

10. EXPROPRIATION OF LANDS, KANATA SOUTH LINK

EXPROPRIATION DE TERRAINS, PASSERELLE DE KANATA-SUD

COMMITTEE RECOMMENDATION

That Council approve the By-law attached as Document 1, authorizing the City to proceed with the expropriation of the properties described in Schedule “A” of Document 1 for the purpose of the Kanata South Link Project, as outlined in this report and in accordance with the *Expropriations Act*.

RECOMMANDATION DU COMITÉ

Que le Conseil approuve le règlement municipal (document 1 ci-joint) autorisant la Ville à exproprier les terrains décrits à l'annexe A du document 1 pour permettre l'exécution du projet de passerelle de Kanata-Sud, comme il est décrit dans le présent rapport et conformément à la *Loi sur l'expropriation*.

DOCUMENTATION/DOCUMENTATION

1. Director's report, Corporate Real Estate Office, dated 27 March 2018 (ACS2018-CSD-CRE-0006).

Rapport du Directeur, Bureau des biens immobiliers municipal, daté le 27 mars 2018 (ACS2018-CSD-CRE-0006).

**Report to
Rapport au:**

**Finance and Economic Development Committee
Comité des finances et du développement économique
3 April 2018 / 3 avril 2018**

**and Council
et au Conseil
11 April 2018 / 11 avril 2018**

**Submitted on March 27, 2018
Soumis le 27 mars 2018**

**Submitted by
Soumis par:
Gordon MacNair, Director, Corporate Real Estate Office / Directeur, Bureau des
biens immobiliers municipal**

**Contact Person
Personne ressource:
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613- 580-2424 ext / poste 12551, Peter.Radke@ottawa.ca**

Ward: RIDEAU-GOULBOURN (21)

File Number: ACS2018-CSD-CRE-0006

SUBJECT: EXPROPRIATION OF LANDS, KANATA SOUTH LINK

OBJET: EXPROPRIATION DE TERRAINS, PASSERELLE DE KANATA-SUD

REPORT RECOMMENDATIONS

That the Finance and Economic Development Committee recommend Council approve the By-law attached as Document 1, authorizing the City to proceed with the expropriation of the properties described in Schedule "A" of Document 1 for

the purpose of the Kanata South Link Project, as outlined in this report and in accordance with the *Expropriations Act*.

RECOMMANDATIONS DU RAPPORT

Que le Comité des finances et du développement économique recommande au Conseil d'approuver le règlement municipal (document 1 ci-joint) autorisant la Ville à exproprier les terrains décrits à l'annexe A du document 1 pour permettre l'exécution du projet de passerelle de Kanata-Sud, comme il est décrit dans le présent rapport et conformément à la *Loi sur l'expropriation*.

BACKGROUND

City Council, in the 2017 Capital budget, approved funding for property acquisition required for the widening of Hope Side Road, Old Richmond Road and West Hunt Club Road from Eagleson Road to Highway 416. Motion TRC 34/5 requires that "any funds surplus to Old Richmond Road and West Hunt Club Road in Phase 1 of the TMP to be applied to Hope Side Road". Therefore, a Preliminary Design of the entire Kanata South Link including Hope Side Road was required. The purpose of this report is to obtain the approval of City Council to proceed with the expropriation of the Road Widenings as described in Schedule "A" of Document 1, needed for the Kanata South Link Project.

DISCUSSION

The Kanata South Link Project requires the partial acquisition from multiple properties owned by the NCC and two private land owners. Staff, while continuing to negotiate with these owners, have been unable to reach an agreement with the two private owners of land parcels required for the project, referred to as the Road Widenings described in Schedule "A" of Document 1 and depicted on property sketches 18551-1-Rev03.dgn 18551-2-Rev02.dgn, 18551-3-Rev03.dgn and 18551-4-Rev06.dgn in Document 2.

Expropriation proceedings commenced with the Application for Approval to Expropriate Lands under Section 4 of the *Expropriations Act*, approved by Council on 22 November 2017 (report ACS2017-CSD-CRE-0013). Notice of the Application for Approval to Expropriate the Road Widenings was served by registered mail on 19 December 2017 and published three times in the EMC, Ottawa Citizen and/or Le Droit as per the requirements of the *Expropriations Act*.

