Agenda – Council – February 22, 2018

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – February 2, 2018

Item No. 12 Expropriation of Lands – 262 Cadboro Road – South Winnipeg Recreation Campus
(South Winnipeg - St. Norbert Ward)

STANDING COMMITTEE RECOMMENDATION:

On February 13, 2018, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development 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 identified as "Proposed Acquisition" on Misc. Plan No. 15282, attached as Schedule "A", which is required by the City for the South Winnipeg Recreation Campus Project.

2. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing, including demolition of any building, execution of any necessary documents and preparation of any necessary by-laws.

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – February 2, 2018

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 13, 2018, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On February 2, 2018, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the Winnipeg Public Service and submitted the matter to the Executive Policy Committee and Council.

ADMINISTRATIVE REPORT

Title: **Expropriation of Lands – 262 Cadboro Road – South Winnipeg Recreation Campus**

Critical Path: **Standing Policy Committee on Property and Development, Heritage and Downtown Development - Executive Policy Committee - Council**

AUTHORIZATION

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

EXECUTIVE SUMMARY

The Winnipeg Public Service has identified the land, shown as “PROPOSED ACQUISITION” on Misc. Plan No. 15282 and attached as Schedule “A”, as required for the South Winnipeg Recreation Campus (herein called the “Project”).

Authorization to expropriate is required from Council to ensure that the City acquires the necessary property for the Project.

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 identified as “Proposed Acquisition” on Misc. Plan No. 15282, attached as Schedule “A”, which is required by the City for the South Winnipeg Recreation Campus Project.

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

REASON FOR THE REPORT

According to the “Policy for the Sale, Acquisition, Rental, Leasing and Management of Properties”, Council approval is required to approve all land acquisition programs and to pass expropriation by-laws.

IMPLICATIONS OF THE RECOMMENDATIONS

- The Planning, Property and Development Department (the "Department") has determined that there are no regulatory, environmental or human resource implications associated with this report.

- The City will be responsible to compensate the owner for the market value of the land taken and other costs in accordance with *The Expropriation Act*. Offers of Compensation are provided to the expropriated owner once the expropriation is confirmed by Council.

- The expropriation will enable the City to take ownership of the parcel necessary for the Project and not cause the Project to be subject to delays due to ongoing negotiations.

- The "Proposed Acquisition" provides a superior land configuration for facility planning and development and offers the opportunity for expansion through future land dedication or land exchange to meet the full property area requirements for the Project.

- Council has previously approved funding for land acquisition for the Project through the 2017 Capital Budget – Recreation Facility New Infrastructure-South Winnipeg, account number 003-181000-620650-6253000117.

HISTORY/DISCUSSION

On November 25, 2015, Council approved the South Winnipeg Recreation Initiative administrative report which authorized the Director of Planning, Property and Development to negotiate the acquisition of land required for the Project – identified as "Proposed City Property" on Misc. Plan No. 15057/1, attached as Schedule "B". The location of the Project is intended to be adjacent to the Pembina Trails School Division site which is located at 396 Cadboro Road.

The report identified two parcels of land measuring approximately 32.65 acres in total (hereinafter referred to as the "32.65 Acre Site"), which would accommodate the Project, and were part of the owner's 200+ acre holding. The City was advised that the owner would be selling their entire holding, but would include a clause within the sale agreement that would allow the City to negotiate the acquisition of the 32.65 Acre Site from the eventual purchaser.

The 200+ acre holding was conditionally sold in January 2016 to a local developer. As stated above, the 200+ acre holding included the 32.65 Acre Site.

On March 22, 2016, Council approved the 2016 Capital Budget which authorized an expenditure of up to $3.8 million for Recreation Facility Replacement – New Infrastructure to facilitate land acquisition for the South Winnipeg Recreation Campus. The budget was later increased to $4,114,000 in the 2017 Capital Budget.

The City entered into negotiations with the owner of the 32.65 Acre Site and the local developer in April 2016. The owner transferred the entire 32.65 Acre Site to the local developer in 2016, but the resulting sale agreement entitled the City to purchase the 32.65 Acre Site noted above prior to March 31, 2017 (subsequently extended to May 1, 2017).

The Planning, Property and Development Department (hereinafter referred to as "the Department") has been negotiating terms for the acquisition with the local developer since September 2016, with no success. Through several iterations, the local developer has requested certain clauses be included in the term sheet that would contravene the authority granted to the City under The City of Winnipeg Charter Act (i.e. servicing commitments).

