Minutes – Executive Policy Committee – September 12, 2018

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

Item No. 11 Request to Rescind the Expropriation Proceedings for the Southwest Rapid Transit (Stage 2) and Pembina Highway Underpass Project (Misc. Plan 14307/10)

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

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 July 19, 2017 Council Decision granting the authority to initiate expropriation proceedings for the land required for the Southwest Rapid Transit (Stage 2) Project and the Pembina Highway Underpass Project identified on Schedule A be rescinded.

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

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

DECISION MAKING HISTORY:

Moved by Councillor Allard,

That the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development be concurred in and forwarded to Council.

Carried

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: Request to Rescind the Expropriation Proceedings for the Southwest Rapid Transit (Stage 2) and Pembina Highway Underpass Project (Misc. Plan 14307/10)

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. Wardrop, Acting CAO

EXECUTIVE SUMMARY

On July 19, 2017, Council authorized the Director of Legal Services/City Solicitor to initiate expropriation proceedings for the land identified on Schedule A, which was required for the Southwest Rapid Transit Project (Stage 2) and Pembina Highway Underpass Project (the "Projects").

The expropriation is no longer required inasmuch as the land was acquired through the registration of DASZ 4/2013. As a result, the Public Service is recommending that the approval to initiate expropriation proceeding be rescinded.

RECOMMENDATIONS

1. That the July 19, 2017 Council Decision granting the authority to initiate expropriation proceedings for the land required for the Southwest Rapid Transit (Stage 2) Project and the Pembina Highway Underpass Project identified on Schedule A be rescinded.

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

The land identified on Misc. Plan 14307/10 was acquired through DASZ 4/2013 and an expropriation of the land is no longer required. As a housekeeping matter, the Public Service recommends rescinding the authority to initiate expropriation proceedings.

IMPLICATIONS OF THE RECOMMENDATIONS

There are no financial, regulatory, environmental, operational, human resources, or other implications associated with this Report.

HISTORY/DISCUSSION

On May 29, 2013, Council approved a subdivision and rezoning for land located on the south side of Taylor Avenue between Wilton Street and 1260 Taylor under File DASZ 4/2013. As a condition of approval, the Developer was required to enter into a servicing agreement with the City containing all the conditions outlined in Schedule B of the report from the Administrative Coordinating Group. Condition A.1 of Schedule B stated:

> *"The Developer shall, at no expense to the City, dedicate and open as right-of-way the land shown as "Street Widening" on Schedule "C" contained herein, all as determined by and to the satisfaction of the Director of Public Works."*

The Developer did not register the Plan of Subdivision in a timely fashion and the City was unable to acquire the land required for a street widening for the Projects through the registration of the Plan.

On July 19, 2017, Council authorized the Director of Legal Services/City Solicitor to initiate expropriation proceedings for the land required for the Projects and a Notice of Intended Expropriation was registered against the Developer's affected Title.

The Plan of Subdivision was subsequently registered on August 14, 2017 and the Notice of Intended of Expropriation was discharged from the affected Title. With the registration of the plan under DASZ 4/2013, the City secured the land required for the Projects and the expropriation is no longer required.

The initiation of the expropriation process and its early termination did not result in any significant costs to the City, other than the cost of plan preparation.

It is important to note that the July 19, 2017 report also provided the authority to open the land identified on Misc. Plan 14307/10 as right-of-way and have the Director of Legal Services/City Solicitor prepare the necessary by-law to effect the street opening. Registration of the plan under File DASZ 4/2013 opened the right-of-way in question therefore no further action is required.

FINANCIAL IMPACT

Financial Impact Statement Date: August 2, 2018

Project Name:

Request to Rescind the Expropriation Proceedings for the Southwest Rapid Transit (Stage 2) and Pembina Highway Underpass Project (Misc. Plan 14307/10)

COMMENTS:

