Agenda – Council – September 26, 2019

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

Item No. 5 Confirmation of Expropriation – Part of 10 Royal Mint Drive and Part of Parcel 1 Plan 9035 on Dawson Road South - Fermor Avenue Reconstruction Project (Transcona Ward)

STANDING COMMITTEE RECOMMENDATION:

On September 17, 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 following to Council:

1. That the expropriation of lands at 10 Royal Mint Drive and Parcel 1 Plan 9035 for the Fermor Avenue Reconstruction Project, approved at the July 18, 2019 Council Meeting, be confirmed as outlined in the Declaration of Expropriation.

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, 2019

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 17, 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 September 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 – Part of 10 Royal Mint Drive and Part of Parcel 1 Plan 9035 on Dawson Road South - Fermor Avenue Reconstruction 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. Wardrop, Acting Interim CAO

EXECUTIVE SUMMARY

On July 18, 2019, Council directed the Public Service to initiate expropriation proceedings for lands at 10 Royal Mint Drive and Parcel 1 Plan 9035 required for the Fermor Avenue Reconstruction Project (the “Project”).

On August 7, 2019, the Lieutenant Governor in Council waived the requirement for an expropriation inquiry under Order in Council No. 276/2019.

Pursuant to section 9(1) of *The Expropriation Act*, Council is now required to confirm the Declaration of Expropriation. The Public Service recommends that Council confirm the expropriation with no modifications to the Declaration of Expropriation.

RECOMMENDATIONS

1. That the expropriation of lands at 10 Royal Mint Drive and Parcel 1 Plan 9035 for the Fermor Avenue Reconstruction Project, approved at the July 18, 2019 Council Meeting, be confirmed as outlined in the Declaration of Expropriation.

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 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 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 subject to Council confirmation of 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 parts of the following properties 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 &
3. 1353 Dawson Road South
4. Frontage along Dawson Trail subdivision (DASZ 52/2013)

The Public Service has secured the bulk of lands required for the Project via:

- Pending land exchange agreement (DAOC 1/ 2013) that arose out of the Dawson Trail subdivision application (DASZ 52/2013); and
- Expropriation of 1353 Dawson Road South.

The Public Service was unable to conclude the acquisition of part of 10 Royal Mint Drive and part of Parcel 1 Plan 9035 Dawson Road South, as shown on the respective Misc. Plans, No. 15333 (attached hereto as Appendix "B") and 15334/1 (attached hereto as Appendix "C"), through negotiations.

On July 18, 2019, Council instructed the Public Service to initiate expropriation proceedings for the land at 10 Royal Mint Drive and Parcel 1 Plan 9035. 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 August 7, 2019, the Lieutenant Governor in Council waived the requirement for an expropriation inquiry under Order in Council No. 276/2019. The granting of this waiver means that the inquiry 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: August 22, 2019

Project Name:

Confirmation of Expropriation – Part of 10 Royal Mint Drive and Part of Parcel 1 Plan 9035 on Dawson Road South - Fermor Avenue

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)
Geomatics (as to surveying 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.