The Department is still negotiating with the local developer for the 32.65 Acre Site, but has explored other potential parcels of land within the area. One such parcel identified is 262 Cadboro Road. It is noted that the City will continue to negotiate with all viable land owners until a specific acquisition is approved or an expropriation is confirmed.

The Department initiated contact with the owner of the property situated at 262 Cadboro Road, identified as "Proposed Acquisition - Area: 76,960±m^2 (19.0±acres)" on the attached Misc. Plan No. 15282. Although 262 Cadboro Road is smaller than the desired 32.65 acres for a recreational campus, the Cadboro property provides a superior configuration relative to the 32.65 Acre Site. Furthermore, the Cadboro property could be expanded in the future with additional land acquired through dedication from development occurring in the local neighbourhood. The City could also exchange its scattered holdings in the local neighbourhood for land adjacent to the Cadboro Property (see Misc. Plan No. 14554/2, attached as Schedule "C").

Upon being advised of the City's interest in acquiring 262 Cadboro Road in early 2017, the owner has indicated that he has no intention of selling his interests in the land in the immediate future. The Department's efforts to engage the owner to conclude a transaction continue.

At the present time neither 262 Cadboro Road nor the 32.65 Acre Site are available to the City. It has been determined that the only way to secure land for the Project is to expropriate; expropriation will also allow the City to select its preferred site. Based on the City's intention to co-locate with the Pembina Trails School Divisions, there are only two sites under consideration.

The Department, in consultation with the Community Service Department, recommends that it would be in the City's best interest to immediately initiate expropriation proceedings against 262 Cadboro Road to ensure that the City acquires land necessary for the Project to proceed.

The Ward Councillor was consulted and concurs with the intentions of the Public Service.

FINANCIAL IMPACT

Financial Impact Statement Date: December 31, 2017

Project Name:
Expropriation of Lands – 262 Cadboro Road – South Winnipeg Recreation Campus

COMMENTS:

There are no direct financial implications associated with this report.

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

CONSULTATION

This Report has been prepared in consultation with:

Legal Services Department (as to legal issues)
Community Services Department

OURWINNIPEG POLICY ALIGNMENT

Section 01-5- Recreation

Direction 1**:** Promote and Enable Opportunities for All Age Groups to be Active as part of their Daily Lives

Direction 2**:** Work with Community Partners to Provide Services that are Responsive to the Community's Recreation and Leisure Needs

Direction 3: Directly Provide, or Facilitate through Partnership, Equitable Access to a Base Level of Recreation, Culture and Leisure Services for All Winnipeggers

Direction 4: With Community Partners, Participate as a Leader in Planning and Delivering Recreation and Leisure Services in Winnipeg