The City is now in a position to proceed with the expropriation of the Road Widenings including:

1. Registering a plan of expropriation with respect to the Road Widenings;

2. Serving notice of expropriation, possession, and election on the owner(s) of the Road Widenings;
3. Offering the owner(s) of the Road widenings 100% of the market value of the Road Widenings as required by section 25 of the *Expropriations Act*, and
4. Taking possession of the Road widenings.

Staff will continue to pursue a settlement with respect to the acquisition of the Road Widenings and the determination of compensation payable to the owner of the Road Widenings through negotiation and, if necessary, through the process established in the Expropriations Act including conducting a hearing of necessity or an arbitration before the Ontario Municipal Board.

RURAL IMPLICATIONS

Two rural properties will be impacted by the proposed widening. One is an agricultural use and the other operates as a quarry and plant. Rural residents travelling through the area may benefit from the road widening and roundabout, which are expected to result in improved traffic flows. The project will also minimize the impact on the Greenbelt lands and protect the Stony Swamp Area and wetlands.

CONSULTATION

The Kanata South Link Project was subject to a Municipal Class Environmental Assessment that included public open houses.

COMMENTS BY THE WARD COUNCILLOR(S)

The project is in Ward 21 Rideau-Goulbourn. Councillor Scott Moffat has reviewed the report and supports the recommendation in this report.

LEGAL IMPLICATIONS

Provided that the City follows procedures set out in the *Expropriation Act*, including as outlined in this report and the draft by-law attached hereto as Document 1, there are no legal impediments to implementing the recommendation set out in this report.

RISK MANAGEMENT IMPLICATIONS

Failure to acquire the Road Widenings in a timely manner may delay the Kanata South Link Project.

FINANCIAL IMPLICATIONS

Funding for the expropriations will come from within 906920 Kanata South Link Project.

ACCESSIBILITY IMPACTS

There are no accessibility implications to implementing the recommendation set out in this report.

ENVIRONMENTAL IMPLICATIONS

The report recommendation fulfill legislative requirements of the *Expropriations Act*. There are no environmental impacts related to this report.

TERM OF COUNCIL PRIORITIES

This road widening land acquisition is supportive of Term of Council Priorities for Transportation and Mobility – TM3 - provide infrastructure to support mobility choices and for Economic Prosperity – TM3 - support growth of local economy.

SUPPORTING DOCUMENTATION

Document 1 is a draft by-law that contains a description of the Roads Widening
Document 2 is drawings depicting the Road Widening.

DISPOSITION

Upon approval, Realty Services, Legal Services and External Counsel acting on behalf of the City will finalize expropriation proceedings. Surveys and Mapping will compose and register a plan of expropriation.

Document 1 - Draft by-law

CITY OF OTTAWA

BY-LAW NO. _____

A BY-LAW TO APPROVE THE EXPROPRIATION OF CERTAIN PROPERTIES IN THE CITY OF OTTAWA FOR THE PURPOSES OF THE KANATA SOUTH LINK PROJECT, AS MORE PARTICULARLY DESCRIBED IN SCHEDULE “A” HERETO.

WHEREAS the City of Ottawa requires a fee simple interest in the lands described in **Schedule “A”** attached hereto (the “Subject Property Interests”) for the purposes of the Kanata South Link Project including the widening of Hope Side Road, Old Richmond Road and West Hunt Club Road from Eagleson Road to Highway 416 and including the construction and/or installation of an additional travel lane in each direction, multi-lane roundabouts, traffic signals, signalized trail crossings, improved lighting, paved shoulders, sidewalks, multi-use pathways, works to address drainage and water quality and minimize and mitigate impacts to the Greenbelt and all other works and improvements ancillary to the Kanata South Link Project including but not limited to utility relocations;

