Minute No. 205
Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – February 4, 2019

Item No. 11 Confirmation of Expropriation – Pembina Highway – Grant Avenue to Osborne Street – Major Rehabilitation and Buffered Bike Lanes Project

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and adopted the following:

1. That the expropriation of lands for the Pembina Highway Major Rehabilitation and Buffered Bike Lanes Project, approved at the April 26, 2018 Council Meeting, be confirmed as outlined in the Declaration of Expropriation submitted on April 26, 2018.

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 – February 4, 2019

DECISION MAKING HISTORY:

Moved by Councillor Mayes,

That the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 19, 2019, 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 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: Confirmation of Expropriation – Pembina Highway – Grant Avenue to Osborne Street – Major Rehabilitation and Buffered Bike Lanes Project

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

On April 26, 2018, Council instructed the Public Service to initiate expropriation proceedings for the land required for the Pembina Highway Major Rehabilitation and Buffered Bike Lanes Project (the "Project").

Two owners affected by the expropriation submitted notices of objection that were subsequently withdrawn. Pursuant to section 9(1) of *The Expropriation Act*, Council is now required to confirm the Declaration of Expropriation.

RECOMMENDATIONS

1. That the expropriation of lands for the Pembina Highway Major Rehabilitation and Buffered Bike Lanes Project, approved at the April 26, 2018 Council Meeting, be confirmed as outlined in the Declaration of Expropriation submitted on April 26, 2018.

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

According to the "Policy for the Sale, Acquisition, Rental, Leasing and Management of Properties", Council approval is required to approve all land acquisition programs and to pass expropriation by-laws.
Council, as the confirming authority, is required to confirm (either with or without modifications) or refuse the Declaration of Expropriation pursuant to section 9(1) of *The Expropriation Act*.

IMPLICATIONS OF THE RECOMMENDATIONS

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

If the expropriation is confirmed, the City will take possession of the expropriated properties. 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*.

HISTORY/DISCUSSION

On March 22, 2016, Council adopted the 2016 Capital Budget, which included funding for the Project.

On June 24th, 2016, the Chief Administrative Officer authorized the Director of the Planning, Property and Development Department to commence negotiations for the properties required for the Project:

- 104 Pembina Highway (Holding #1, identified in Appendix A)
- 100 Pembina Highway (Holding #2, identified in Appendix B)
- 253 Osborne Street (Holding #5, identified in Appendix C)

The Public Service was unable to conclude any of the acquisitions through negotiations.

On April 26, 2018, Council instructed the Public Service to initiate expropriation proceedings for the land required for the Project.

The City served notice of the intended expropriation upon all owners of the lands intended to be expropriated. Two notices of objection were received on June 1, 2018. These objections were subsequently withdrawn on January 11, 2019.
All required proceedings in accordance with Schedule “A” of *The Expropriation Act* have now been completed. Pursuant to section 9(1) of *The Expropriation Act* and completion of Schedule “A”, Council is now required to confirm (with or without modifications) or refuse the Declaration of Expropriation upon the Declaration being submitted to Council.

FINANCIAL IMPACT

Financial Impact Statement Date: January 23, 2019

Project Name:

Confirmation of Expropriation – Pembina Highway – Grant Avenue to Osborne Street – Major Rehabilitation and Buffered Bike Lanes Project

