THE CITY OF WINNIPEG

BY-LAW NO. 182/2004

A By-law of The City of Winnipeg to acquire land for the purpose of Public Street for the Kenaston Grade Separation Project, including the construction of a Public Road and the widening of McCreary Road, between the West limit of Kenaston Boulevard and the West limit of OTM Lot 19, Parish of St. Charles, in the City of Winnipeg, in Manitoba, and the acquisition of additional land that the City considers it advantageous to acquire.

WHEREAS pursuant to *The City of Winnipeg Charter* and in particular sections 204 and 205, the City may expropriate land and improvements considered necessary for its purposes;

AND WHEREAS pursuant to clause 205(4)(b) of the said *Charter* the City may expropriate additional land if for any reason the City considers it advantageous to do so;

NOW THEREFORE THE CITY OF WINNIPEG, in Council assembled, enacts as follows:

1. The City hereby expropriates the following lands:

The lands taken for Public Road and McCreary Road as the same are shown bordered on Plan Deposit 1302/2004 WLTO, prepared by Albert Gerhard Degner, of the City of Winnipeg, Manitoba Land Surveyor, hereto attached,

for the purpose of Public Street for the Kenaston Grade Separation Project, including the construction of a Public Road and the widening of McCreary Road, between the West limit of Kenaston Boulevard and the West limit of OTM Lot 19, Parish of St. Charles, in the City of Winnipeg, in Manitoba.

2. The City hereby expropriates the following lands:

Parcels A and B as the same are shown bordered on said Plan Deposit 1302/2004 WLTO, hereto attached,

being additional land the City considers it advantageous to acquire.

3. The lands described in sections 1 and 2 are expropriated free and clear of all encumbrances, except for the lands in section 2 which are expropriated subject to Caveat Numbers 184328 and 199899.

4. The lands described in sections 1 and 2 except mines, minerals and named substances which are excepted from or not included in the Certificate of Title of the registered owner of the surface under *The Real Property Act* or are not owned by the owner of the surface under *The Registry Act,* and except reservations in favour of the Crown as excepted from the Title of the owner of the surface, or to which Title is subject by implication under the provisions of *The Real Property Act.*

5. The proper officers of the City are hereby authorized, instructed and empowered to do all things necessary to complete the expropriation of all lands referred to in this By-law in accordance with the provisions of *The City of Winnipeg Charter* and *The Expropriation Act.*

DONE AND PASSED in Council assembled, this day of December, 2004.

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Mayor

_____
City Clerk

APPROVALS:

Approved as to Legal Description:

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Richard Wayne Sherby M.L.S.
for Harry Finnigan, Director
Planning, Property & Development Department

Approved as to Details:

_____
Bill Larkin, Director
Public Works Department

Certified as to form:

_____
James Carter
for Ursula B. Goeres
City Solicitor/Manager of Legal Services

_____
Annitta Stenning
Chief Administrative Officer