Agenda – Council – June 21, 2018

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – June 8, 2018

Item No. 6 Expropriation of Lands for the Regional Street Renewal Program, St. James Street – Sargent Avenue to Ellice Avenue

STANDING COMMITTEE RECOMMENDATION:

On June 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 interests herein identified at Schedule "A" and required by the City for the Regional Street Renewal Program, St. James Street – Sargent Avenue to Ellice Avenue.

2. Subject to Council's confirmation of the proposed expropriation, that the proposed street openings and rededications as shown on Misc. Plan Nos. 14471/9 and 15072/1, attached as Schedule "A", and Misc. Plan No. 15073 attached as Schedule "B", be approved.

3. That the Director of Legal Services/City Solicitor be instructed to prepare and bring directly to Council for enactment a by-law to facilitate the street openings and rededications as required for the Project.

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

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – June 8, 2018

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 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 June 8, 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 for the Regional Street Renewal Program, St. James Street – Sargent Avenue to Ellice Avenue

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	N/A	D. McNeil

EXECUTIVE SUMMARY

The Winnipeg Public Service has identified the lands shown in attached Schedule “A” as required for the Regional Street Renewal Program, St. James Street – Sargent Avenue to Ellice Avenue (herein called the “Project”).

Negotiations with the private property owners have been ongoing since 2016, but the Real Estate Branch has been unable to conclude any of the transactions. As a result, it is recommended that the required properties to widen St. James Street be expropriated.

Expropriation ensures that the City acquires the necessary properties for the Project and meets construction timelines for 2019.

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 interests herein identified at Schedule “A” and required by the City for the Regional Street Renewal Program, St. James Street – Sargent Avenue to Ellice Avenue.

2. Subject to Council’s confirmation of the proposed expropriation, that the proposed street openings and rededications as shown on Misc. Plan Nos. 14471/9 and 15072/1, attached as Schedule “A”, and Misc. Plan No. 15073 attached as Schedule “B”, be approved.

3. That the Director of Legal Services/City Solicitor be instructed to prepare and bring directly to Council for enactment a by-law to facilitate the street openings and rededications as required for the Project.

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

REASON FOR THE REPORT

The Policy for the Sale, Acquisition, Rental, Leasing and Management of Properties, adopted by Council on July 18, 1979, requires Council to approve all land acquisition programs and to pass expropriation by-laws.

Council's authorization to expropriate is required to ensure that the City is in legal possession of all land interests required for construction to take place in 2019.

Council approval is required for all street openings.

IMPLICATIONS OF THE RECOMMENDATIONS

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

While there are no direct financial implications associated with authorizing an expropriation, 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 disclosed after the expropriation has been confirmed by Council.

HISTORY/DISCUSSION

The 2016 Capital Budget, adopted by Council on March 22, 2016, included funding for the St. James Street – Sargent Avenue to Ellice Avenue Regional Street Renewal Program.

This infrastructure project includes the renewal and reconstruction of St. James Street between Sargent and Ellice Avenue, as well as the widening of the roadway in this area. Land acquisitions are required to facilitate the widening.

The widening of St. James Street is a continuation of the work that has occurred south of Ellice Avenue. The widening allows for medians and storage lanes to be constructed, thereby improving safety and traffic flow in the congested Polo Park area.

On July 11, 2016, the Chief Administrative Officer authorized the Director of Planning, Property and Development to commence negotiations for land acquisitions required as part of the Project.

Shortly thereafter, the Real Estate Branch initiated contact with all private property owners (or property representatives) whose lands are required for the Project. The City requires approximately 4.4 metres along the western edge of:

- 1065 St. James Street (Holding #1)

- 1077 St. James Street (Holding #2)
- 1400 Sargent Avenue (Holding #3)

The Real Estate Branch has negotiated with the property owners for approximately one and half years but has been unable to conclude any of the negotiations. The Real Estate Branch is recommending a partial acquisition of Holdings #1 and #2, and a full expropriation of Holding #3. The land requirement for Holding #3 is largely similar to the two other holdings and would normally only require a partial taking. However, the land required for the widening extends directly into the building located on Holding #3 and a partial taking would result in the expropriation of part of a building. Due to complications surrounding partially expropriating a building, it is recommended that the entire property be expropriated.

