

Document 1: Draft by-law to approve the expropriation of properties that were subject to the Council approved initiation of expropriation on May 10, 2017 (Approval of Expropriation By-law)

BY-LAW NO. 2018 - _____

A by-law of the City of Ottawa to approve the expropriation of certain properties in the City of Ottawa for the purposes of the Stage 2 Ottawa Light Rail Transit System project, as more particularly described in Schedule “A” attached hereto.

WHEREAS the City of Ottawa requires property described in Schedule “A” attached hereto (the “Subject Property Interests”) for the purposes of the Stage 2 Ottawa Light Rail Transit System project (the “Stage 2 LRT”) including, but not limited to, for the purposes of facilitating the construction, operation and maintenance of light rail infrastructure, tunnel guideway corridors, tunnel portals, at-grade guideway corridors, guideways, stations, station entrances and station to surface access points, platforms, multi-use pathways, bridges and bridge approaches and all other improvements and works ancillary to the Stage 2 LRT;

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, R.S.O. 1990, c.E.26*, as amended (hereinafter referred to as the “*Expropriations Act*”) for these purposes;

AND WHEREAS a Notice of Application for Approval to Expropriate Land for 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 of Ottawa has been unable to reach an agreement with the registered owners to acquire the Subject Property Interests;

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 of Ottawa 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 of Ottawa.

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 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.

ENACTED and PASSED this 11th day of July 2018.

CITY CLERK

MAYOR

SCHEDULE "A" – BY-LAW NO

Confederation Line – West

All right, title and interest in the following lands:

1. Part of PIN 03957-0311(LT) LT 970, PL 413452; CITY OF OTTAWA DESIGNATED AS PART 1 ON PLAN 4R31165.
2. Part of PIN 03957-0526 (LT), PART LOT 329, PLAN 372212, CITY OF OTTAWA DESIGNATED AS PARTS 1 AND 3 ON PLAN 4R31153.
3. Part of PIN 03957-0524 (LT), LOT 326, PLAN 372212; CITY OF OTTAWA DESIGNATED AS PARTS 3 AND 4 ON PLAN 4R31154.
4. Part of PIN 03957-0523 (LT), LOT 325, PLAN 372212; CITY OF OTTAWA DESIGNATED AS PARTS 10 AND 11 ON PLAN 4R31154.
5. Part of PINs 15260-0001 (LT) through to 15260-0097 (LT) inclusive, being part of the common elements on CARLETON CONDOMINIUM PLAN NO. 260; CITY OF OTTAWA DESIGNATED AS PART 1 ON PLAN 4R31123.
6. Part of PINs 15168-0001 (LT) through to PIN 15168-0038 (LT) inclusive, being part of the common elements on CARLETON CONDOMINIUM PLAN NO. 168; CITY OF OTTAWA DESIGNATED AS PART 1 ON PLAN 4R31202.

An estate, right or interest, in the nature of a permanent easement in the following lands:

7. Part of PIN 03957-0391 (LT), PART LOT 1039, PLAN 413452; CITY OF OTTAWA DESIGNATED AS PARTS 1 AND 2 ON PLAN 4R31166.
8. Part of PIN 03957-0311 (LT), PART LOT 970, PLAN 413452; CITY OF OTTAWA DESIGNATED AS PART 1 ON PLAN 4R31165.

An estate, right or interest, for a limited time in the nature of a temporary easement for a period of sixty-one (61) months in the following lands:

9. Part of PIN 03957-0526 (LT), PART LOT 329, PLAN 372212, CITY OF OTTAWA DESIGNATED AS PART 2 ON PLAN 4R31153.
10. Part of PINs 15168-0001 (LT) through to PIN 15168-0038 (LT) inclusive, being part of the common elements on CARLETON CONDOMINIUM PLAN NO. 168; CITY OF OTTAWA DESIGNATED AS PARTS 2, 3 AND 4 ON PLAN 4R31202.

An estate, right or interest, for a limited time in the nature of a temporary easement for a period of fifty-five (55) months in the following lands:

11. Part of PIN 03957-0524 (LT), LOT 326, PLAN 372212; CITY OF OTTAWA DESIGNATED AS PARTS 1, 2, 5, 6 AND 7 ON PLAN 4R31154.
12. Part of PIN 03957-0523 (LT), LOT 325, PLAN 372212; CITY OF OTTAWA DESIGNATED AS PARTS 8 AND 9 ON PLAN 4R31154.
13. Part of PINs 15260-0001 (LT) through to 15260-0097 (LT) inclusive, being part of the common elements on CARLETON CONDOMINIUM PLAN NO. 260; CITY OF OTTAWA DESIGNATED AS PART 2 ON PLAN 4R31123.
14. Part of PIN 03957-0527 (LT), PART LOT 329, PLAN 372212, CITY OF OTTAWA DESIGNATED AS PARTS 1 AND 2 ON PLAN 4R31150.