AND WHEREAS pursuant to Section 6(1) of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended, the power of a municipality to acquire land under this or any other Act includes the power to expropriate land in accordance with the *Expropriations Act, 1990, c.E.26*, as amended (hereinafter referred to as the “*Expropriations Act*”);

AND WHEREAS a Notice of Application for Approval to Expropriate Land for both of the Subject Property Interests was served and published, as required by the *Expropriations Act*;

AND WHEREAS the application has not been referred to a hearing of necessity by any of the owners of the Subject Property Interests and the applicable deadline for such has passed;

AND WHEREAS the City has been unable to reach an agreement with the registered owners to acquire the Subject Property Interests;

NOW THEREFORE THE COUNCIL OF THE CITY OF OTTAWA HEREBY ENACTS AS FOLLOWS:

1. THAT approval is hereby granted for the expropriation by the City of Ottawa of the Subject Property Interests described in Schedule “A” attached to this By-law, for the above-described purposes.
2. THAT the City Clerk and Solicitor, or any one of them are hereby authorized to execute on behalf of City Council the Certificate of Approval and the Expropriation

Certificate set out on the Expropriation Plan and all other notices and documents which are necessary to carry out the provisions of this By-law.

3. THAT the City Clerk and Solicitor, or any one of them are hereby authorized to cause the Expropriation Plan to be registered in the Land Registry Office for the Land Titles Division of Ottawa (No. 4) and thereby effect the expropriation of the Subject Property Interests.
4. THAT a Notice of Expropriation be served upon the registered owners together with a copy of the Expropriation Plan and a Notice of Election relating to the date of assessment of compensation.
5. THAT an appraisal report estimating the market value of the Subject Property Interests be obtained from an accredited appraiser.
6. THAT a Notice of Possession be served requiring possession of the Subject Property Interests at least three months after the date of service of said notice.
7. THAT the City is hereby authorized to enter and take possession of the expropriated lands on the day permitted under the *Expropriations Act*, or pursuant to any Court Order thereunder, or pursuant to any agreement entered into between the relevant owners and the City.
8. THAT, subject to any requirement for additional Council approval based on the estimated market value of any registered owner's interest in the Subject Property Interests, an offer of an amount in full compensation for the registered owners' interests in the Subject Property Interests, and an offer for immediate payment of 100% of market value as estimated by the expropriating authority, all in accordance with s. 25 of the *Expropriations Act*, be served, together with a copy of the appraisal report on which the offer of compensation is based.
9. THAT the officers and authorized agents of the City of Ottawa be and they are hereby otherwise authorized and directed to do all things required arising from the authorizations provided for by this by-law.
10. THAT this by-law comes into force on the day it is passed.

READ and PASSED this 11th day of April, 2017.

