Minutes – Executive Policy Committee – February 19, 2019

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – February 4, 2019

Item No. 2 Expropriation of Lands and Opening of Public Right-of-Way – 1353 Dawson Road South (Transcona Ward)

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 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 as "Proposed Acquisition" on Misc. Plan No. 15332/1 (attached as Appendix A) for the Fermor Avenue Reconstruction Project (the "Project").

2. That subject to the approval of Recommendation No.1, the Chief Administrative Officer be authorized to request the Province of Manitoba to waive the requirement for an expropriation inquiry, under Clause 9(8)(a) of the Expropriation Act.

3. Subject to Council's confirmation of the proposed expropriation, the lands identified as "Proposed Opening for Right-of-Way" on Misc. Plan No. 15332/2 (attached as Appendix B), be approved to be opened as a public right-of-way.

4. That the Director of Legal Services and City Solicitor be instructed to prepare and bring directly to Council for enactment a by-law to facilitate the street opening in accordance with Misc. Plan No. 15332/2 (attached as Appendix "B") as required for the Project.

5. 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.

6. That construction of the Project not commence until Council approves the 2019 Capital Budget.

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – February 4, 2019

DECISION MAKING HISTORY:

Moved by Councillor Rollins,

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 February 4, 2019, 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 – 1353 Dawson Road South

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

In order to proceed with the Fermor Avenue Reconstruction Project (the "Project"), the Public Service will need to acquire privately owned property. The Public Service has been unable to conclude negotiations on one of the acquisitions, namely, 1353 Dawson Road South.

The Public Service has determined that the expropriation of 1353 Dawson Road South is essential for the Project to meet construction timelines.

If Council concurs in the Recommendations, a portion of the acquired property will be opened as a public right-of-way.

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 as "Proposed Acquisition" on Misc. Plan No. 15332/1 (attached as Appendix A) for the Fermor Avenue Reconstruction Project (the "Project").

2. That subject to the approval of Recommendation No.1, the Chief Administrative Officer be authorized to request the Province of Manitoba to waive the requirement for an expropriation inquiry, under Clause 9(8)(a) of the Expropriation Act.

3. Subject to Council's confirmation of the proposed expropriation, the lands identified as "Proposed Opening for Right-of-Way" on Misc. Plan No. 15332/2 (attached as Appendix B), be approved to be opened as a public right-of-way.

4. That the Director of Legal Services and City Solicitor be instructed to prepare and bring directly to Council for enactment a by-law to facilitate the street opening in accordance with Misc. Plan No. 15332/2 (attached as Appendix "B") as required for the Project.

5. 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.

6. That construction of the Project not commence until Council approves the 2019 Capital budget.

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 Approval is required for the proposed street opening.

IMPLICATIONS OF THE RECOMMENDATIONS

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

The expropriation will enable the City to take ownership of 1353 Dawson Road South ("Subject Property") within a defined time. The Subject Property is required for the Fermor Avenue Reconstruction Project (the "Project"), which will commence construction in 2019, subject to adoption of the 2019 Capital Budget.

The City will be responsible to compensate the owner for the market value of the land taken and other costs in accordance with *The Expropriation Act*. An Offer of Compensation will be provided to the expropriated owner once Council confirms the expropriation.

HISTORY/DISCUSSION

On December 12, 2017, Council approved the forecasted 2019 and 2020 Capital Budget which includes funding for the Project. The Project entails the reconstruction of Fermor Avenue into a four-lane median divided roadway between Lagimodiere Boulevard and the Canadian National railway overpass near Plessis Road. Several parcels of private property are required for the Project.

On March 28, 2018, the Chief Administrative Officer authorized the Director of the Planning, Property and Development Department to commence negotiations for all land acquisitions necessary for the Project.

Lands required for the Project include the following as shown in Appendix "C", namely:

- 10 Royal Mint Drive
- Lot 1 Plan 9035 Dawson Rd S & 1353 Dawson Road South
- Frontage along Dawson Trail subdivision (DASZ 52/2013)

The Public Service has secured the bulk of lands required for the Project via a pending land exchange agreement (DAOC 1/ 2013) which arose out of the Dawson Trail subdivision application (DASZ 52/2013). Negotiations continue with the remaining two landowners but it appears that a negotiated acquisition of 1353 Dawson Road South will not conclude within Project timelines. The property located at 1353 Dawson Road South is a 1.50-acre development site of which 0.54 acres is required for the Project.