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, as to legal issues

OURWINNIPEG POLICY ALIGNMENT

N/A

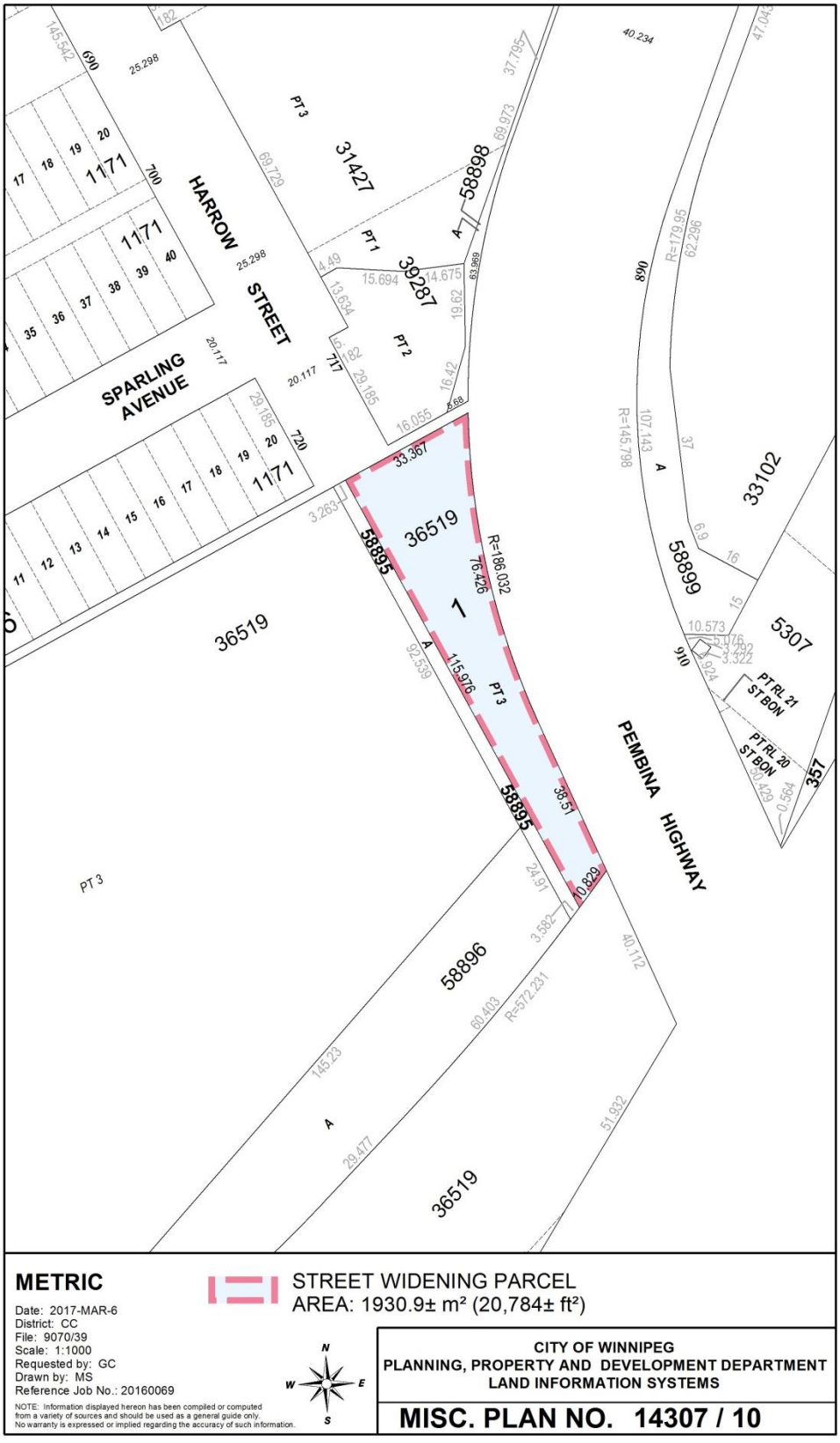
SUBMITTED BY

Department: Planning, Property and Development Department
Division: Real Estate and Land Development
Prepared by: Gord Chappell, Administrator
Date: August 10, 2018
File No: 32/4096/A V6

Attachments:

Schedule A – Misc. Plan 14307/10

Schedule A


HARROW STREET
SPARLING AVENUE
PEMBINA HIGHWAY
31427
39287
58898
58895
58896
58899
36519
33102
5307
1171
PT 1
PT 2
PT 3
PT RL 21 ST BON
PT RL 20 ST BON
METRIC
Date: 2017-MAR-6
District: CC
File: 9070/39
Scale: 1:1000
Requested by: GC
Drawn by: MS
Reference Job No.: 20160069
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.
STREET WIDENING PARCEL
AREA: 1930.9± m² (20,784± ft²)
CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPARTMENT
LAND INFORMATION SYSTEMS
MISC. PLAN NO. 14307 / 10