CLERK

MAYOR

SCHEDULE “ A” – BY-LAW NO

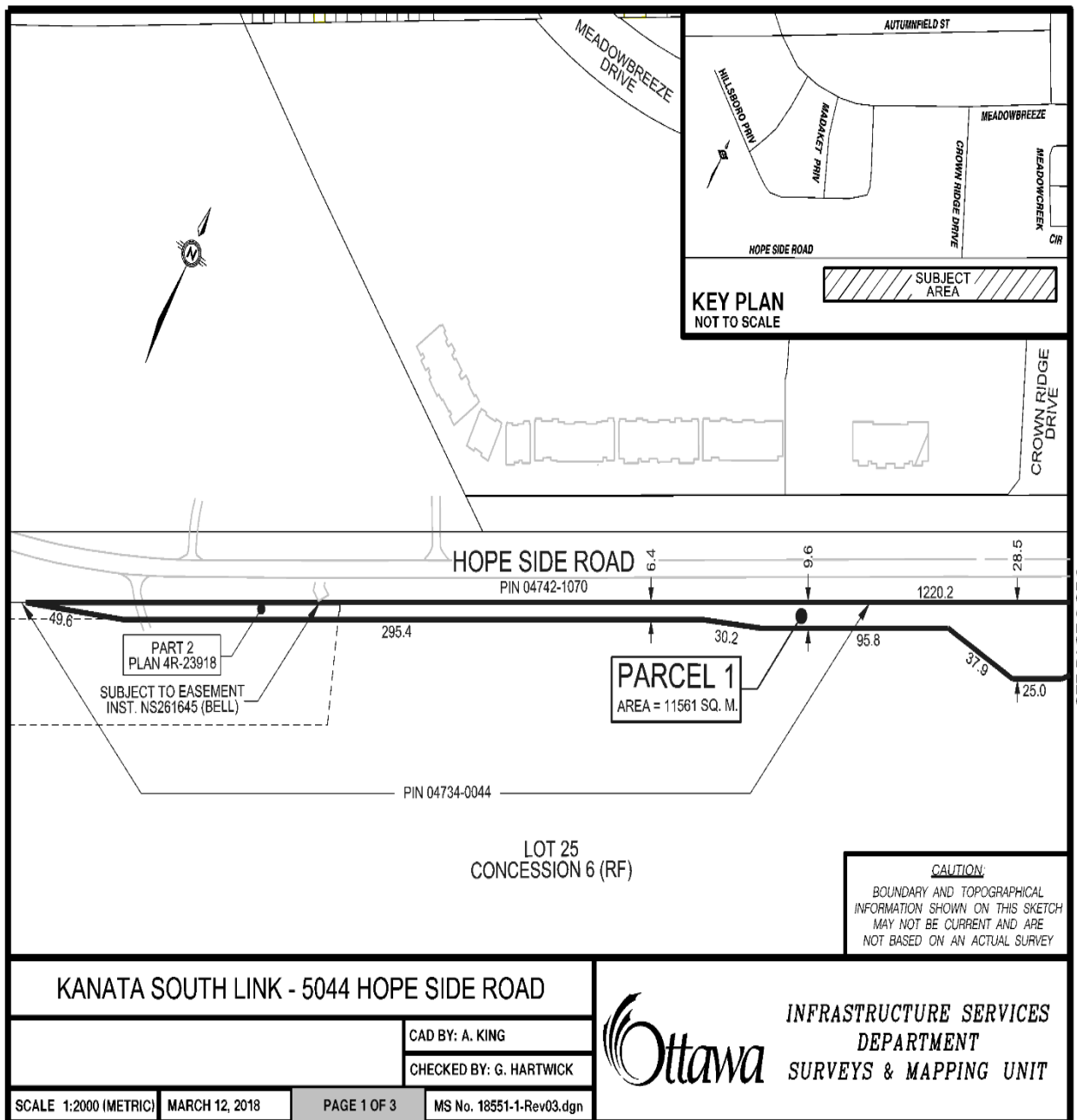
All right, title and interest in the following lands:

- 1) Part of PIN 04734-0044 (LT) being part of Lots 24 and 25, Concession 6, Rideau Front, Nepean, Parts 1, 2, 3, 4 and 5 on Plan 4R-23918, except Parts 1 and 2 on plan 4R-27136, subject to an easement over Part 2 on Plan 4R-23918, except Part 2 on plan 4R-27136 as in NS261645 geographic Township of Nepean, City of Ottawa, designated as parts 1, 2 and 3 on reference plan 4R-30959.

