Minute No. 326
Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – April 23, 2019

Item No. 3 Confirmation of Expropriation – 1353 Dawson Road South – Fermor Avenue Reconstruction Project (between Lagimodiere and Plessis) (Transcona Ward)

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 at 1353 Dawson Road South for the Fermor Avenue Reconstruction Project, approved at the February 28, 2019 Council Meeting, be confirmed as outlined in the Declaration of Expropriation submitted on February 28, 2019.

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 – April 23, 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 May 7, 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 April 23, 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 – 1353 Dawson Road South – Fermor Avenue Reconstruction Project (between Lagimodiere and Plessis)

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 February 28, 2019, Council directed the Public Service to initiate expropriation proceedings for lands at 1353 Dawson Road South required for the Fermor Avenue Reconstruction Project (the "Project").

On March 22, 2019, the Lieutenant Governor in Council waived the requirement for an expropriation inquiry under Order in Council No. 104/2019.

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 at 1353 Dawson Road South for the Fermor Avenue Reconstruction Project, approved at the February 28, 2019 Council Meeting be confirmed as outlined in the Declaration of Expropriation submitted on February 28, 2019.

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 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, as the confirming authority, is required to confirm (either with our 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 resources or other implications associated with this report.

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

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

HISTORY/DISCUSSION

On December 12, 2017, Council approved the forecasted 2019 and 2020 Capital Budget, which included 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 Misc. Plan No. 15442/3 (attached hereto as Appendix A), namely:

1. 10 Royal Mint Drive
2. Lot 1 Plan 9035 Dawson Rd S & 1353 Dawson Road South
3. 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) that arose out of the Dawson Trail subdivision application (DASZ 52/2013).

The Public Service was unable to conclude the acquisition of 1353 Dawson Road South, as shown on Misc. Plan No. 15332/1 (attached hereto as Appendix B), through negotiations.

On February 28, 2019, Council instructed the Public Service to initiate expropriation proceedings for the land at 1353 Dawson Road South. The City subsequently applied to the

Provincial government to allow the confirming authority to make its order confirming a declaration without an inquiry being conducted.

On March 22, 2019, the Lieutenant Governor in Council waived the requirement for an expropriation inquiry under Order in Council No. 104/2019. The granting of this waiver means that the requirements under Schedule “A” of *The Expropriation Act* no longer apply to this expropriation.

In accordance with Section 9(1) of *The Expropriation Act,* Council is now required to confirm (with or without modifications) or refuse the Declaration of Expropriation upon the Declaration being submitted to Council. The Public Service recommends that Council confirm the expropriation with no modifications to the Declaration of Expropriation.

FINANCIAL IMPACT

Financial Impact Statement Date: March 29, 2019

Project Name:
Confirmation of Expropriation – 1353 Dawson Road South – Fermor Avenue Reconstruction Project

COMMENTS:

There are no direct financial implications associated with this report. Consideration of any offer of compensation will be the subject of a separate 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.

