Agenda – Executive Policy Committee – April 17, 2018

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – April 9, 2018

Item No. 12 Expropriation of Lands and Opening of Public Right-of-Way – Pembina Highway – Grant Avenue to Osborne Street – Major Rehabilitation and Buffered Bike Lanes Project

STANDING COMMITTEE RECOMMENDATION:

On April 9, 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 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 on Misc. Plan Nos. 14978, 14984 and 14985 (attached as Appendix A, B and C, respectively), and subsequently opened as public right-of-way, as identified on Misc. Plan 14984/2, as required by the City for the Pembina Highway – Grant Avenue to Osborne Street – Major Rehabilitation and Buffered Bike Lanes Project (herein called the "Project").

2. That, subject to Council's confirmation of the proposed expropriation, the lands identified on Misc. Plan No. 14984/2 (attached as Appendix D), acquired for the purpose of the Project, including the public lane to be rededicated as Pembina Highway, be approved to be opened as public right-of-way, with the remaining residual lands identified as, "Proposed Residual Land for City Purposes", to be used by the City as determined.

3. That the Director of Legal Services and City Solicitor be instructed to prepare the necessary by-law for submission to Council to effect the street openings as required for the Project.

4. That the proper officers of the City be authorized to do all things necessary to effect the foregoing described within, including demolition of any improvements, execution of any necessary documents and preparation of any necessary by-laws and any intermediary steps that may be required to have the lands opened for public right-of-way.

Agenda – Executive Policy Committee – April 17, 2018

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – April 9, 2018

DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On April 9, 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 and Opening of Public Right-of-Way – Pembina Highway – Grant Avenue to Osborne Street – Major Rehabilitation and Buffered Bike Lanes Project

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 lands, shown as “PROPOSED ACQUISITION” on Misc. Plan Nos. 14978, 14984, and 14985 and attached as Appendix “A-C”, as required for the Pembina Highway – Grant Avenue to Osborne Street – Major Rehabilitation and Buffered Bike Lanes (herein called the “Project”).

Authorization to expropriate is required from Council to ensure that the City acquires the necessary properties 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 on Misc. Plan Nos. 14978, 14984 and 14985 (attached as Appendix A, B and C, respectively), and subsequently opened as public right-of-way, as identified on Misc. Plan 14984/2, as required by the City for the Pembina Highway – Grant Avenue to Osborne Street – Major Rehabilitation and Buffered Bike Lanes Project (herein called the “Project”).

2. That, subject to Council’s confirmation of the proposed expropriation, the lands identified on Misc. Plan No. 14984/2 (attached as Appendix D), acquired for the purpose of the Project, including the public lane to be rededicated as Pembina Highway, be approved to be opened as public right-of-way, with the remaining residual lands identified as, “Proposed Residual Land for City Purposes”, to be used by the City as determined.

3. That the Director of Legal Services and City Solicitor be instructed to prepare the necessary by-law for submission to Council to effect the street openings as required for the Project.

4. That the proper officers of the City be authorized to do all things necessary to effect the foregoing described within, including demolition of any improvements, execution of any necessary documents and preparation of any necessary by-laws and any intermediary steps that may be required to have the lands opened for public right-of-way.

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.

Council approval is required for the proposed street opening as per The City of Winnipeg Charter Act, section 139(b) which states "Council may pass by-laws respecting streets and the parking of vehicles in the City, including, without limiting the generality of the foregoing, by-laws respecting (b) the opening and, subject to section 140, the closing of streets."

IMPLICATIONS OF THE RECOMMENDATIONS

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

The City will be responsible to compensate the owners 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 owners once the expropriation is confirmed by Council.

The expropriation will enable the City to take ownership of the parcels necessary for the Project and not cause the Project to be subject to delays due to on-going negotiations and pending transfer of ownership.

Council has previously approved funding for land acquisition for the Project through the 2016 Capital Budget - Regional and Local Street Renewal Program with funds allocated to the Major Rehabilitation of Pembina Highway Southbound and Northbound – Grant Avenue to Osborne Street – Pavement Rehabilitation and Buffered Bike Lane, account number 003-181000-180604-1804101616.