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

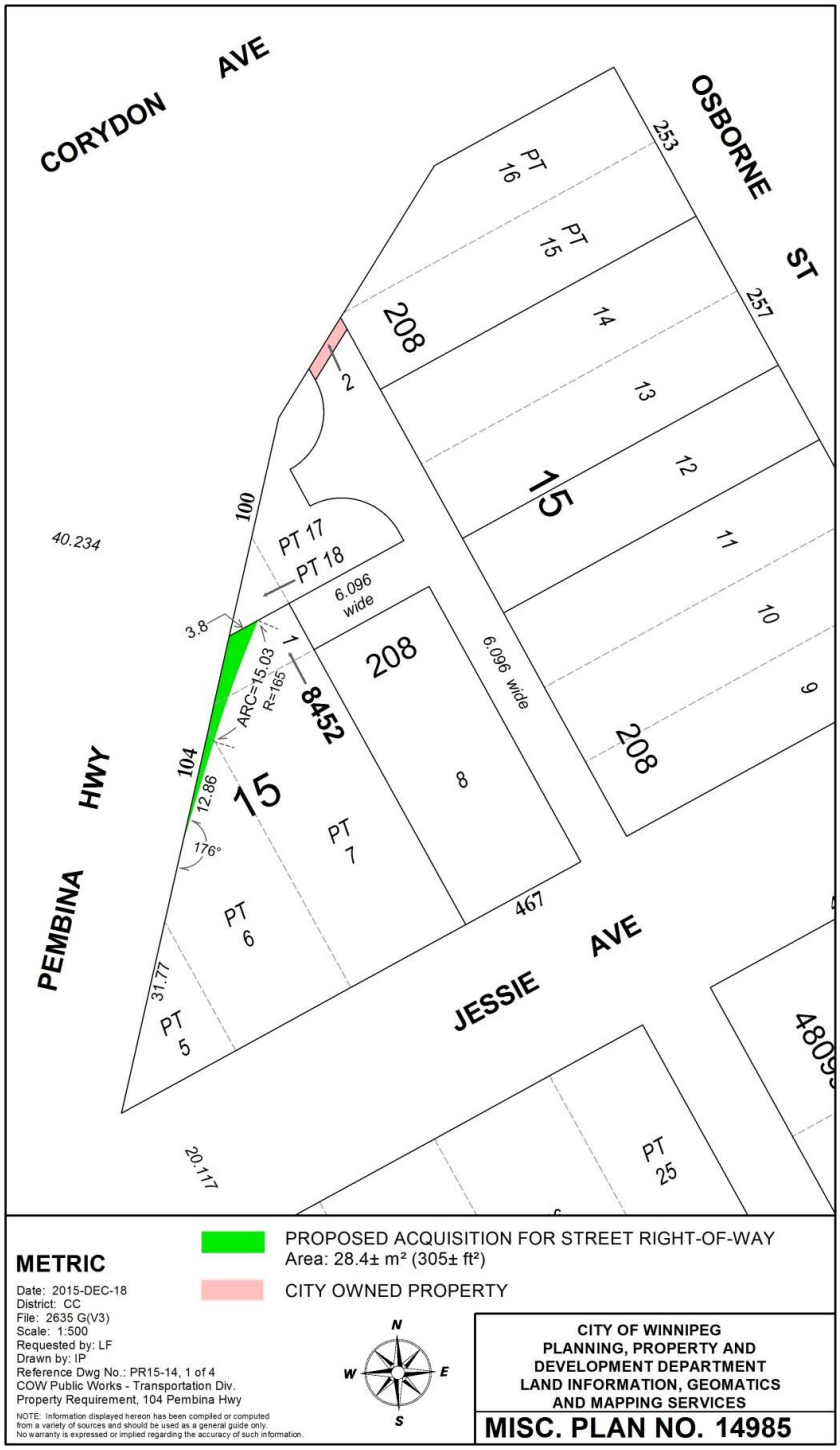
The Project and the required expropriations are consistent with the Transportation Master Plan. The Project aligns with the Key Directions for the City.

SUBMITTED BY

Department: Planning, Property and Development
Division: Real Estate and Land Development
Prepared by: Leah Furedi, Senior Negotiator
Date: January 24, 2019
File No: 2635/G (V4-V7)

Attachments:
Appendix A – Misc. Plan No. 14985
Appendix B – Misc. Plan No. 14984
Appendix C – Misc. Plan No. 14978