Section 03-2- Vitality

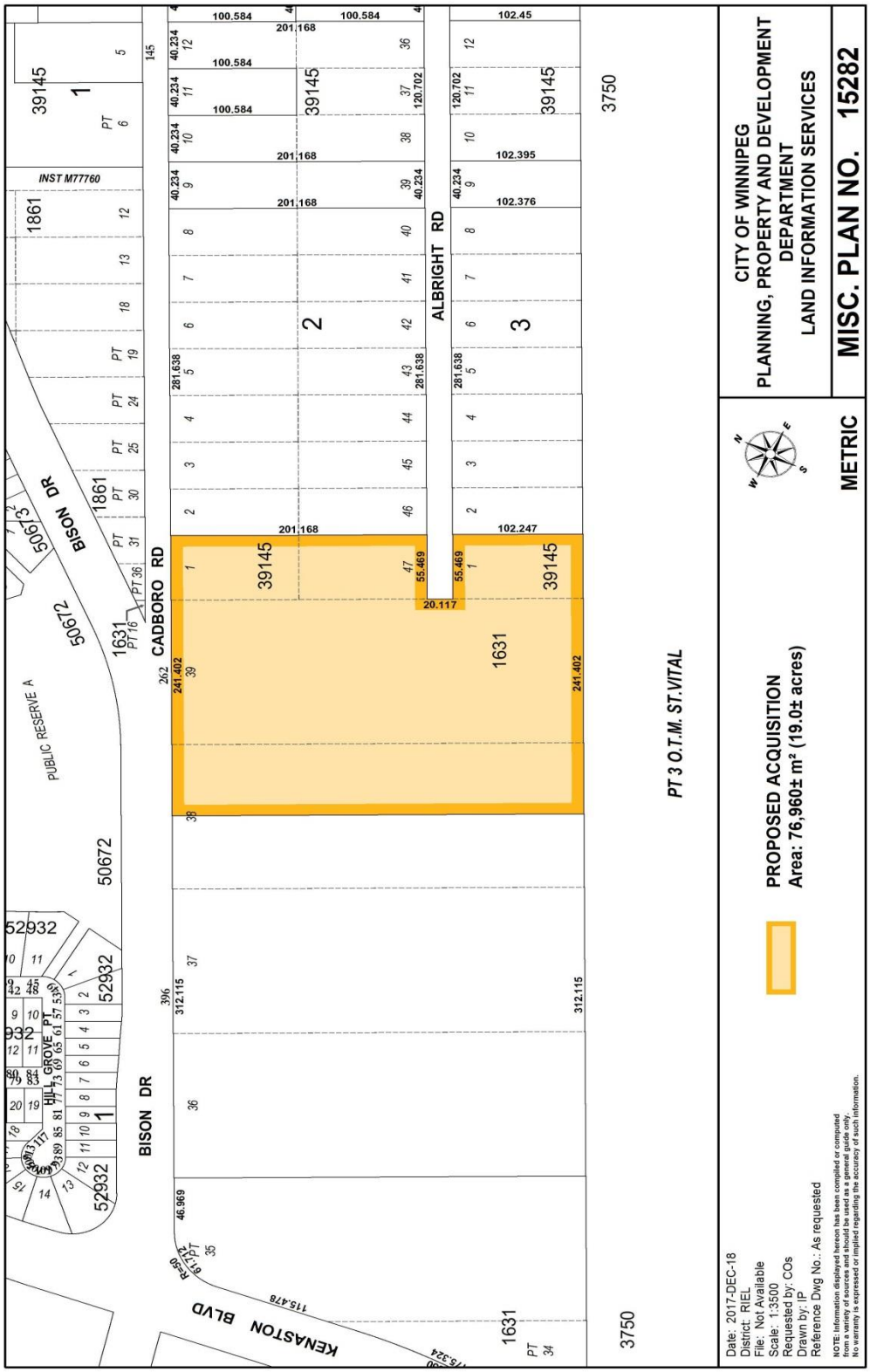
Direction 1: Deliver a Coordinated, Integrated, and Seamless Service Response to Address Community Needs and Priorities that Contribute to Building Healthy Communities

