Agenda – Executive Policy Committee – September 12, 2018

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – September 4, 2018

Item No. 10 Expropriation of Lands for the Regional Street Renewal Program – St. James Street – Sargent Avenue to Ellice Avenue

STANDING COMMITTEE RECOMMENDATION:

On September 4, 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 Declaration of Expropriation and Expropriation By-law 65/2018 for the Regional Street Renewal Program St. James Street – Sargent Avenue to Ellice Avenue, approved by Council on June 21, 2018 and described as :

   Firstly: The lands taken for St. James Street as shown on Plan Deposit 637/2018 WLTO in RL 42 Parish of St. James prepared by Leslie Neil McLaughlin, of the City of Winnipeg, Manitoba Land Surveyor, hereto attached.

   Secondly: SP Lot 1 Plan 33001 WLTO Excepting Thereout all that portion contained within said St. James Street Plan Deposit 637/2018 WLTO in RL 42 Parish of St. James

   be amended to the following:

   The lands taken for St. James Street as shown on Plan Deposit 637/2018 WLTO in RL 42 Parish of St. James prepared by Leslie Neil McLaughlin, of the City of Winnipeg, Manitoba Land Surveyor, hereto attached.

2. That subject to the approval of Recommendation No. 1, the Declaration of Expropriation dated June 21, 2018, as amended herein and thereby replaced by an Amended Declaration of Expropriation for the Regional Street Renewal Program, St. James Street from Sargent Avenue to Ellice Avenue, be confirmed.

3. That the proper officers of the City be authorized to do all things necessary to implement the foregoing, including the preparation and execution of any necessary documents.

Agenda – Executive Policy Committee – September 12, 2018

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – September 4, 2018

DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On September 4, 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	M. Ruta	D. Wardrop, Acting CAO

EXECUTIVE SUMMARY

At its meeting on June 21, 2018, Council considered and approved the initiation of expropriation proceedings to acquire the land interests needed for the Regional Street Renewal Program - St. James Street – Sargent Avenue to Ellice Avenue (the "Project"). Council must confirm the Declaration of Expropriation within 120 days from the date that the Declaration was originally approved.

The Public Service has negotiated the acquisition of the land required from Holding #3 and is recommending that it be removed from the expropriation.

The Public Service recommends that the Declaration of Expropriation and Expropriation By-law, as amended by the removal of Holding #3, be confirmed.

RECOMMENDATIONS

1. That the Declaration of Expropriation and Expropriation By-law 65/2018 for the Regional Street Renewal Program St. James Street – Sargent Avenue to Ellice Avenue, approved by Council on June 21, 2018 and described as :

   Firstly: The lands taken for St. James Street as shown on Plan Deposit 637/2018 WLTO in RL 42 Parish of St. James prepared by Leslie Neil McLaughlin, of the City of Winnipeg, Manitoba Land Surveyor, hereto attached.

   Secondly: SP Lot 1 Plan 33001 WLTO Excepting Thereout all that portion contained within said St. James Street Plan Deposit 637/2018 WLTO in RL 42 Parish of St. James

   be amended to the following:

The lands taken for St. James Street as shown on Plan Deposit 637/2018 WLTO in RL 42 Parish of St. James prepared by Leslie Neil McLaughlin, of the City of Winnipeg, Manitoba Land Surveyor, hereto attached.

2. That subject to the approval of Recommendation No. 1, the Declaration of Expropriation dated June 21, 2018, as amended herein and thereby replaced by an Amended Declaration of Expropriation for the Regional Street Renewal Program, St. James Street from Sargent Avenue to Ellice Avenue, be confirmed.

3. That the proper officers of the City be authorized to do all things necessary to implement the foregoing, including the preparation and execution of any necessary documents.

REASON FOR THE REPORT

City Council is required to confirm an expropriation within 120 days of the Declaration of Expropriation and amend the Declaration of Expropriation and Expropriation By-law, if necessary.

IMPLICATIONS OF THE RECOMMENDATIONS

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

The Public Service has negotiated the acquisition of the land required from Holding #3 (identified in Schedule C); therefore Holding #3 will be removed from the Declaration of Expropriation and Expropriation By-law. Confirming the expropriation will allow the Public Service to maintain construction timelines as they relate to the Project.

HISTORY/DISCUSSION

On June 21, 2018, Council considered and approved the administrative report titled "Expropriation of Lands for the Regional Street Renewal Program, St. James Street – Sargent Avenue to Ellice Avenue". The aforementioned report recommended the expropriation of three properties (identified in Schedules A, B and C).