HISTORY/DISCUSSION

On February 8, 2016, the Director of Public Works approved the award of contract to MMM Group Limited for the provision of professional consulting services for the major rehabilitation and buffered bike lanes on Pembina Highway from Grant Avenue to Osborne Street. .

On March 22, 2016, Council adopted the 2016 Capital Budget, which included funding for the 2016 Regional and Local Street Renewal Program with $11,700,000 allocated to the Major Rehabilitation of Pembina Highway Southbound and Northbound - Grant Avenue to Osborne Street.

On June 20, 2016, the Chief Administrative Officer approved the Award of Contract to J. C. Paving Ltd. for Pembina Highway SB & NB - Grant Avenue to 100m East of Osborne Street - Pavement Rehabilitation and Buffered Bike Lanes - Bid Opportunity No. 386-2016.

The Public Works Department has planned a realignment of the northbound lanes of Pembina Highway to improve the roadway geometry between Jessie Avenue and Osborne Street. Protected bike lanes are also proposed adjacent to the realigned portion of Pembina Highway. The Public Works Department requires the acquisition of the following properties, which are affected by the proposed realignment and protected bike lanes:

- 253 Osborne Street (entire property as shown on Misc. Plan No. 14978, attached as Appendix A)
- 100 Pembina Highway (entire property as shown on Misc. Plan No.14984, attached as Appendix B)
- 104 Pembina Highway (portion of property as shown on Misc. Plan No. 14985, attached as Appendix C)

On June 24, 2016, the Chief Administrative Officer authorized the Director of the Planning, Property and Development Department to commence negotiations for land acquisitions required as part of the Project. The Planning, Property and Development Department ("Department") commenced negotiations immediately thereafter with representatives of the properties identified above. To date, the Department has been unable to conclude any of the three acquisitions.

The Department is now recommending expropriation for all three affected properties. Expropriation ensures that the properties will be in the City's possession and available to the Project in a more expeditious time frame.

The expropriations will be funded through the 2016 Pembina Highway – Grant Avenue to Osborne Street Capital Project. The Public Works Department has been consulted and supports the expropriation of the three affected properties.

Once the subject properties have been expropriated, it is the intention of the Public Works Department to legally open the properties as right-of-way as identified in Misc. Plan No. 14984/2, attached as Appendix D.

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

FINANCIAL IMPACT

Financial Impact Statement Date: March 2, 2018

Project Name:

Expropriation of Lands – Pembina Highway – Grant Avenue to Osborne Street – Major Rehabilitation and Buffered Bike Lanes Project (16-C-07)

COMMENTS:

There are no financial implications associated with initiating expropriation proceedings. Subject to Council adoption of an expropriation by-law, the City will be required to compensate the expropriated party(ies). Should amounts exceed authority delegated to the Public Servcie, authorization to compensate expropriated party(ies) will be the subject of a future report(s).

The costs associated with street openings are immaterial in nature. As such, there are no 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)

Public Works Department

Ward Councillor

OURWINNIPEG POLICY ALIGNMENT

Our Winnipeg sets a vision for the next 25 years, ensuring our city evolves in a way that promotes social, economic and environmental sustainability. As part of the *Our Winnipeg* initiative, the City has developed detailed direction strategies that add additional detail in key planning areas. The *Complete Communities* direction strategy is the City's comprehensive land use strategy.

Complete Communities describes Winnipeg's physical characteristics and outlines a framework for future growth and development. There are numerous policy directions in the *Complete Communities* which promote the creation of high quality walkable environments that encourage active transportation including cycling, particularly in vibrant urban centres and along key corridors.

The City's *Transportation Master Plan* has also been aligned with *Our Winnipeg*, ensuring integration of transportation infrastructure development and land use. The synergy between these two documents ensures infrastructure development contributes to the creation of high quality, connected, human scaled, complete communities.