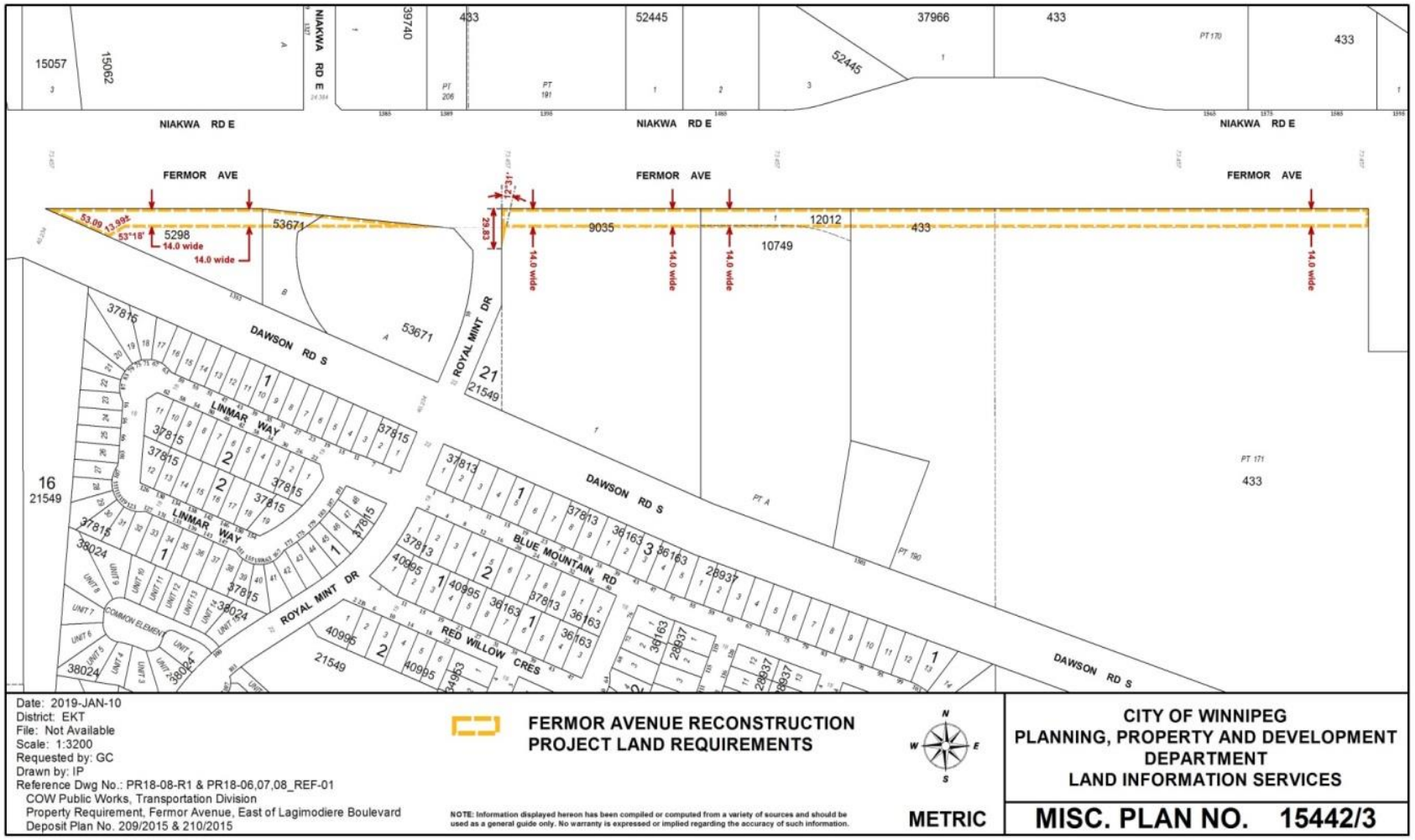
SUBMITTED BY

Department: Planning, Property and Development
Division: Real Estate and Land Development
Prepared by: Clifford Bignall, Real Estate Officer
Date: August 22, 2019
File No: 4424 (V6)