Subsequent to the Declaration of Expropriation, the City reached a tentative agreement to acquire Holding #3, subject to the approval of Council or its delegated authority.

On June 25th, 2018, the Standing Policy Committee on Property and Development, Heritage, and Downtown Development approved the acquisition of Holding #3.

On July 31, 2018, the Purchase and Sale Agreement for Holding #3 was signed by the property owner which allowed the City to acquire the land needed for the Project in advance of confirmation; Holding #3 will be removed from the Declaration of Expropriation and the Expropriation By-law and the Expropriation Plan will be amended accordingly.

The Public Service recommends that the amended expropriation be confirmed.

FINANCIAL IMPACT

Financial Impact Statement Date: 7-Aug-18

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: August 10, 2018
File No: 6978, 5365/2

Attachments:

Schedule A – Holding #1
Schedule B – Holding #2
Schedule C – Holding #3

Schedule A

Holding #1

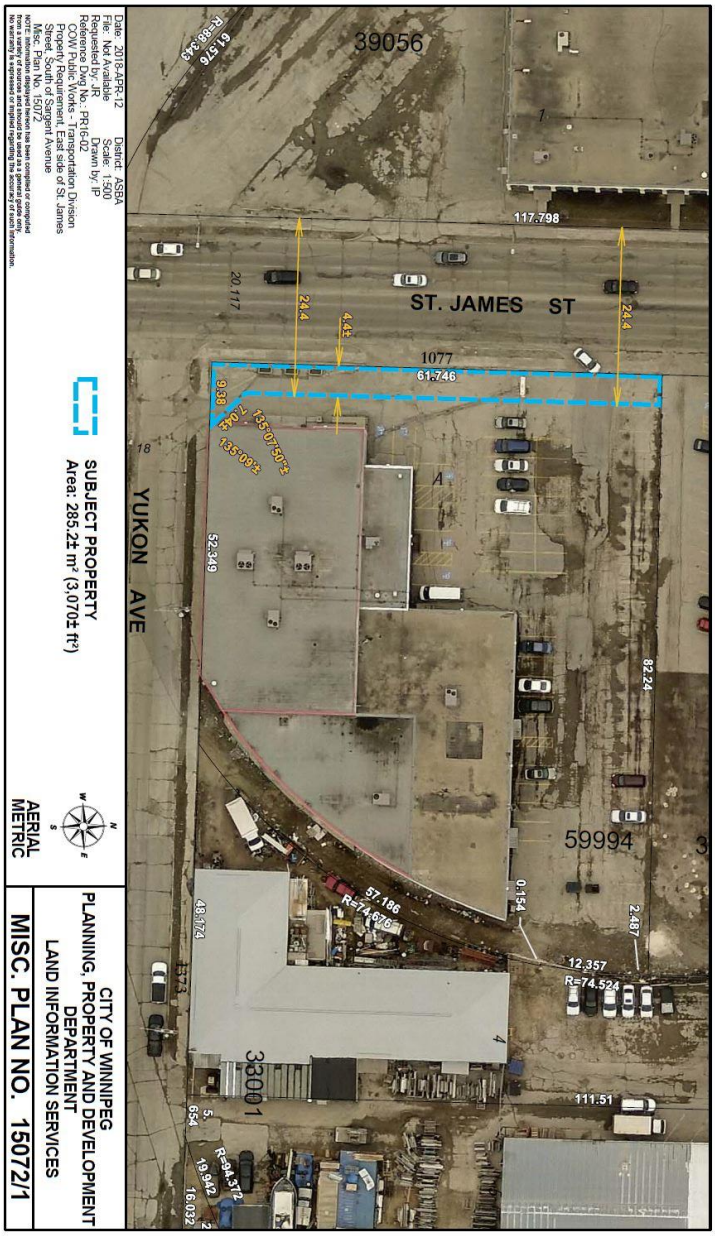
Location:	1065 St. James Street
Legal Description:	Lot 2 Plan 22345, except St. James Street Plan 56558, Parish 42 ST J WLTO
Zoning:	C4 – Commercial Regional
Property Taking:	Shown as “Subject Property” on Misc. Plan No. 14471/9 326.3 ± m² (3,512 ± ft²) to be opened as Public Road
Description:	Part of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



Schedule B

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



Schedule C

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:	The partial acquisition was successfully negotiated and the property is recommended to be removed from the expropriation.