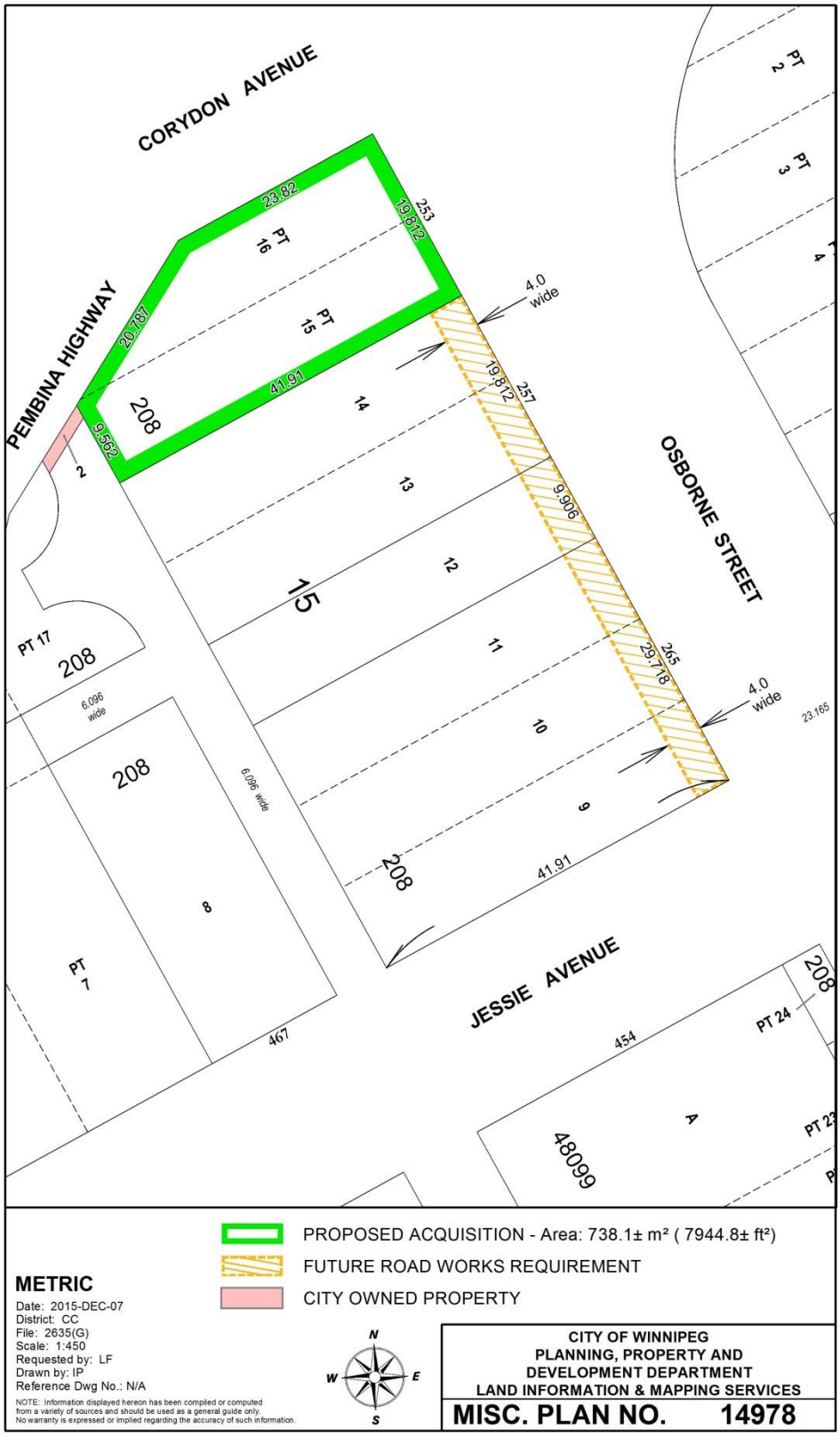
SUBMITTED BY

Department: Planning, Property and Development
Division: Real Estate and Land Development
Prepared by: Leah Furedi, Senior Negotiator & Marlene Haderer, Supervisor of Leasing and Sales
Date: March 9, 2018
File No: 2635 G