SUBMITTED BY

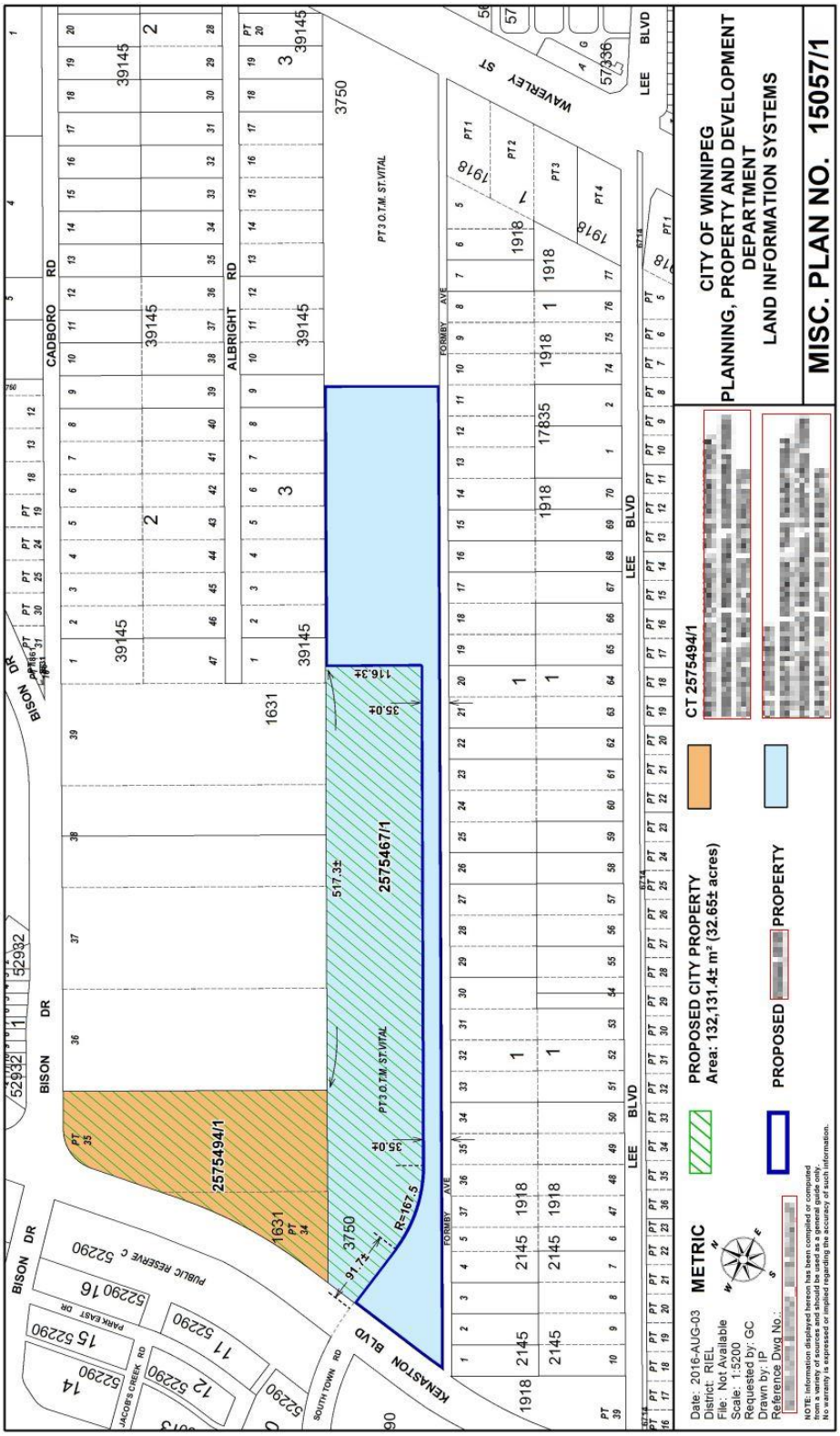
Department: Planning, Property and Development
Division: Real Estate and Land Development
Prepared by: Charles Osondu, Senior Negotiator
Date: January 10, 2017
File No.: 32/5951-V6

Attachments:
Schedule A – Misc. Plan No. 15282
Schedule B – Misc. Plan No. 15057/1
Schedule C – Misc. Plan No. 14554/2