The Public Service recommends a full expropriation of 1353 Dawson Road South inasmuch as the Project will eliminate the current access to 1353 Dawson Road South and the partial taking will significantly reduce the development potential (if any) of the remaining site. In addition, it is more expedient to take the entire parcel because completing a partial expropriation is subject to additional survey work that may delay the Project timeline.

If Council concurs in the Recommendations contained in this report, the Public Service will legally open a portion of 1353 Dawson Road South, identified as “Proposed Opening for Right-of-Way” on Misc. Plan No. 15332/2 (attached as Appendix B), as a right-of-way.

The Public Works Department has been consulted and concurs with the intention of this report.

FINANCIAL IMPACT

Financial Impact Statement **Date:** January 3, 2019

Project Name:

Expropriation of Lands and Opening of Public Right-of-Way – 1353 Dawson Road South

COMMENTS:

There are no direct financial implications associated wth 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

OURWINNIPEG POLICY ALIGNMENT

OurWinnipeg Direction Strategy ***"SustainableTransportation"*** *section* 05-2c **Strategic Street Network Improvement** provides for the aforementioned works:

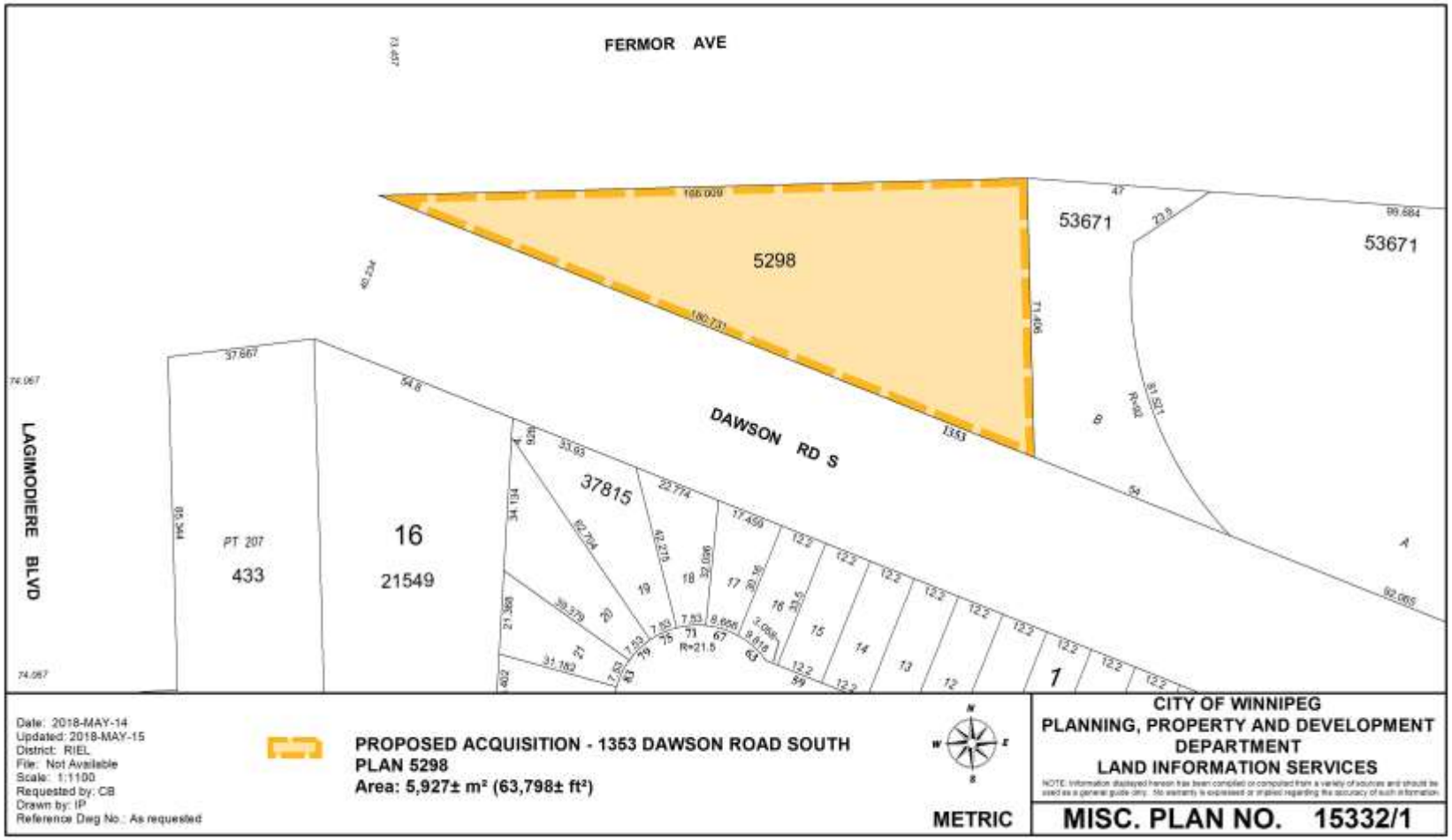
- Identify and prioritize major street and highway system improvements.
- Develop a plan to implement corridor improvements in a systematic and efficient manner.
- Continue support for an asset management program to identify and prioritize key areas of short, medium and long term maintenance.
- Accommodate all modes and reduce both delay and emissions by investing in selected capacity improvements to existing major street network operations.
- Recommend improvements to assist the movement of goods into and out of the city, maintaining the integrity of residential neighbourhoods.
- Implement measures to protect and conserve a strategic goods network for roads, rail and air facilities.

