Minutes – Executive Policy Committee – September 12, 2018

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

Item No. 12 Request to Rescind the Expropriation Proceedings for the Cockburn-Calrossie Combined Sewer Area – Drainage Upgrade Project (Misc. Plan 14762/1)

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 approval to initiate expropriation proceedings for the land interests required for the Cockburn-Calrossie Combined Sewer Area – Drainage Upgrade Project, identified on Schedule A, be rescinded.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 Cockburn-Calrossie Combined Sewer Area – Drainage Upgrade Project (Misc. Plan 14762/1)

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 easements identified in Schedule A which were required for the Cockburn-Calrossie Combined Sewer Area – Drainage Upgrade Project (the "Project").

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 As a result, the Public Service is recommending that the approval to initiate expropriation proceedings be rescinded.

RECOMMENDATIONS

1. That the July 19, 2017, Council Decision granting the approval to initiate expropriation proceedings for the land interests required for the Cockburn-Calrossie Combined Sewer Area – Drainage Upgrade 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 interests identified on Misc. Plan 14762/1 were acquired through DASZ 4/2013 and an expropriation of the land interests is no longer required. As a housekeeping matter, the Department 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, the Report from the Administrative Coordinating Group. Condition C.1 of Schedule B stated:

> *"The Developer shall, at no expense to the City, grant an easement for the future land drainage trunk sewer that will cross the Planned Area as determined by and to the satisfaction of the Director of Water and Waste."*

The Developer did not register the Plan of Subdivision in a timely fashion and the City was unable to secure the easements required for the Project 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 easements required for the Project and a Notice of Intended Expropriation was registered against the Developer's affected Titles.

The Plan of Subdivision was subsequently registered on August 14, 2017 and the Notice of Intended of Expropriation was discharged from the affected Titles. With the registration of the plan under DASZ 4/2013, the City secured the easements required for the Project 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.

FINANCIAL IMPACT

Financial Impact Statement Date: August 2, 2018

Project Name:

Request to Rescind the Expropriation Proceedings for the Cockburn-Calrossie Combined Sewer Area – Drainage Upgrade Project (Misc. Plan 14762/1)

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

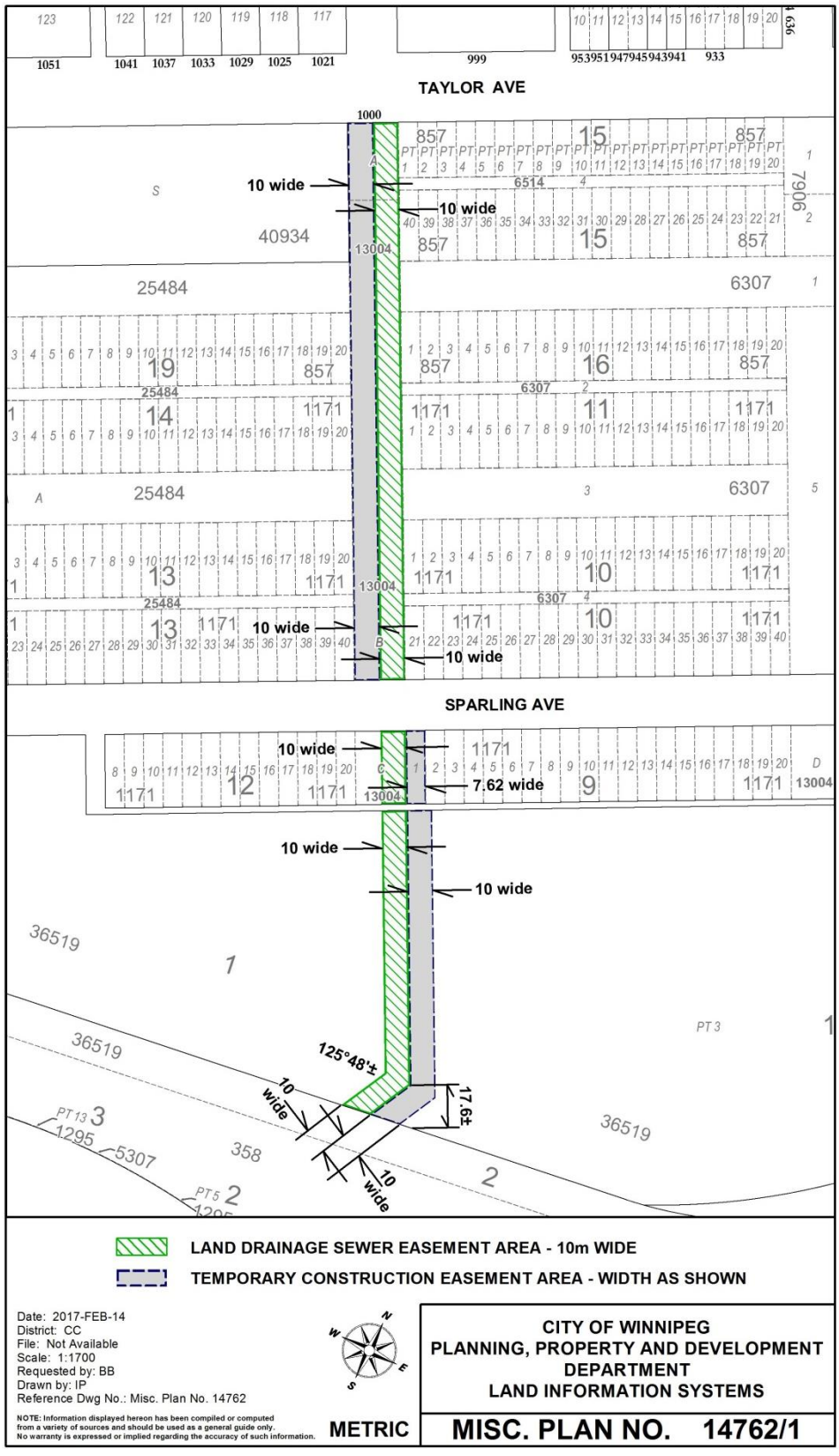
SUBMITTED BY

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 14762/1

Schedule A


TAYLOR AVE
SPARLING AVE
10 wide
7.62 wide
125°48'±
17.6±
LAND DRAINAGE SEWER EASEMENT AREA - 10m WIDE
TEMPORARY CONSTRUCTION EASEMENT AREA - WIDTH AS SHOWN
Date: 2017-FEB-14
District: CC
File: Not Available
Scale: 1:1700
Requested by: BB
Drawn by: IP
Reference Dwg No.: Misc. Plan No. 14762
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.
METRIC
CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPARTMENT
LAND INFORMATION SYSTEMS
MISC. PLAN NO. 14762/1