Minute No. 453
Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – June 24, 2019

Item No. 6 Expropriation of Lands and Opening of Public Right-of-Way - Part of 10 Royal Mint Drive and Part of Parcel 1 Plan 9035 on Dawson Road South (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 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 lands identified as "Proposed Acquisition" on Misc. Plan Nos. 15333 and 15334/1 (attached as Appendix A and B, respectively) for the Fermor Avenue Reconstruction 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. That, subject to Council's confirmation of the proposed expropriation, the proposed street openings and rededications as shown on Misc. Plan No. 15442/1 (attached as Appendix D) be approved.

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 openings and rededications 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 or relocation of any buildings or site improvements, execution of any necessary documents and preparation of any necessary by-laws, legal plans and any intermediary steps that may be required to have the lands opened for public right-of-way.

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – June 24, 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 July 9, 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 June 24, 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 – Part of 10 Royal Mint Drive and Part of Parcel 1 Plan 9035 on 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	M. Ruta, Interim CAO

EXECUTIVE SUMMARY

In order to proceed with the Fermor Avenue Reconstruction Project (the "Project"), the Public Service will need to acquire privately owned properties. The Public Service has been unable to conclude negotiations for the subject acquisitions: part of 10 Royal Mint Drive and part of Parcel 1 Plan 9035 Dawson Road South (the "Subject Properties").

The Public Service has determined that the expropriation of the Subject Properties will allow the Project to meet construction timelines.

If Council concurs in the recommendations, the Subject Properties 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 lands identified as "Proposed Acquisition" on Misc. Plan Nos. 15333 and 15334/1 (attached as Appendix A and B, respectively) for the Fermor Avenue Reconstruction 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. That, subject to Council's confirmation of the proposed expropriation, the proposed street openings and rededications as shown on Misc. Plan No. 15442/1 (attached as Appendix D) be approved.

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 openings and rededications 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 or relocation of any buildings or site improvements, execution of any necessary documents and preparation of any necessary by-laws, legal plans and any intermediary steps that may be required to have the lands opened for public right-of-way.

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 all street openings.

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 the Subject Properties within a defined time. The Subject Properties are required for the Project, which will commence construction in 2019.

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 if 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 on Misc. Plan No. 15442/3 in Appendix C, namely:

1. Frontage along Dawson Trail subdivision (DASZ 52/2013)
2. 1353 Dawson Road South
3. 10 Royal Mint Drive
4. Lot 1 Plan 9035 Dawson Rd S

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).

On February 28, 2019, Council authorized the Public Service to initiate expropriation proceedings for the land at 1353 Dawson Road South. Council confirmed this expropriation on May 16, 2019.

Negotiations with the owner of 10 Royal Mint Drive and Lot 1 Plan 9035 Dawson Road South will not conclude within Project timelines. The areas of lands required for the Project include 502± m^2 (10 Royal Mint Drive) and 2161.8± m^2 (Lot 1 Plan 9035 Dawson Road South) – as noted in Appendices A and B.

If Council concurs in the recommendations contained in this report, the Public Service will legally open the portions of land identified as “Proposed Acquisition” on Misc. Plan No. 15333 and 15334/1 as a right-of-way, and rededicate part of Royal Mint Drive to Fermor Avenue (identified on Misc. Plan No. 15442/1, attached as Appendix D).

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

FINANCIAL IMPACT

Financial Impact Statement Date: June 12, 2019

Project Name:

Expropriation of Lands and Opening of Public Right-of-Way – Part of 10 Royal Mint Drive and Part of Parcel 1 Plan 9035 on Dawson Road

COMMENTS:

There are no direct financial impications associated with this report.