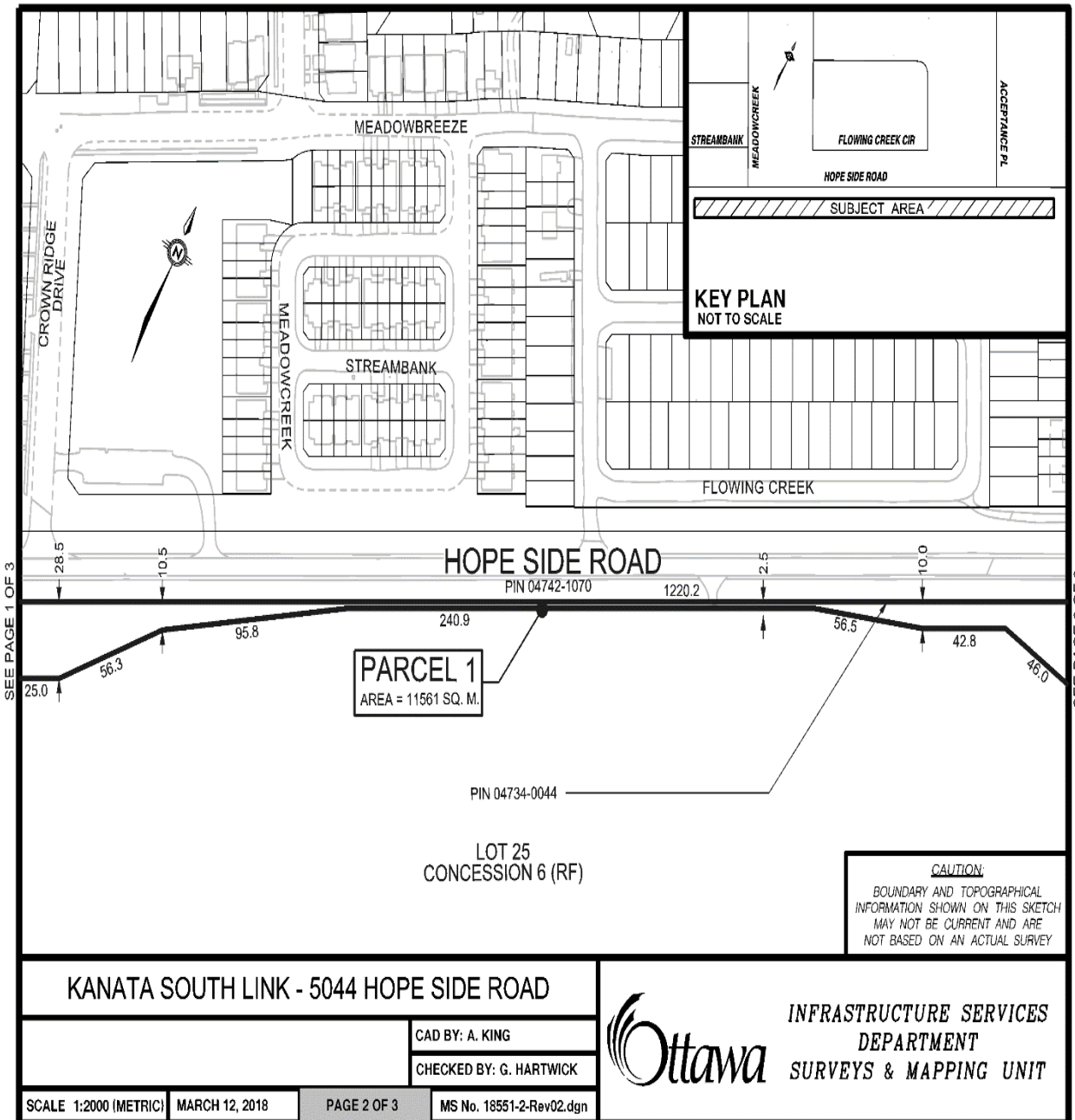
- 2) Part of PIN 04632-0261 (LT) being part of Lots 24 and 25, Concession 5, Rideau Front, being part 1 on plan 4R-21040, geographic Township of Nepean, City of Ottawa, designated as part 4 on reference plan 4R-30959.