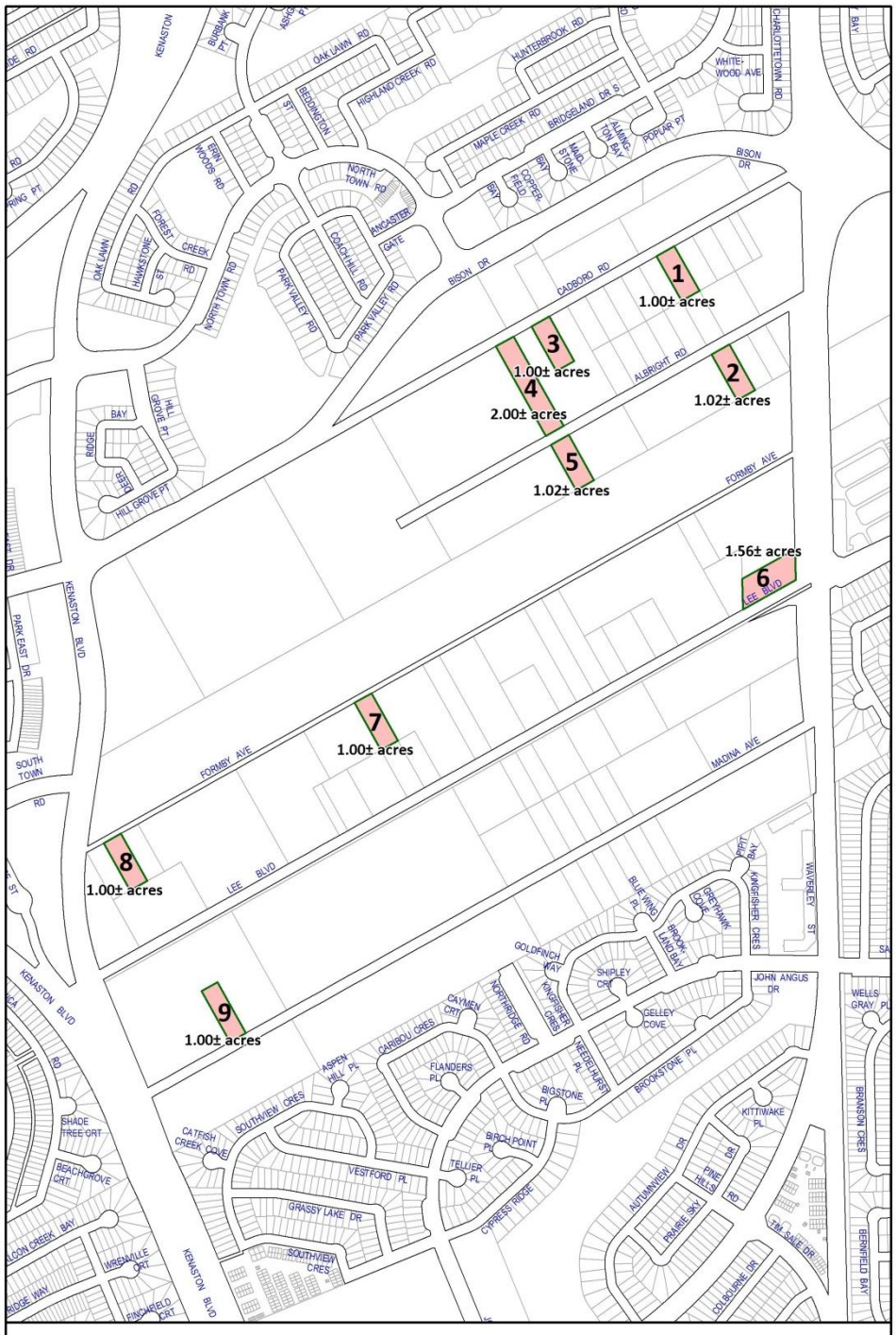
SCHEDULE A


CADBORO RD
BISON DR
ALBRIGHT RD
KENASTON BLVD
PUBLIC RESERVE A
PT 3 O.T.M. ST.VITAL
PROPOSED ACQUISITION
Area: 76,960± m² (19.0± acres)
CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT
DEPARTMENT
LAND INFORMATION SERVICES
MISC. PLAN NO. 15282
METRIC
Date: 2017-DEC-18
District: RIEL
File: Not Available
Scale: 1:3500
Requested by: COs
Drawn by: IP
Reference Dwg No.: As requested
NOTE: Information displayed hereon has been compiled or computed from a variety of sources and should be used as a general guide only. No warranty is expressed or implied regarding the accuracy of such information.

SCHEDULE B


CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT
DEPARTMENT
LAND INFORMATION SYSTEMS
MISC. PLAN NO. 15057/1
CT 25754944/1
PROPOSED CITY PROPERTY
Area: 132,131.4± m² (32.65± acres)
PROPOSED PROPERTY
METRIC
Date: 2016-AUG-03
District: RIEL
File: Not Available
Scale: 1:5200
Requested by: GC
Drawn by: IP
Reference Dwg No.:
NOTE: Information displayed hereon has been compiled or computed from a variety of sources and should be used as a general guide only. No warranty is expressed or implied regarding the accuracy of such information.
25754944/1
25754671/1
PT 3 O.T.M. ST.VITAL
517.3±
91.7±
R=167.5
35.0±
116.3±
3750
1631
BISON DR
CADBORO RD
ALBRIGHT RD
FORMBY AVE
LEE BLVD
WAVERLEY ST
KENASTON BLVD
SOUTH TOWN RD
JACOB'S CREEK RD
PARK EAST DR
PUBLIC RESERVE C 52290
52932
39145
2145
1918
17835
1978
57336

SCHEDULE C


1
1.00± acres
2
1.02± acres
3
1.00± acres
4
2.00± acres
5
1.02± acres
6
1.56± acres
7
1.00± acres
8
1.00± acres
9
1.00± acres
CADBORO RD
ALBRIGHT RD
FORMBY AVE
LEE BLVD
MADINA AVE
BISON DR
KENASTON BLVD
CITY OWNED PROPERTY
Date: 2017-MAR-10
District: RIEL
File: Not Available
Scale: 1:9000
Requested by: GC
Drawn by: IP
Reference Dwg No.: Misc. Plan No. 14554
NOTE: Information displayed hereon has been compiled or computed from a variety of sources and should be used as a general guide only. No warranty is expressed or implied regarding the accuracy of such information.
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W
E
S
METRIC
CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPARTMENT
LAND INFORMATION SERVICES
MISC. PLAN NO. 14554/2