"Oringial 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

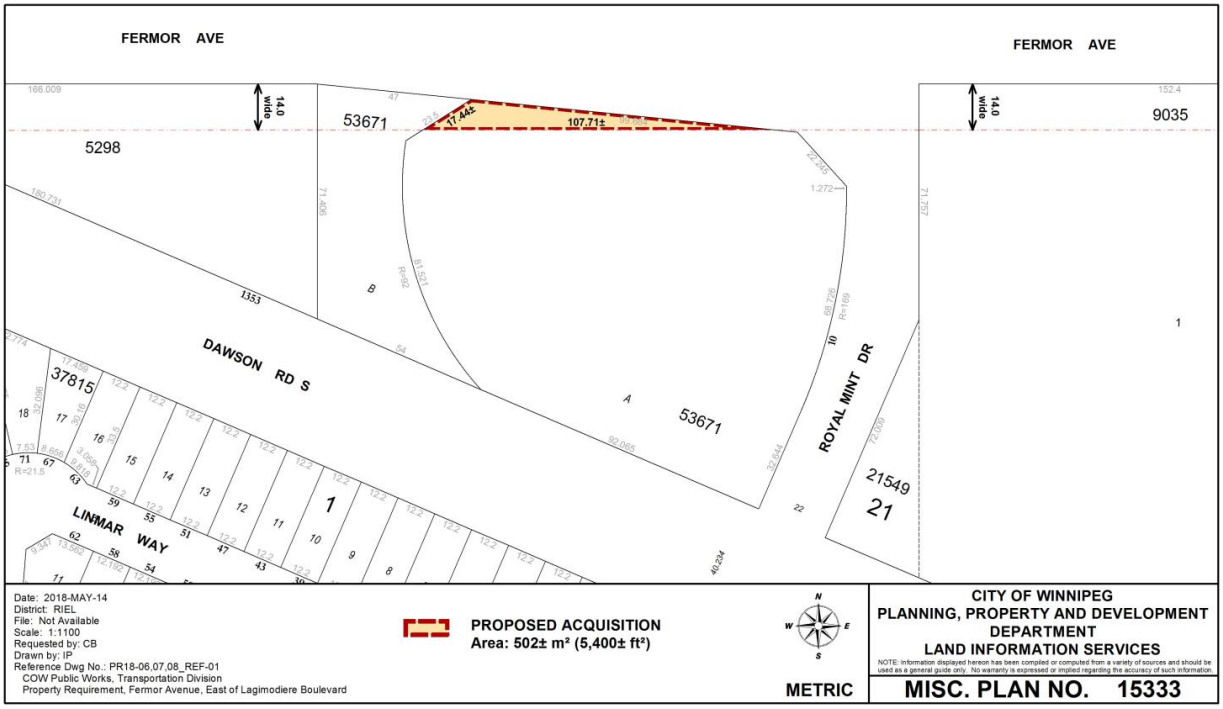
Department: Planning, Property and Development
Division: Real Estate and Land Development
Prepared by: Clifford Bignall- Real Estate Officer
Date: June 17, 2019
File No.:

Attachments:
Appendix A – Misc. Plan No. 15333
Appendix B – Misc. Plan No. 15334/1
Appendix C – Misc. Plan No. 15442/3
Appendix D – Misc. Plan No. 15442/1

APPENDIX A

Holding #2

Location:	10 Royal Mint Drive
Legal Description:	PARCEL A PLAN 53671 WLTO IN LOT 190 ROMAN CATHOLIC MISSION PROPERTY
Zoning:	C3 - Com - Corridor
Property Taking:	PARCEL A PLAN 53671 WLTO IN LOT 190 ROMAN CATHOLIC MISSION PROPERTY, as shown shaded, bordered and identified as "Proposed Acquisition – Area 502 ± m² (5,400 ± ft²)" on Misc. Plan No. 15333 to be opened as Public Road
Description:	Vacant land