Appendix A


CORYDON AVE
OSBORNE ST
PEMBINA HWY
JESSIE AVE
PT 16
PT 15
208
14
13
12
11
10
9
257
253
2
100
40.234
PT 17
PT 18
6.096 wide
3.8
ARC=15.03
R=165
1
8452
104
12.86
176°
15
PT 7
8
6.096 wide
208
208
467
31.77
PT 6
PT 5
20.117
PT 25
PROPOSED ACQUISITION FOR STREET RIGHT-OF-WAY
Area: 28.4± m² (305± ft²)
CITY OWNED PROPERTY
METRIC
Date: 2015-DEC-18
District: CC
File: 2635 G(V3)
Scale: 1:500
Requested by: LF
Drawn by: IP
Reference Dwg No.: PR15-14, 1 of 4
COW Public Works - Transportation Div.
Property Requirement, 104 Pembina Hwy
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.
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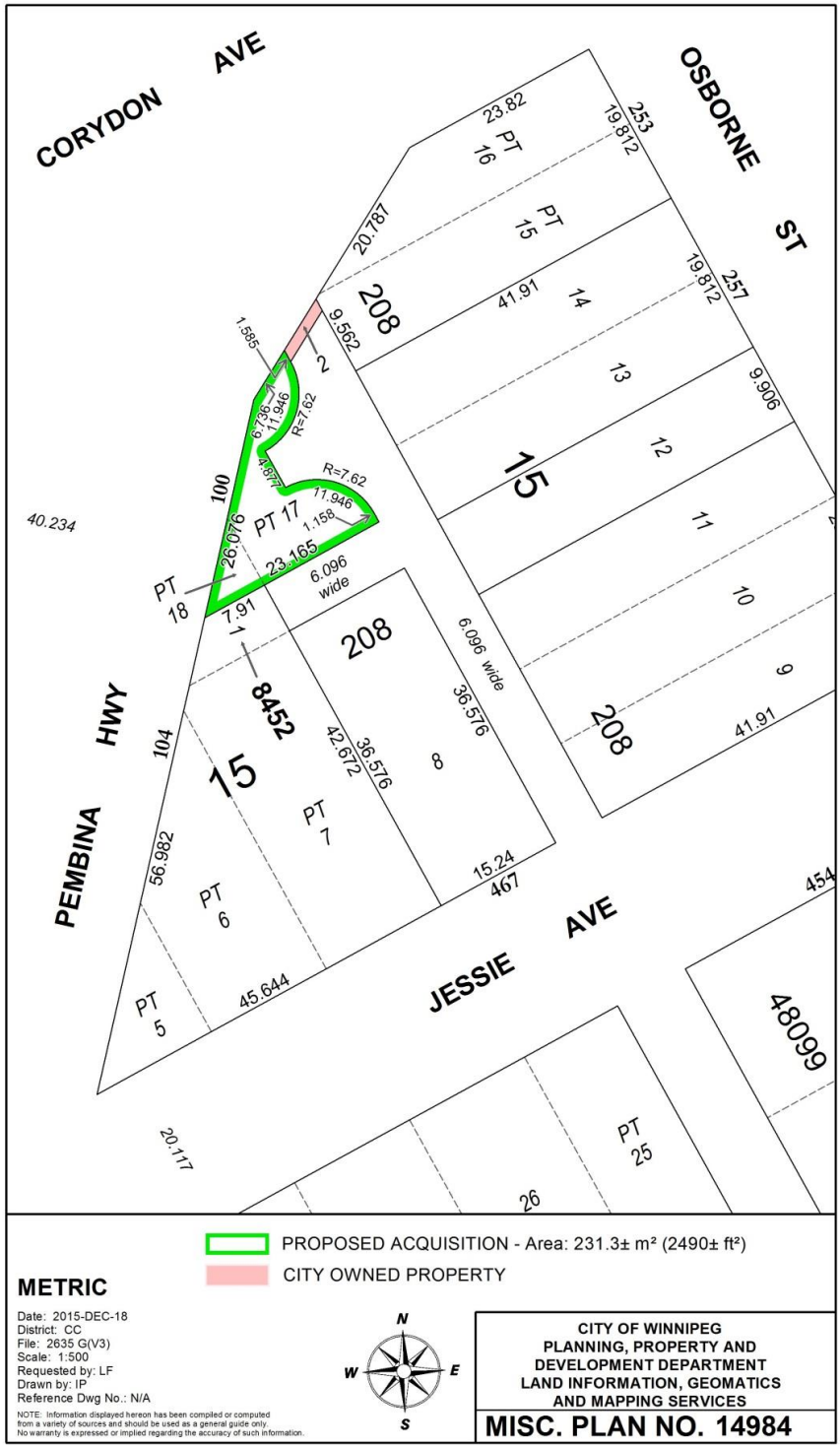
CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPARTMENT
LAND INFORMATION, GEOMATICS AND MAPPING SERVICES
MISC. PLAN NO. 14985