Attachments:

Appendix A – Misc. Plan No. 14978
Appendix B – Misc. Plan No. 14984
Appendix C – Misc. Plan No. 14985
Appendix D – Misc. Plan No. 14984/2

Appendix A


CORYDON AVENUE
PEMBINA HIGHWAY
OSBORNE STREET
JESSIE AVENUE
23.82
253
19.812
PT 16
PT 15
20.787
41.91
208
9.562
2
4.0 wide
257
19.812
14
13
12
15
11
10
9
9.906
265
29.718
4.0 wide
23.165
PT 17
208
6.096 wide
208
6.096 wide
8
PT 7
467
208
41.91
454
PT 24
208
A
48099
PT 2
PT 3
PROPOSED ACQUISITION - Area: 738.1± m² (7944.8± ft²)
FUTURE ROAD WORKS REQUIREMENT
CITY OWNED PROPERTY
METRIC
Date: 2015-DEC-07
District: CC
File: 2635(G)
Scale: 1:450
Requested by: LF
Drawn by: IP
Reference Dwg No.: N/A
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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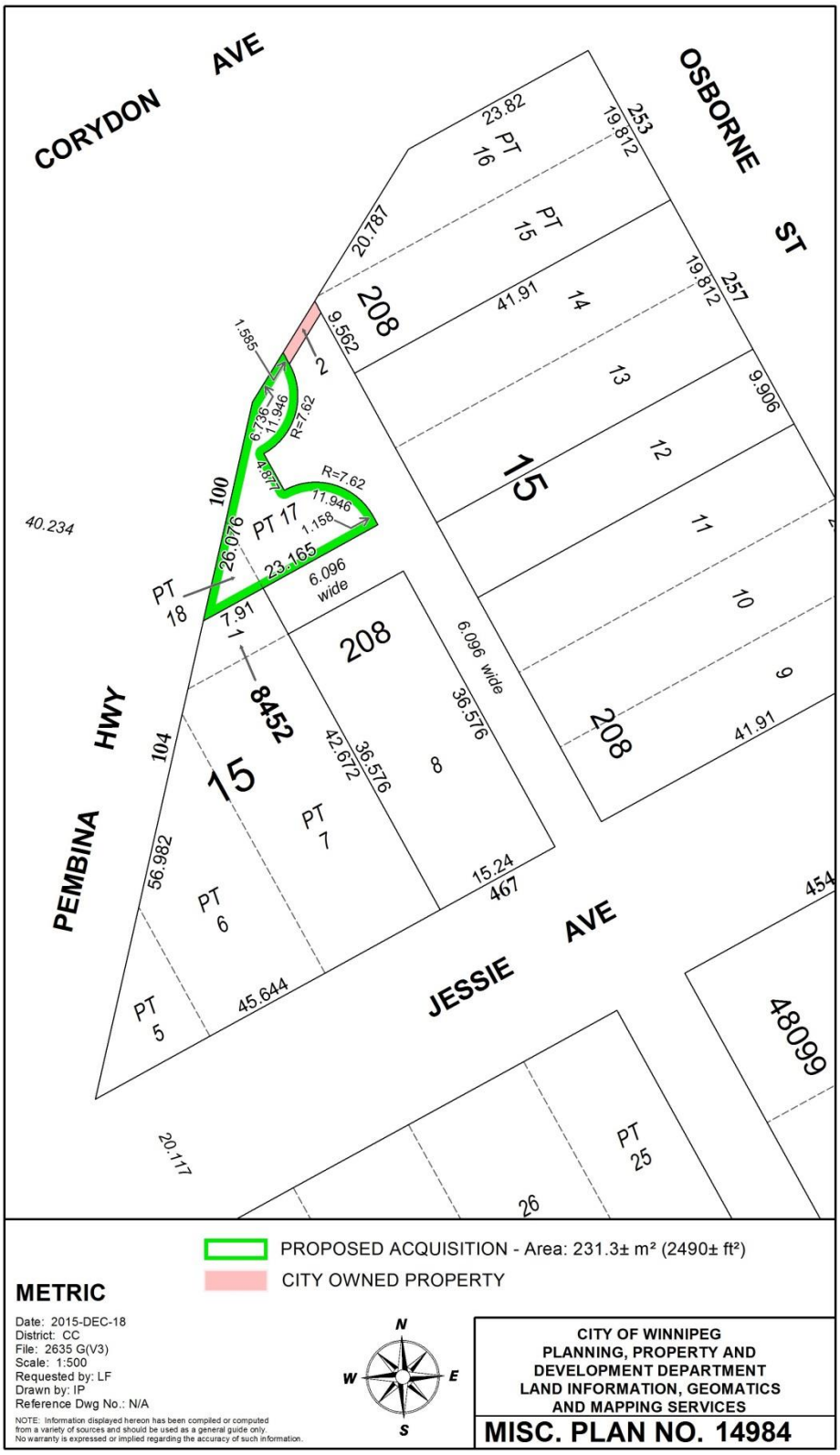
CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPARTMENT
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 14978