Due to the proposed timelines of this Project, without the use of expropriation, it is highly unlikely that all private property will be acquired in time to allow for construction work to commence in 2019.

Concurrently, the Real Estate Branch will continue its efforts to negotiate the acquisition of the required land from each of the private property owners.

FINANCIAL IMPACT

Financial Impact Statement Date: May 14, 2018

Project Name:

Expropriation of Lands for the Regional Street Renewal Program, St. James Street – Sargent Avenue to Ellice Avenue

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)
Public Works Department
Geomatics Branch

OURWINNIPEG POLICY ALIGNMENT

N/A

SUBMITTED BY

Department: Planning, Property and Development
Division: Real Estate and Land Development
Prepared by: Julian Roberts, Senior Negotiator
Date: May 15, 2018
File No: 6978, 5365/2

Attachments:

Schedule “A” – Misc. Plan and Description for Subject Properties
Schedule “B” – Misc. Plan for Road Opening Holding #3

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Schedule "A"

Holding #1

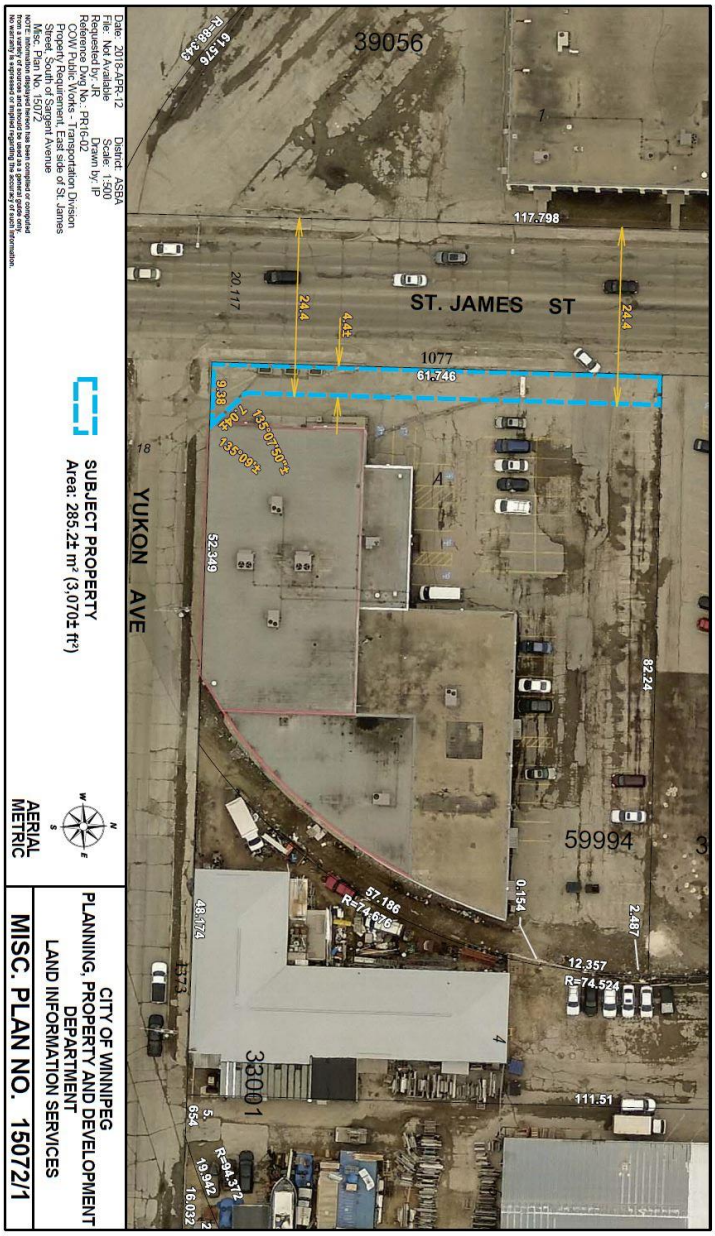
Location:	1065 St. James Street
Legal Description:	Lot 2 Plan 22345, except St. James Street Plan 56558, Parish 42 ST J WLTO
Zoning:	C4 – Commercial Regional
Property Taking:	Shown as "Subject Property" on Misc. Plan No. 14471/9 326.3 ± m² (3,512 ± ft²) to be opened as Public Road
Description:	Part of property landscaping from west side of the property