APPENDIX B

Holding #4

Location: Parcel 1 Plan 9035

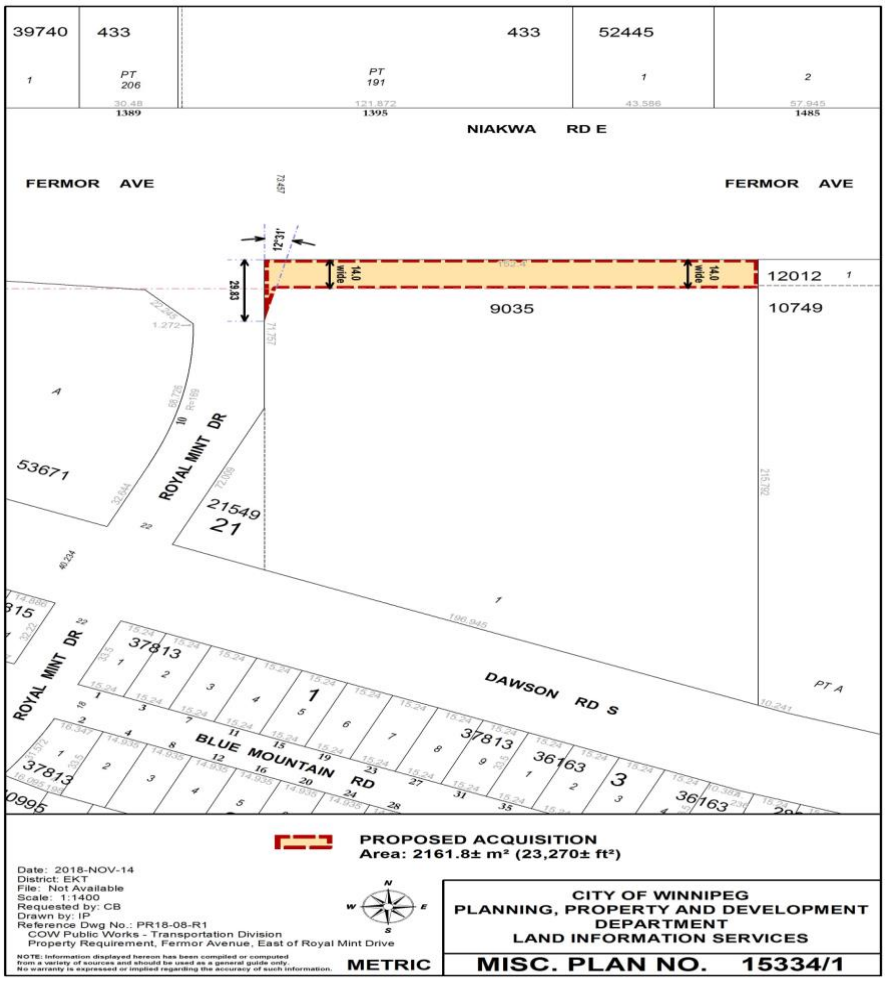
Legal Description: PARCEL 1 PLAN 9035 WLTO