Appendix B


CORYDON AVE
OSBORNE ST
PEMBINA HWY
JESSIE AVE
PT 16
PT 15
PT 17
PT 18
PT 7
PT 6
PT 5
PT 25
208
15
8452
48099
253
257
454
467
100
104
40.234
20.117
23.82
19.812
20.787
41.91
9.562
1.585
6.736
11.946
R=7.62
4.877
11.946
1.158
26.076
23.165
6.096 wide
7.91
9.906
36.576
42.672
56.982
15.24
45.644
PROPOSED ACQUISITION - Area: 231.3± m² (2490± ft²)
CITY OWNED PROPERTY
METRIC
Date: 2015-DEC-18
District: CC
File: 2635 G(V3)
Scale: 1:500
Requested by: LF
Drawn by: IP
Reference Dwg No.: N/A
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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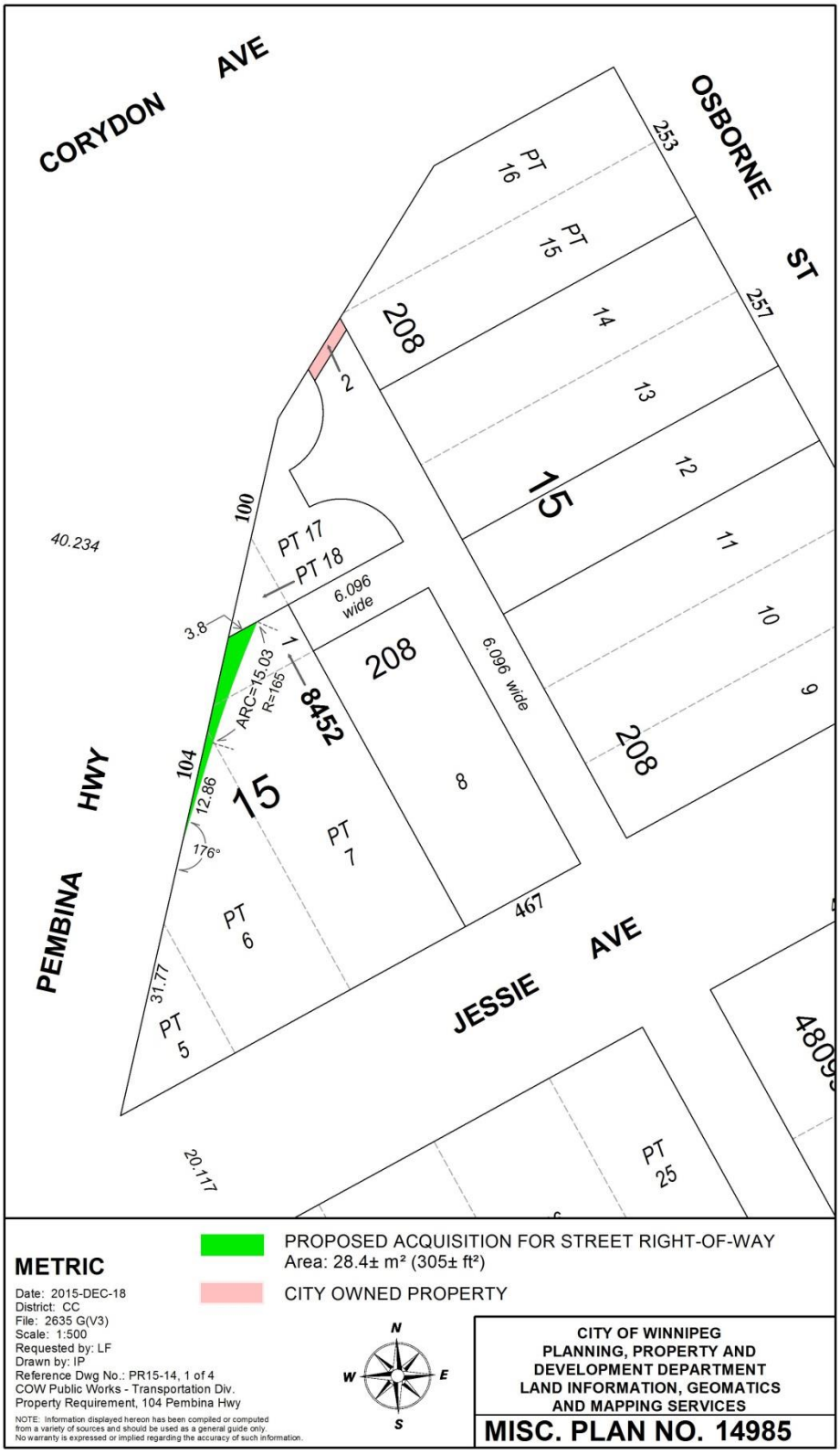
CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPARTMENT
LAND INFORMATION, GEOMATICS AND MAPPING SERVICES
MISC. PLAN NO. 14984