Document 2 – Property Sketches

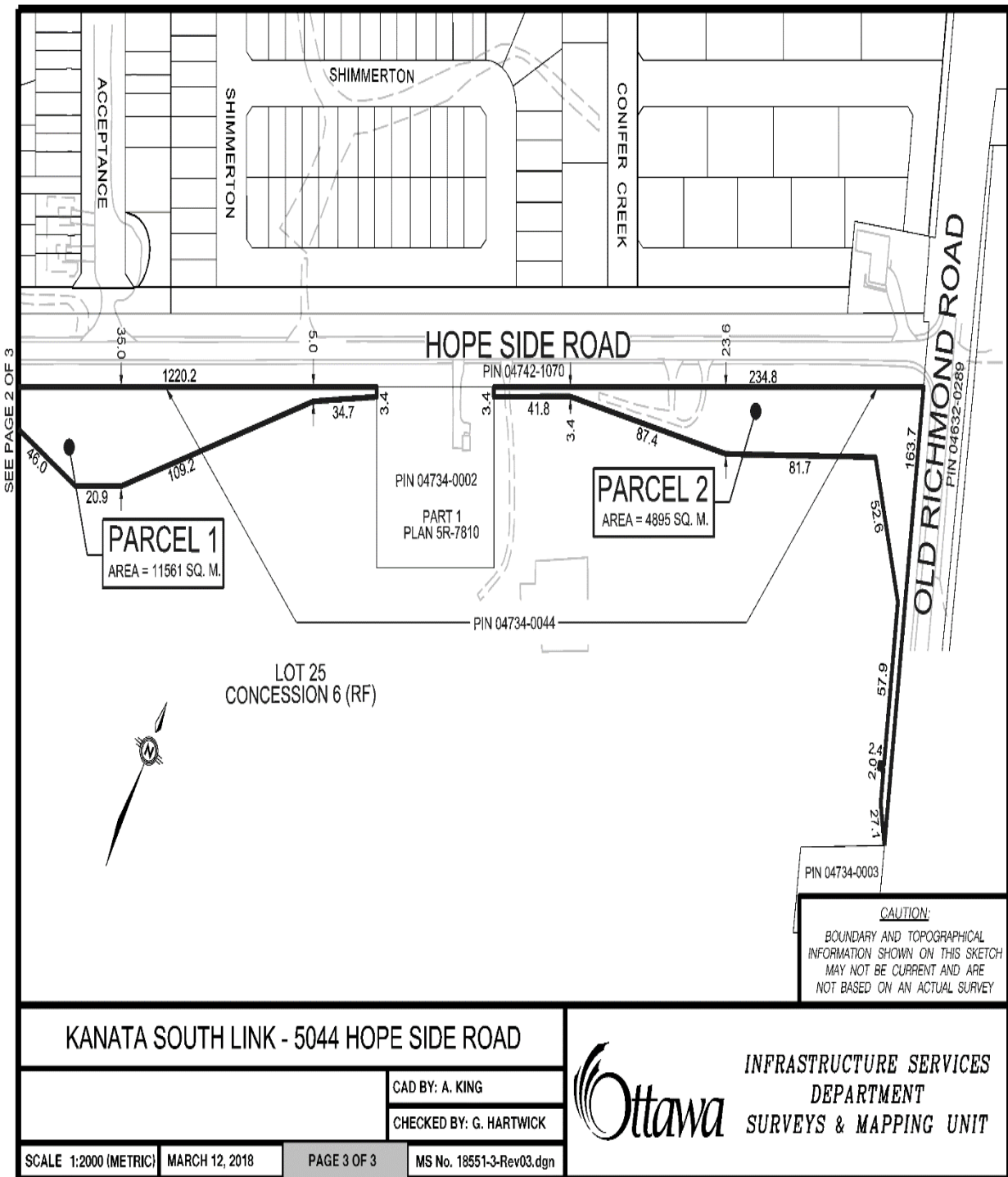
18551-1-Rev03.dgn



18551-2-Rev02.dgn



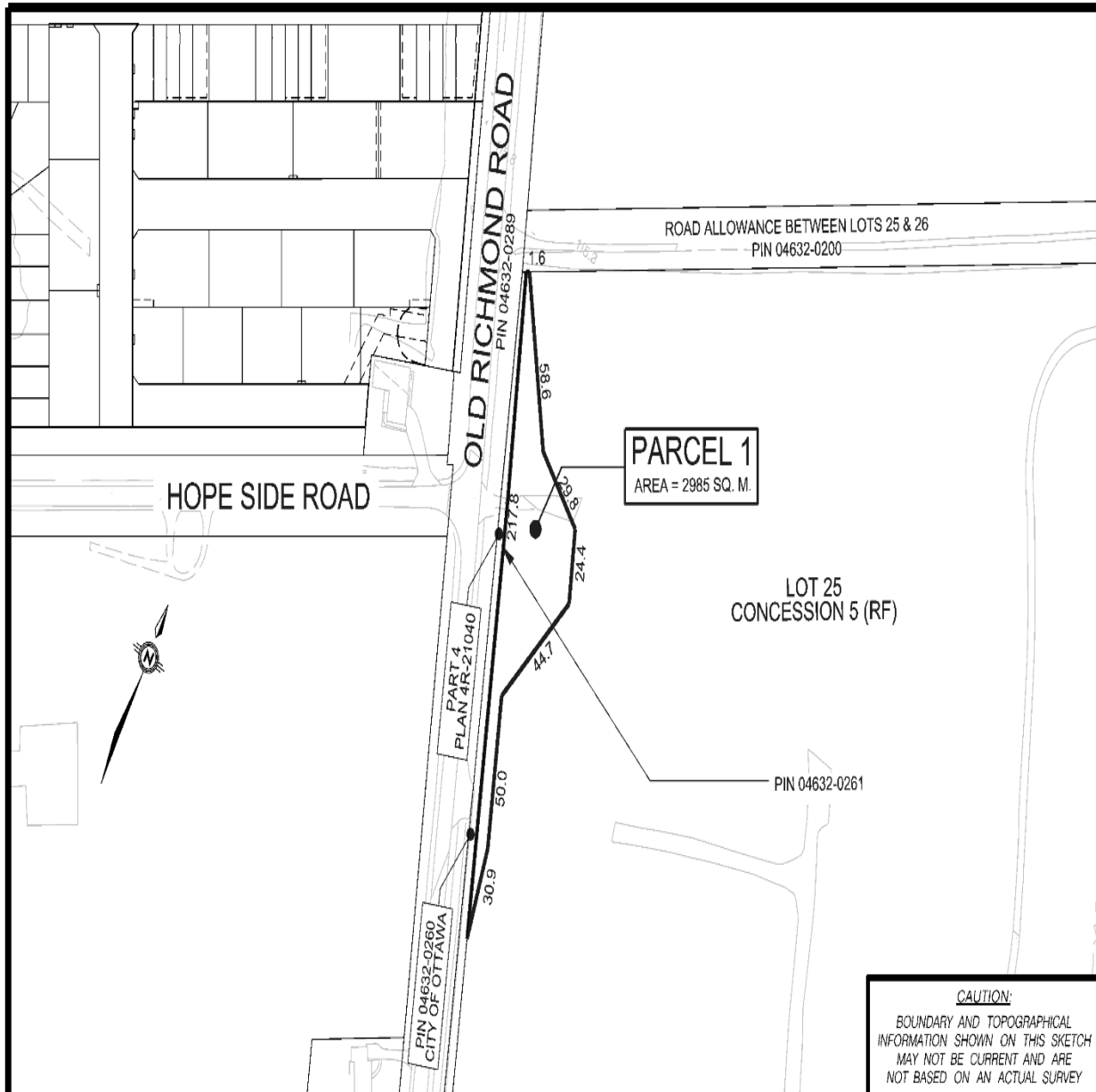
18551-3-Rev03.dgn



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| KANATA SOUTH LINK - 5044 HOPE SIDE ROAD | | | |
| | | CAD BY: A. KING | |
| | | CHECKED BY: G. HARTWICK | |
| SCALE 1:2000 (METRIC) | MARCH 12, 2018 | PAGE 3 OF 3 | MS No. 18551-3-Rev03.dgn |

Ottawa INFRASTRUCTURE SERVICES
DEPARTMENT
SURVEYS & MAPPING UNIT

18551-4-Rev06.dgn



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|--------------------------------------|----------------|-------------------------|--------------------------|
| KANATA SOUTH LINK - 952 MOODIE DRIVE | | | |
| | | CAD BY: A. KING | |
| | | CHECKED BY: G. HARTWICK | |
| SCALE 1:2000 (METRIC) | MARCH 12, 2018 | PAGE 1 OF 1 | MS No. 18551-4-Rev06.dgn |



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