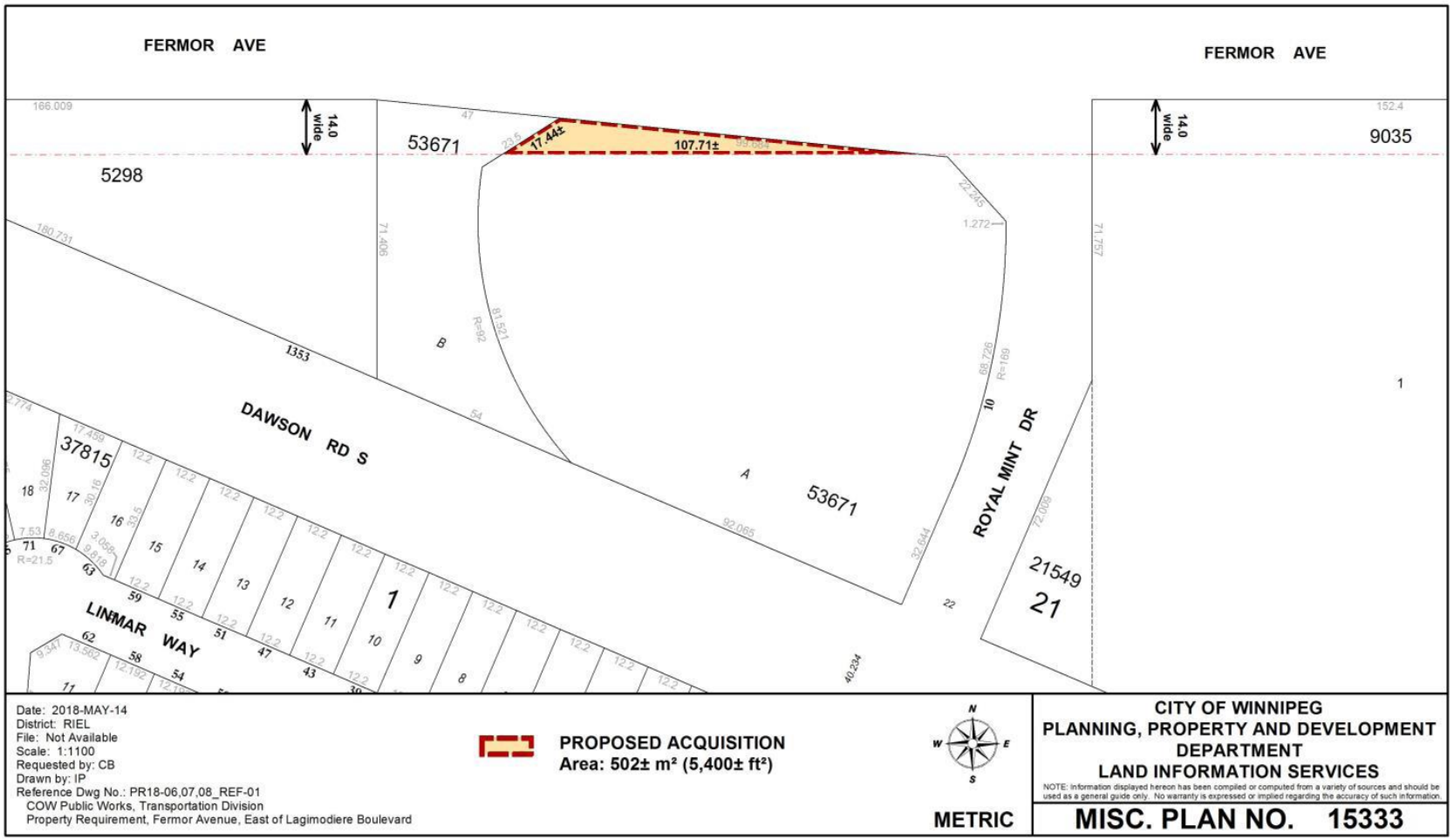
Attachments:

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

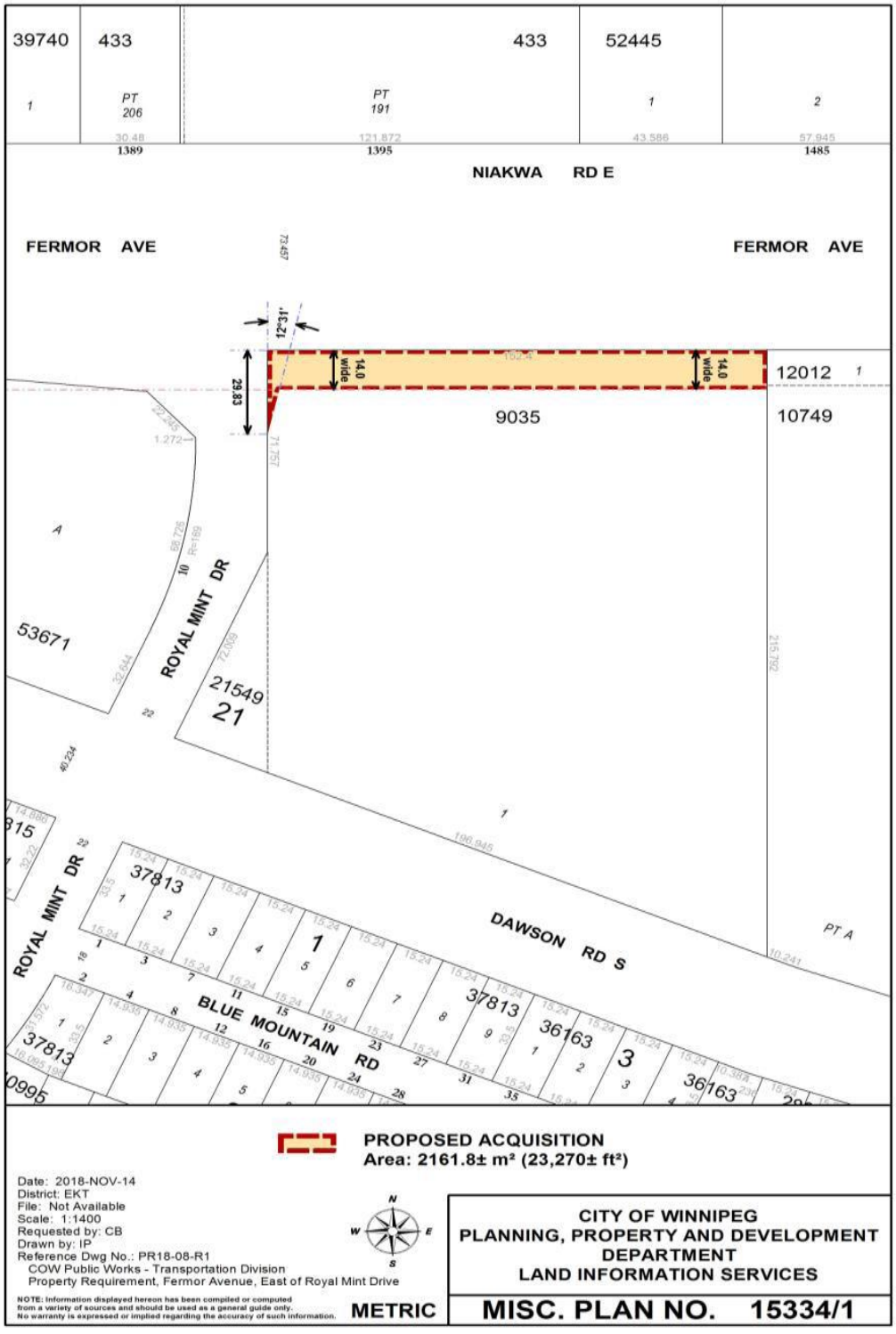
APPENDIX A


NIAKWA RD E
FERMOR AVE
DAWSON RD S
ROYAL MINT DR
LINMAR WAY
BLUE MOUNTAIN RD
RED WILLOW CRES
COMMON ELEMENT
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
FERMOR AVE
14.0 wide
14.0 wide
53671
17.44±
107.71±
5298
9035
DAWSON RD S
ROYAL MINT DR
LINMAR WAY
37815
53671
21549
21
1
Date: 2018-MAY-14
District: RIEL
File: Not Available
Scale: 1:1100
Requested by: CB
Drawn by: IP
Reference Dwg No.: PR18-06,07,08_REF-01
COW Public Works, Transportation Division
Property Requirement, Fermor Avenue, East of Lagimodiere Boulevard
PROPOSED ACQUISITION
Area: 502± m² (5,400± ft²)
N
W
E
S
METRIC
CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT
DEPARTMENT
LAND INFORMATION SERVICES
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.
MISC. PLAN NO. 15333

APPENDIX C


39740
433
433
52445
PT 206
PT 191
1
2
30.48
1389
121.872
1395
43.586
57.945
1485
NIAKWA RD E
FERMOR AVE
FERMOR AVE
12°31'
14.0 wide
14.0 wide
29.83
12012
9035
10749
ROYAL MINT DR
53671
21549
21
ROYAL MINT DR
DAWSON RD S
BLUE MOUNTAIN RD
37813
37813
37813
36163
36163
3
PT A
196.945
PROPOSED ACQUISITION
Area: 2161.8± m² (23,270± ft²)
Date: 2018-NOV-14
District: EKT
File: Not Available
Scale: 1:1400
Requested by: CB
Drawn by: IP
Reference Dwg No.: PR18-08-R1
COW Public Works - Transportation Division
Property Requirement, Fermor Avenue, East of Royal Mint Drive
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. 15334/1