Appendix C


CORYDON AVE
OSBORNE ST
PEMBINA HWY
JESSIE AVE
PT 16
PT 15
208
14
13
12
11
10
9
257
253
2
100
40.234
PT 17
PT 18
6.096 wide
3.8
ARC=15.03
R=165
1
8452
104
12.86
176°
15
PT 7
8
6.096 wide
208
208
467
PT 6
31.77
PT 5
20.117
PT 25
PROPOSED ACQUISITION FOR STREET RIGHT-OF-WAY
Area: 28.4± m² (305± ft²)
CITY OWNED PROPERTY
METRIC
Date: 2015-DEC-18
District: CC
File: 2635 G(V3)
Scale: 1:500
Requested by: LF
Drawn by: IP
Reference Dwg No.: PR15-14, 1 of 4
COW Public Works - Transportation Div.
Property Requirement, 104 Pembina Hwy
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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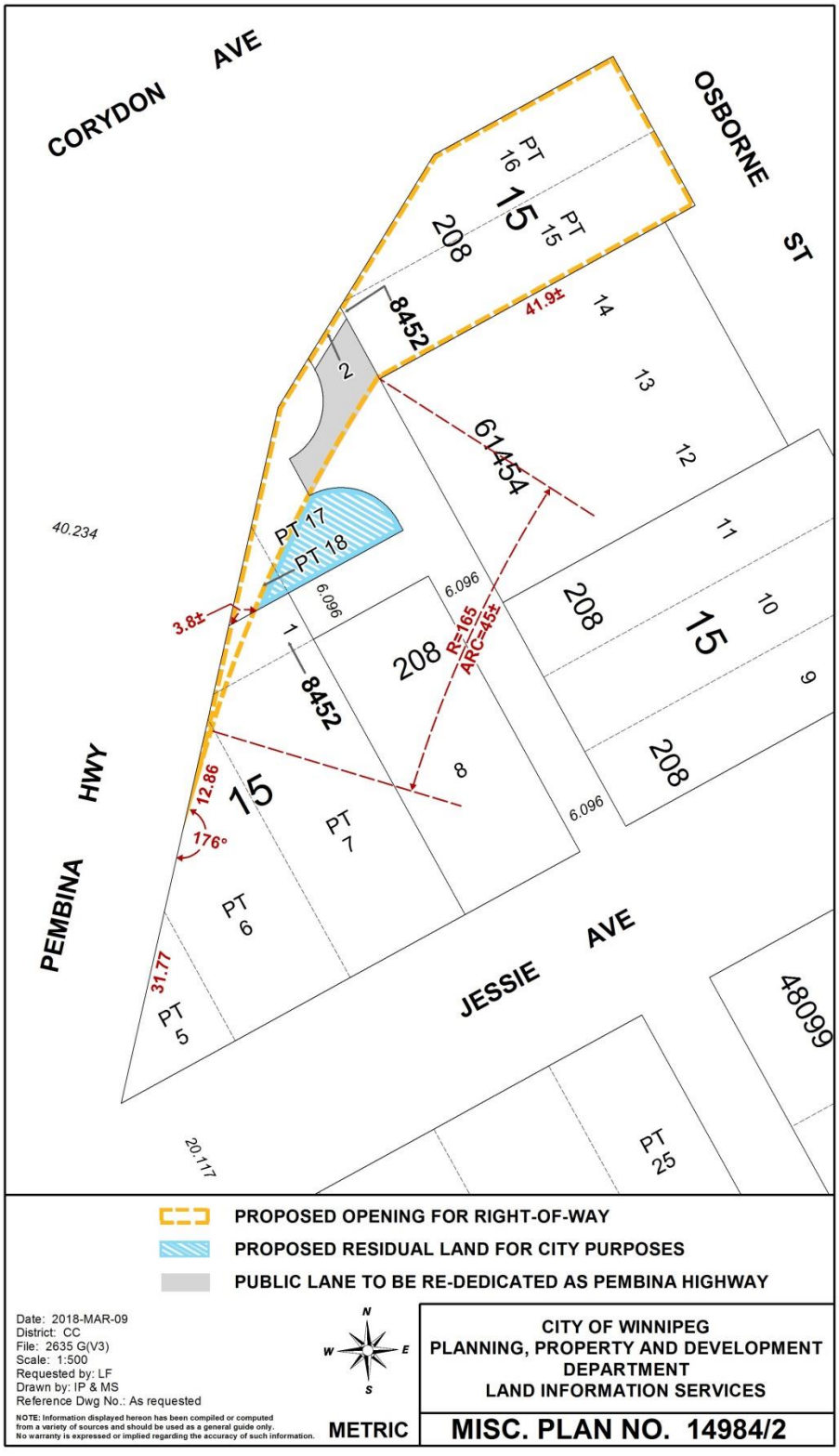
CITY OF WINNIPEG
PLANNING, PROPERTY AND
DEVELOPMENT DEPARTMENT
LAND INFORMATION, GEOMATICS
AND MAPPING SERVICES
MISC. PLAN NO. 14985

Appendix D


CORYDON AVE
OSBORNE ST
PEMBINA HWY
JESSIE AVE
PT 16
15
PT 15
208
8452
41.9±
14
13
12
11
10
9
2
61454
40.234
PT 17
PT 18
3.8±
6.096
1
208
R=165
ARC=45±
8
12.86
176°
PT 7
PT 6
PT 5
31.77
20.117
48099
PT 25
PROPOSED OPENING FOR RIGHT-OF-WAY
PROPOSED RESIDUAL LAND FOR CITY PURPOSES
PUBLIC LANE TO BE RE-DEDICATED AS PEMBINA HIGHWAY
Date: 2018-MAR-09
District: CC
File: 2635 G(V3)
Scale: 1:500
Requested by: LF
Drawn by: IP & MS
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.
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W
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METRIC
CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPARTMENT
LAND INFORMATION SERVICES
MISC. PLAN NO. 14984/2