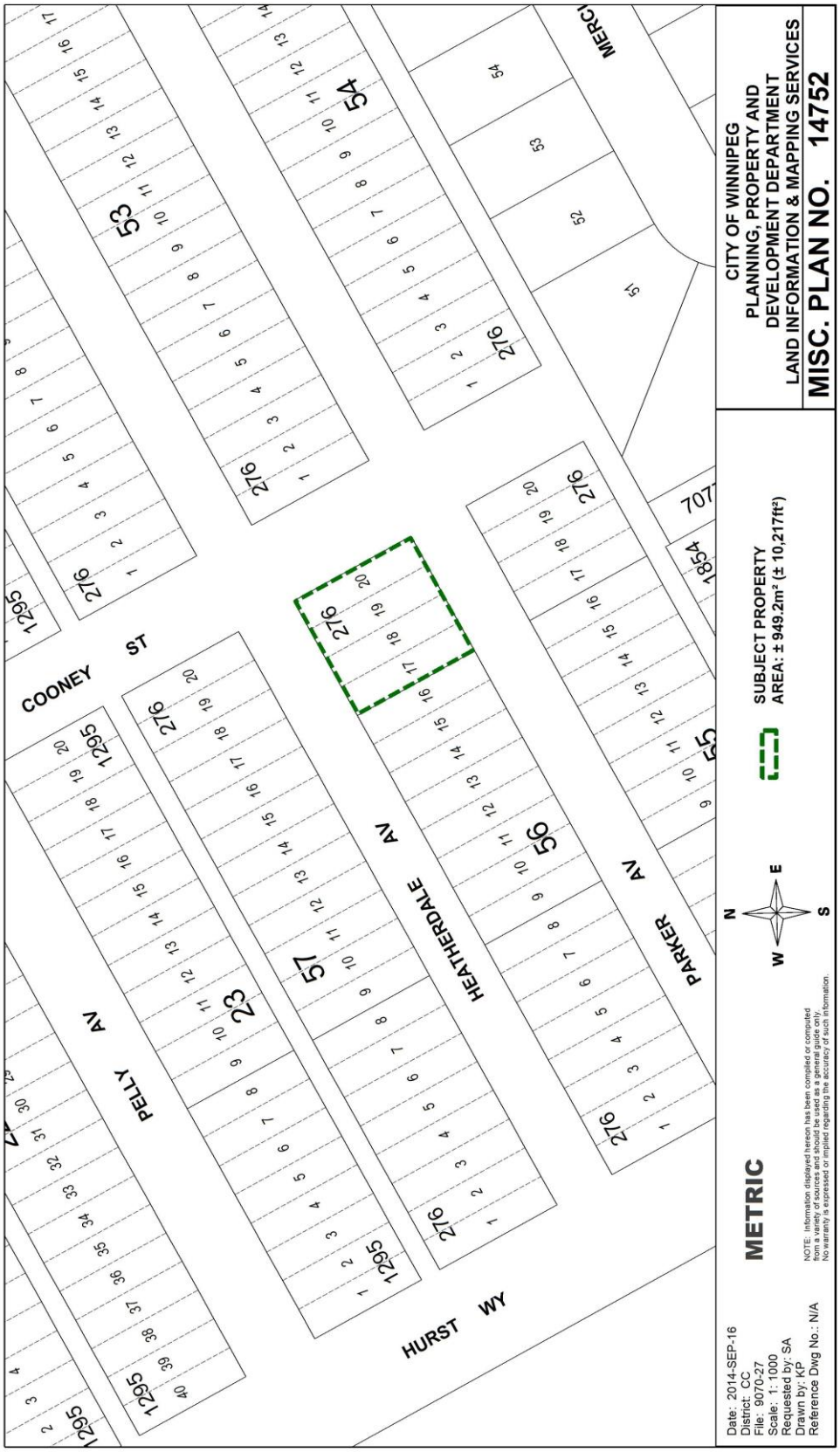
CITY OF WINNIPEG
PLANNING, PROPERTY AND
DEVELOPMENT DEPARTMENT
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 14752
SUBJECT PROPERTY
AREA: ± 949.2m² (± 10,217ft²)
METRIC
N
E
S
W
COONEY ST
PELLY AV
HEATHERDALE AV
PARKER AV
HURST WY
MERCI
Date: 2014-SEP-16
District: CC
File: 9070-27
Scale: 1: 1000
Requested by: SA
Drawn by: KP
Reference Dwg No.: N/A
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