IN LOT 190 ROMAN CATHOLIC MISSION PROPERTY

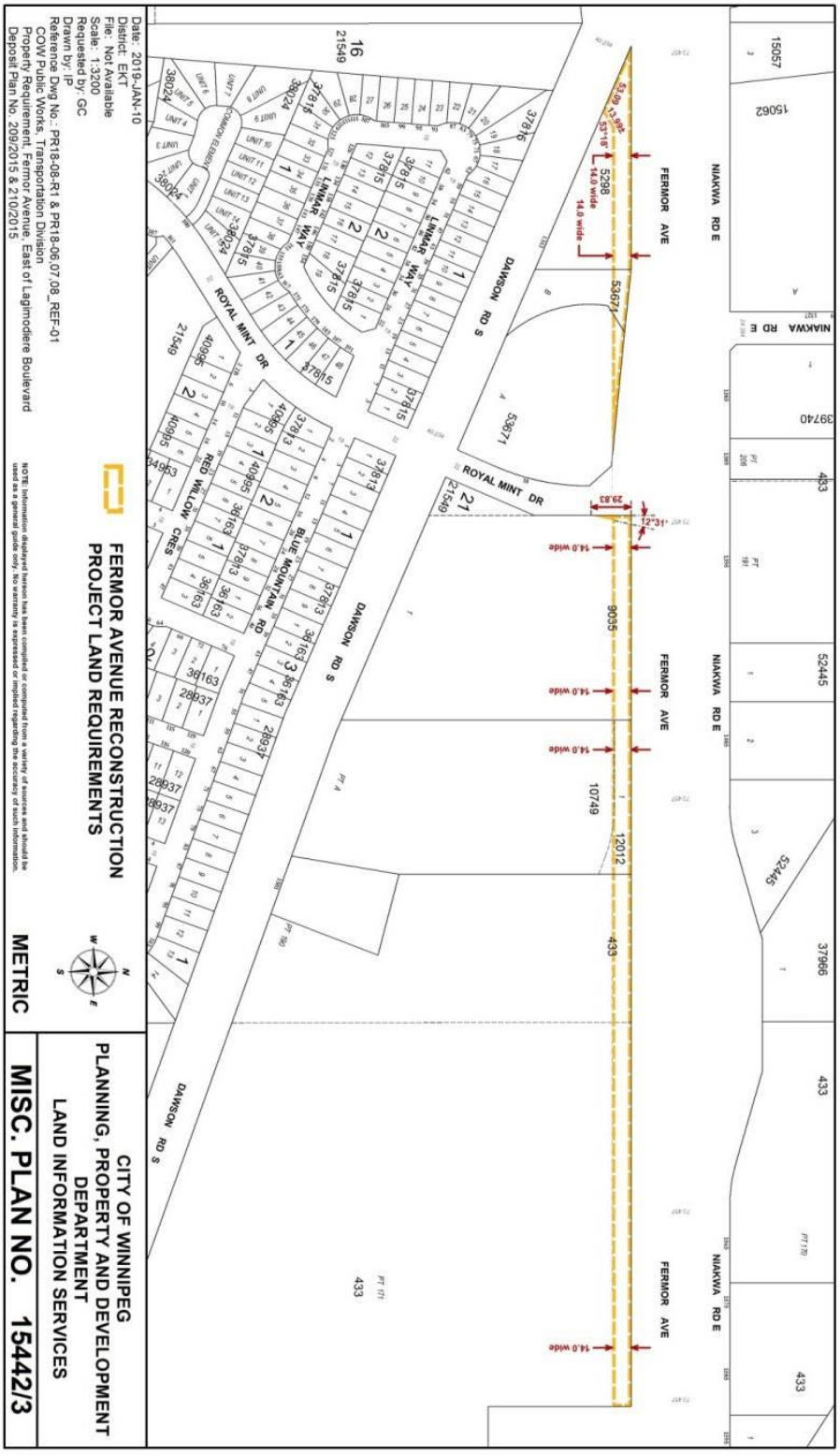
Zoning: C3 - Com - Corridor

Property Taking: PARCEL 1 PLAN 9035 WLTO IN LOT 190 ROMAN CATHOLIC MISSION PROPERTY as shown shaded, bordered and identified as “Proposed Acquisition – Area 2161.8 ± m² (23,270 ± ft²) on Misc. Plan No. 15334/1 to be opened as Public Road