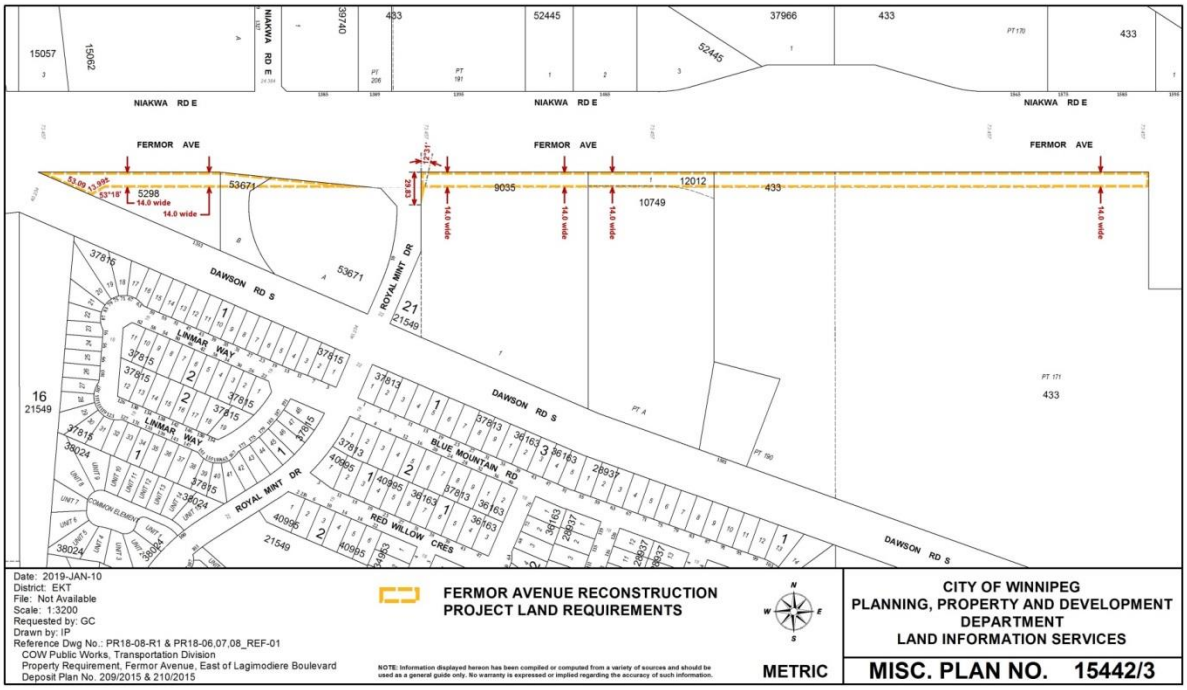
SUBMITTED BY

Department: Planning, Property and Development
Division: Real Estate and Land Development
Prepared by: Clifford Bignall, Real Estate Officer
Date: April 4, 2019
File No: 8382

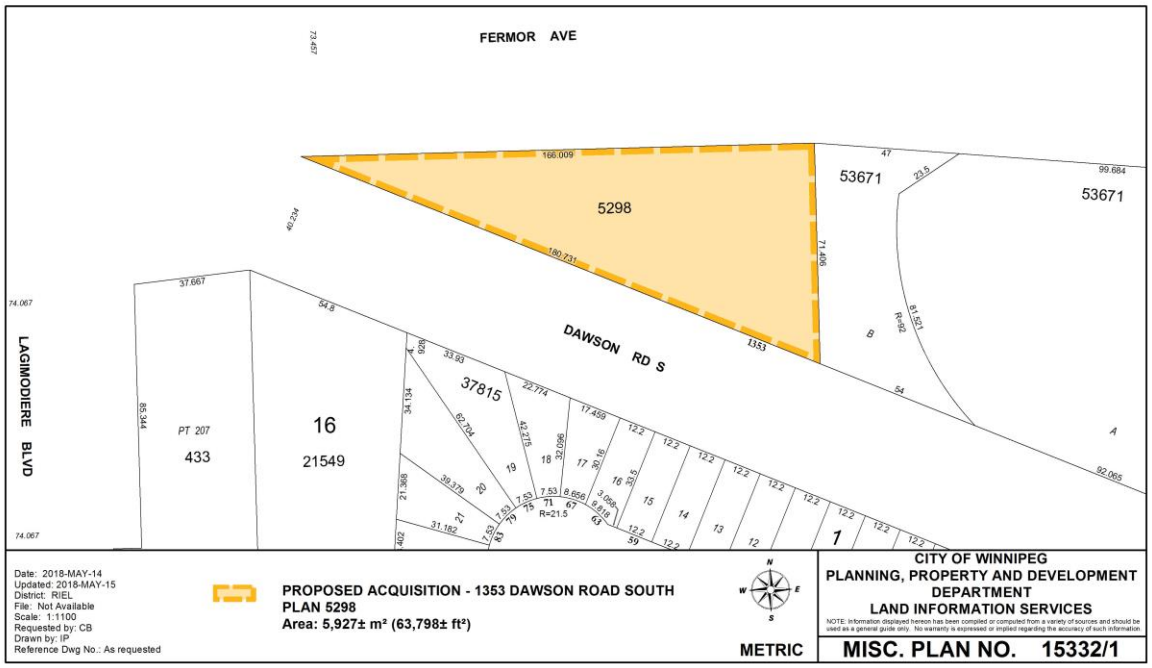
Attachments:

Appendix A – Misc. Plan 15442/3
Appendix B – Misc. Plan 15332/1

APPENDIX A


NIAKWA RD E
FERMOR AVE
DAWSON RD S
ROYAL MINT DR
LINMAR WAY
BLUE MOUNTAIN RD
RED WILLOW CRES
14.0 wide
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
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 SERVICES
MISC. PLAN NO. 15442/3

APPENDIX B


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