SUBMITTED BY

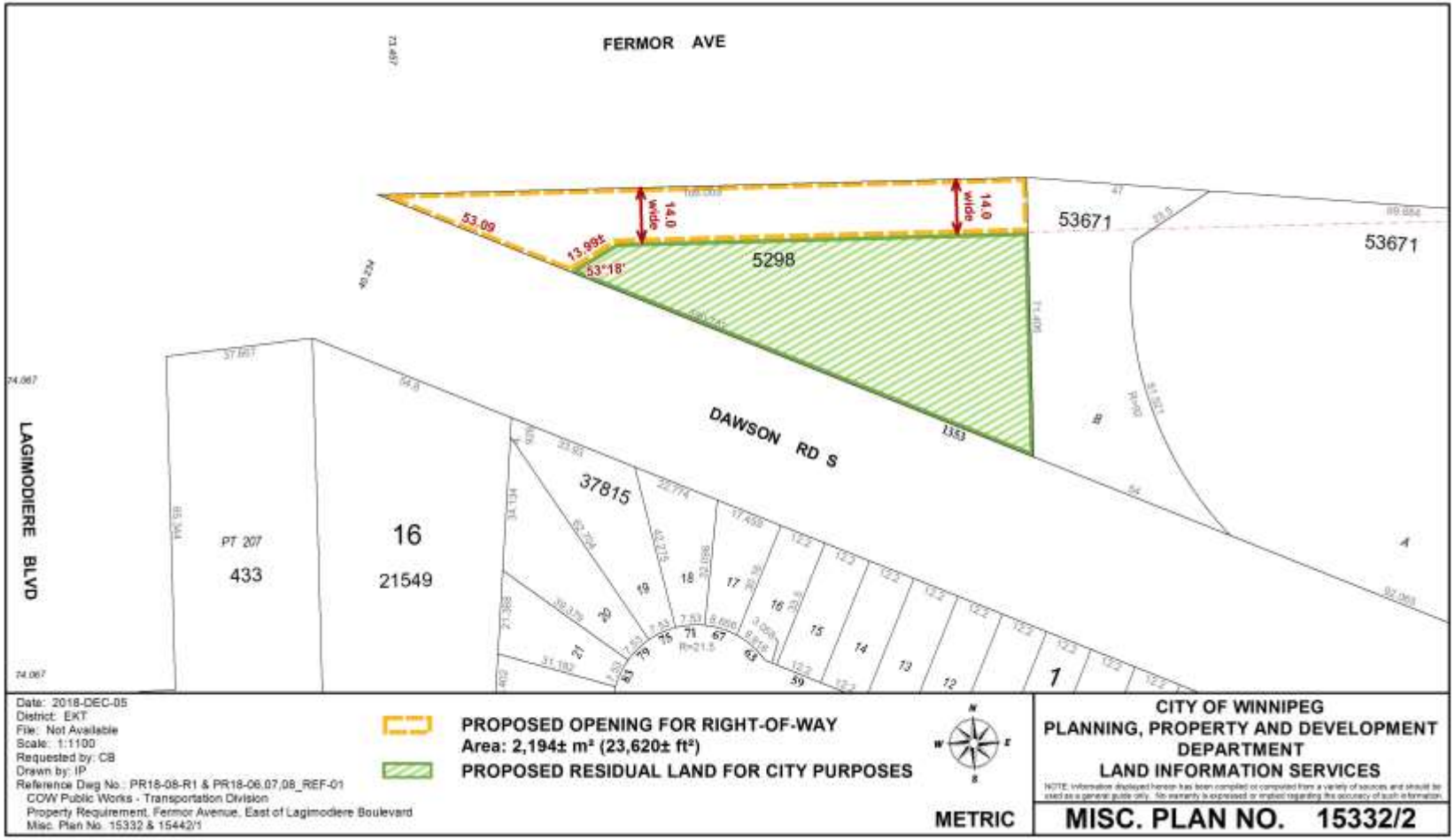
Department:	Planning, Property and Development
Division:	Real Estate and Land Development
Prepared by:	Clifford Bignall - Real Estate Officer
Date:	January 14, 2019
File No.:	8382