Appendix B


CORYDON AVE
OSBORNE ST
PEMBINA HWY
JESSIE AVE
PT 16
PT 15
PT 17
PT 18
PT 7
PT 6
PT 5
PT 25
208
15
8452
48099
PROPOSED ACQUISITION - Area: 231.3± m² (2490± ft²)
CITY OWNED PROPERTY
METRIC
Date: 2015-DEC-18
District: CC
File: 2635 G(V3)
Scale: 1:500
Requested by: LF
Drawn by: IP
Reference Dwg No.: N/A
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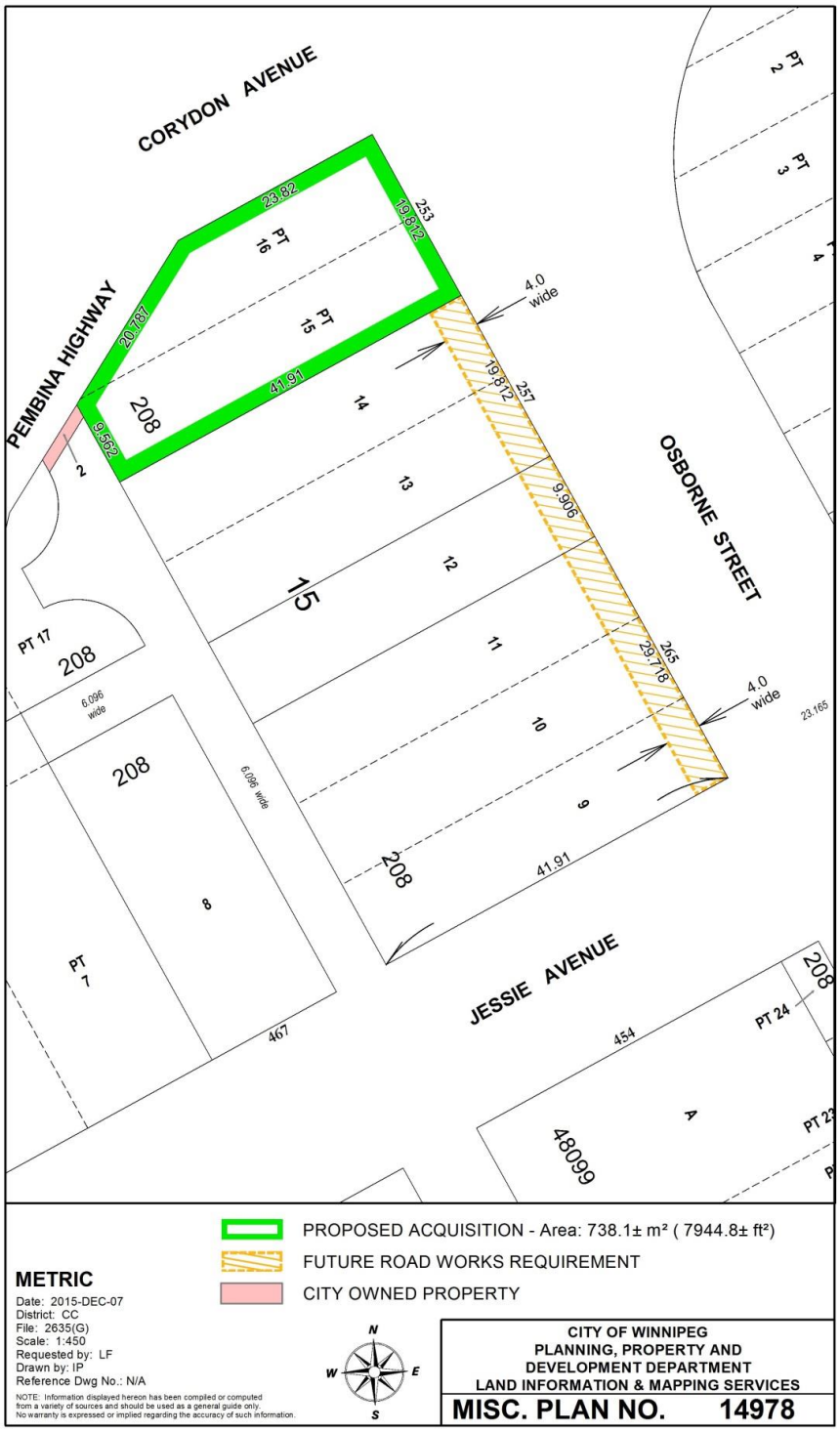
CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPARTMENT
LAND INFORMATION, GEOMATICS AND MAPPING SERVICES
MISC. PLAN NO. 14984

Appendix C


CORYDON AVENUE
PEMBINA HIGHWAY
OSBORNE STREET
JESSIE AVENUE
23.82
253
19.812
PT 16
PT 15
20.787
41.91
208
9.562
2
4.0 wide
19.812
257
14
13
9.906
12
15
11
265
29.718
10
9
41.91
208
PT 17
208
6.096 wide
208
6.096 wide
8
PT 7
467
454
PT 24
208
A
48099
PT 2
PT 3
PT 4
23.165
PROPOSED ACQUISITION - Area: 738.1± m² (7944.8± ft²)
FUTURE ROAD WORKS REQUIREMENT
CITY OWNED PROPERTY
METRIC
Date: 2015-DEC-07
District: CC
File: 2635(G)
Scale: 1:450
Requested by: LF
Drawn by: IP
Reference Dwg No.: N/A
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CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPARTMENT
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 14978