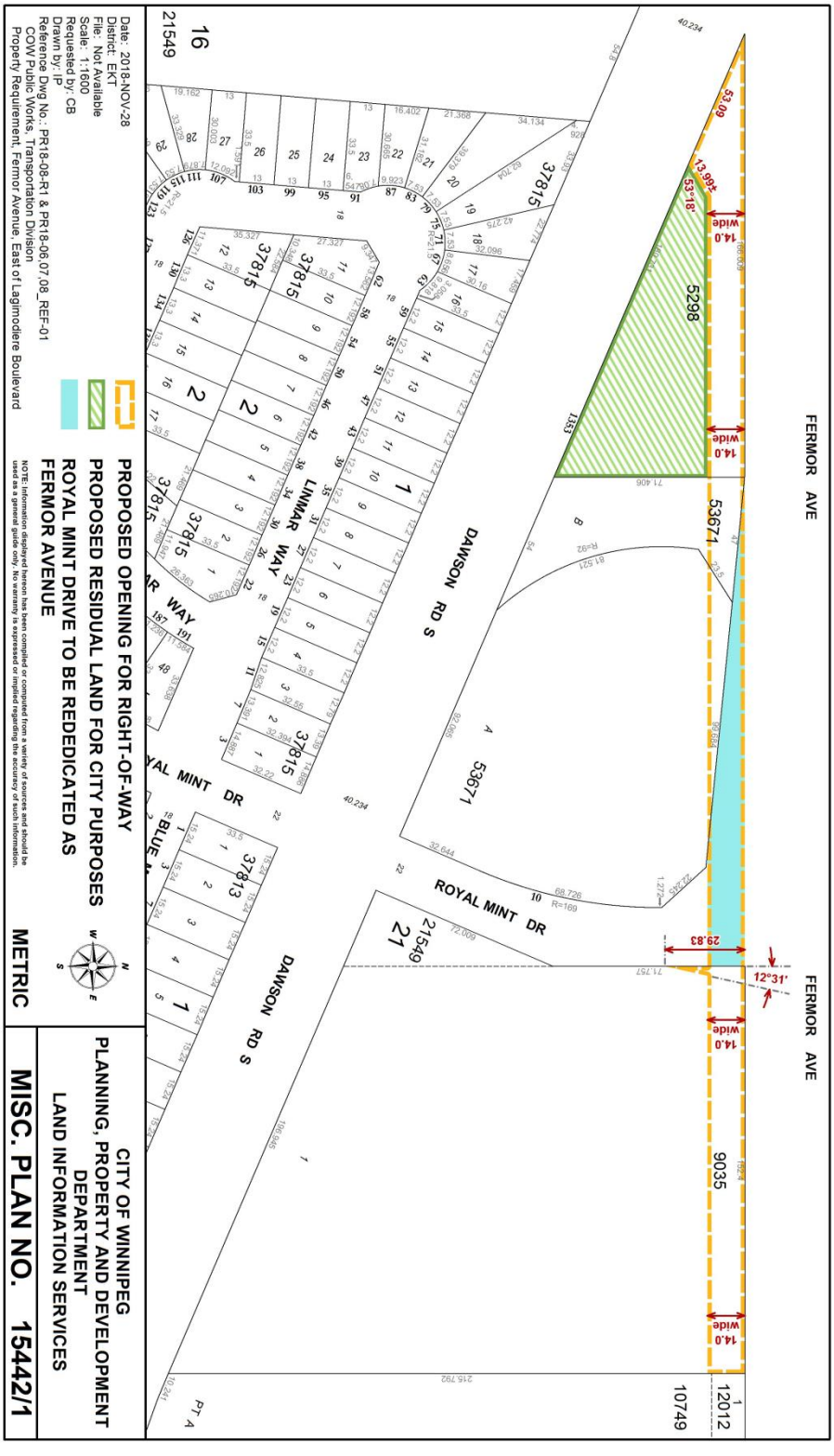
Description: Vacant land



APPENDIX C


FERMOR AVENUE RECONSTRUCTION
PROJECT LAND REQUIREMENTS
CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT
DEPARTMENT
LAND INFORMATION SERVICES
MISC. PLAN NO. 15442/3
METRIC
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
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.
FERMOR AVE
NIAKWA RD E
DAWSON RD S
ROYAL MINT DR
LINMAR WAY
RED WILLOW CRES
BLUE MOUNTAIN RD
14.0 wide
29.83
12°31'
53.09
13.98
53°18'
5298
53671
9035
10749
12012
433
15057
15062
39740
52445
37966
21549
16

APPENDIX D


FERMOR AVE
DAWSON RD S
ROYAL MINT DR
LINMAR WAY
BLUE
PROPOSED OPENING FOR RIGHT-OF-WAY
PROPOSED RESIDUAL LAND FOR CITY PURPOSES
ROYAL MINT DRIVE TO BE REDEDICATED AS FERMOR AVENUE
METRIC
CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPARTMENT
LAND INFORMATION SERVICES
MISC. PLAN NO. 15442/1