Holding #2

Location:	1077 St. James Street, Winnipeg, Manitoba
Legal Description:	Lots 2-3, Plan 33001, Parish 42 ST J WLTO
Zoning:	C3 – Commercial Corridor
Property Taking:	Shown as “Subject Property” on Misc. Plan No. 15072/1 285.2 ± m² (3,070 ± ft²) to be opened as Public Road

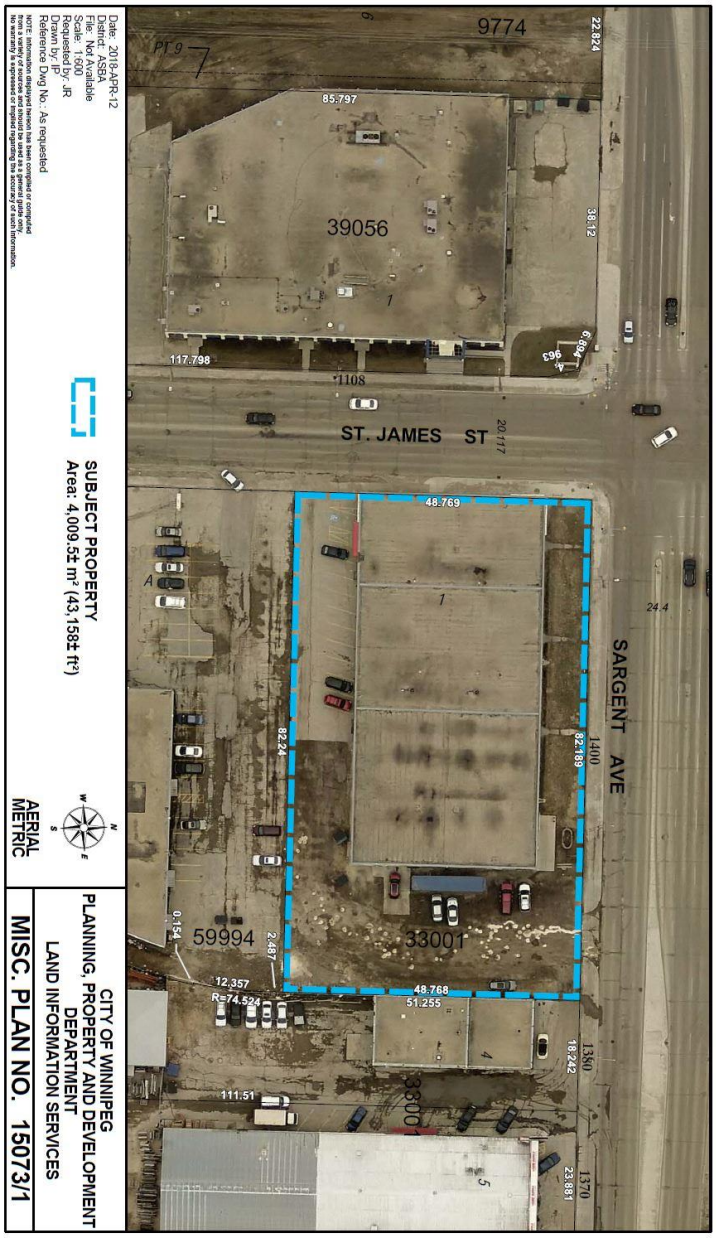
Description: Part of parking lot area from west side of the property



Holding #3

Location:	1400 Sargent Avenue
Legal Description:	SP Lot 1, Plan 33001, in RL 42 Parish of ST J WLTO
Zoning:	C3 – Commercial Corridor
Property Taking:	Shown as “Subject Property” on Misc. Plan No. 15073/1 4,009.5 ± m² (43,158 ± ft²), part of which is to be opened as Public Road

Description: Only part of the Subject Property is required for the Project, however a partial taking of the Subject Property will result in expropriation of part of a building. It has been determined that expropriating part of a building will result in complications, and so the entire Subject Property will be expropriated.



Schedule “B”

Area identified as “Proposed Acquisition” on Misc. Plan No. 15073
248.3 ± m² (2,673 ± ft²) which is to be opened as Public Road