Attachments:
Appendix A – Misc. Plan No. 15332/1
Appendix B – Misc. Plan No. 15332/2

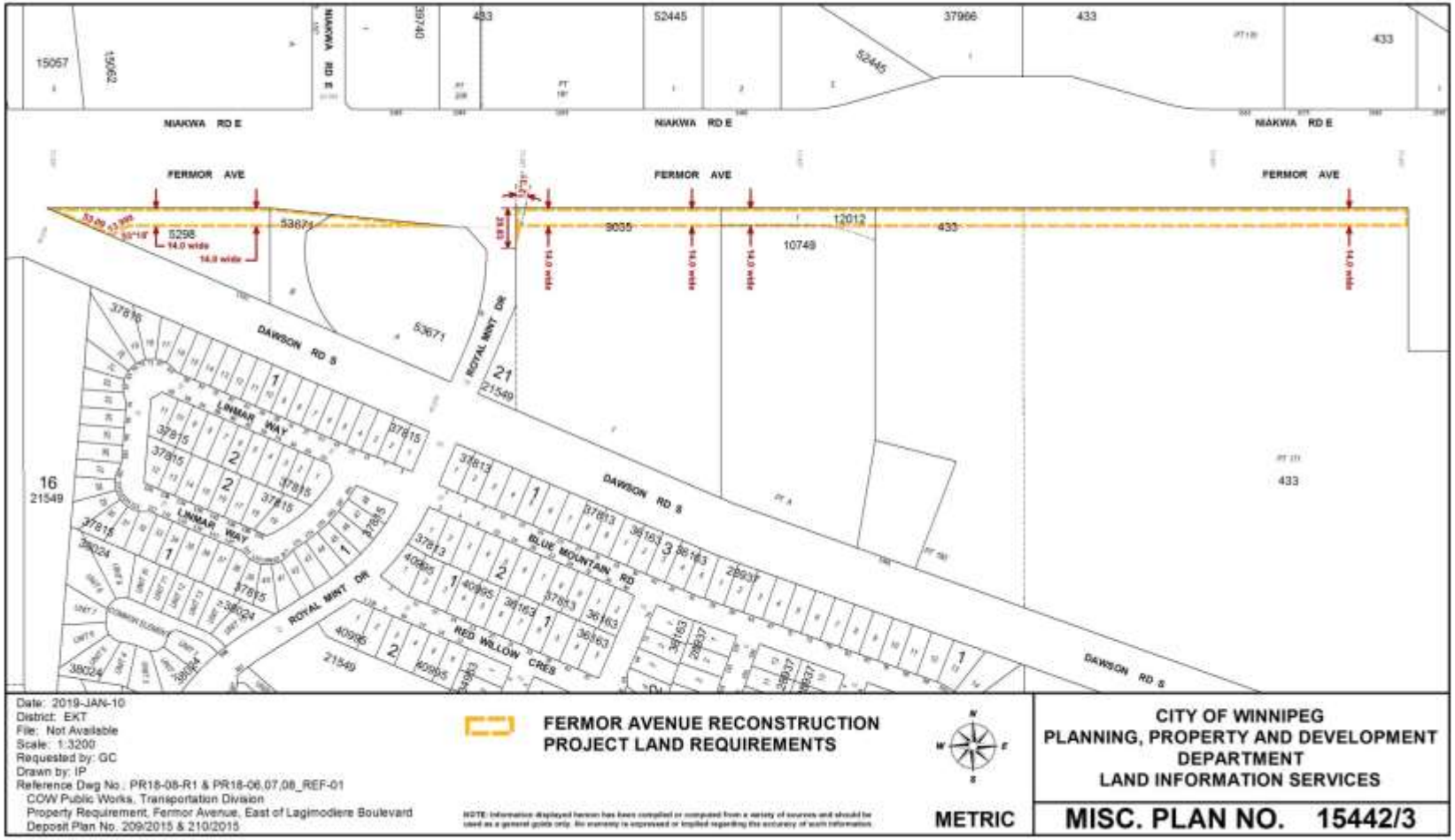
APPENDIX A


FERMOR AVE
DAWSON RD S
LAGIMODIERE BLVD
5298
53671
53671
37815
16
21549
PT 207
433
Date: 2018-MAY-14
Updated: 2018-MAY-15
District: RIEL
File: Not Available
Scale: 1:1100
Requested by: CB
Drawn by: IP
Reference Dwg No.: As requested
PROPOSED ACQUISITION - 1353 DAWSON ROAD SOUTH
PLAN 5298
Area: 5,927± m² (63,798± ft²)
METRIC
CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPARTMENT
LAND INFORMATION SERVICES
MISC. PLAN NO. 15332/1

APPENDIX B


FERMOR AVE
53.09
13.99±
53°18'
14.0 wide
14.0 wide
5298
53671
53671
DAWSON RD S
LAGIMODIERE BLVD
PT 207
433
16
21549
37815
1383
Data: 2018-DEC-05
District: EKT
File: Not Available
Scale: 1:1100
Requested by: CB
Drawn by: IP
Reference Dwg No.: PR18-08-R1 & PR18-06,07,08_REF-01
COW Public Works - Transportation Division
Property Requirement, Fermor Avenue, East of Lagimodiere Boulevard
Misc. Plan No. 15332 & 15442/1
PROPOSED OPENING FOR RIGHT-OF-WAY
Area: 2,194± m² (23,620± ft²)
PROPOSED RESIDUAL LAND FOR CITY PURPOSES
METRIC
CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPARTMENT
LAND INFORMATION SERVICES
MISC. PLAN NO. 15332/2

APPENDIX C


NIAKWA RD E
FERMOR AVE
DAWSON RD S
ROYAL MINT DR
LINMAR WAY
BLUE MOUNTAIN RD
RED WILLOW CRES
Date: 2019-JAN-10
District: EKT
File: Not Available
Scale: 1:3200
Requested by: GC
Drawn by: IP
Reference Dwg No.: PR18-08-R1 & PR18-06,07,08_REF-01
COW Public Works, Transportation Division
Property Requirement, Fermor Avenue, East of Lagimodiere Boulevard
Deposit Plan No. 209/2015 & 210/2015
FERMOR AVENUE RECONSTRUCTION
PROJECT LAND REQUIREMENTS
METRIC
CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT
DEPARTMENT
LAND INFORMATION SERVICES
MISC. PLAN NO. 15442/3