An estate, right or interest, for a limited time in the nature of a temporary easement for a period of thirty-six (36) months in the following lands:

15. Part of PIN 03957-0391 (LT), PART LOT 1039, PLAN 413452; CITY OF OTTAWA DESIGNATED AS PARTS 3 AND 4 ON PLAN 4R31166.

Trillium Line

All right, title and interest in the following lands:

16. Part of PIN 04328-0006 (LT), PART LOT 16 CONCESSION 3 RIDEAU FRONT CITY OF OTTAWA DESIGNATED AS PART 1 ON PLAN 4R31156.
17. Part of PIN 04328-0008 (LT), PART LOT 16 CONCESSION 3 RIDEAU FRONT, CITY OF OTTAWA, DESIGNATED AS PART 1 ON PLAN 4R31551.
18. Part of PIN 04328-0011 (LT), PART LOT 16 CONCESSION 3 RIDEAU FRONT CITY OF OTTAWA DESIGNATED AS PART 1 ON PLAN 4R31152.
19. Part of PIN 04065-0115 (LT), PART OF LOT A, CONCESSION 3, RIDEAU FRONT, CITY OF OTTAWA, DESIGNATED AS PARTS 1, 2, 3, 6, AND 7 ON PLAN 4R31182.
20. Part of PINs 15975-0001 (LT) to 15975-0232 (LT) being part of the common elements on OTTAWA-CARLETON STANDARD CONDOMINIUM PLAN NO. 975; CITY OF OTTAWA DESIGNATED AS PARTS 9 AND 10 ON PLAN 4R31182.
21. Part of PIN 04055-0160 (LT), PART LOT 6 CONCESSION 3 RIDEAU FRONT CITY OF OTTAWA DESIGNATED AS PART 6 ON PLAN 4R31198.
22. Part of PIN 04055-0161 (LT), PART LOT 6 CONCESSION 3 RIDEAU FRONT CITY OF OTTAWA DESIGNATED AS PART 7 ON PLAN 4R31198.

23. Part of PIN 04055-0159 (LT), PART LOT 6 CONCESSION 3 RIDEAU FRONT; CITY OF OTTAWA; DESIGNATED AS PART 5 ON PLAN 4R31198.

An estate, right or interest, in the nature of a permanent easement in the following lands:

24. Part of PIN 04055-0169 (LT), PART LOT 6 CONCESSION 3 RIDEAU FRONT CITY OF OTTAWA DESIGNATED AS PART 1 ON PLAN 4R31198.

An estate, right or interest, for a limited time in the nature of a temporary easement for a period of thirty-six (36) months in the following lands:

25. Part of PIN 04055-0161 (LT), PART LOT 6 CONCESSION 3 RIDEAU FRONT CITY OF OTTAWA DESIGNATED AS PART 8 ON PLAN 4R31198.

26. Part of PIN 04055-0169 (LT), PART LOT 6 CONCESSION 3 RIDEAU FRONT CITY OF OTTAWA DESIGNATED AS PARTS 2, 3 AND 4 ON PLAN 4R31198.

Confederation Line – East

All right, title and interest in the following lands:

27. Part of PIN 04363-0065 (LT), PCL 42-1, SEC 4M-422; BLK 42, PLAN 4M-422, SUBJECT TO NS222573 (LT356142); GLOUCESTER, DESIGNATED AS PART * ON PLAN 4R*****.

An estate, right or interest, for a limited time in the nature of a temporary easement for a period of sixty-one (61) months in the following lands:

28. Part of PIN 04363-0007 (LT) PART ROAD ALLOWANCE BETWEEN LTS 20 AND 21, (AS CLOSED BY ORDER-IN-COUNCIL INST. CT129456) CONCESSION 2 OTTAWA FRONT, CITY OF OTTAWA DESIGNATED AS PART 1 ON PLAN 4R31097.

29. Part of PIN 04363-0065 (LT) PCL 42-1, SEC 4M-422; BLK 42, PLAN 4M-422, SUBJECT TO NS222573 (LT356142); GLOUCESTER, DESIGNATED AS PART * ON PLAN 4R*****.

BY-LAW NO. 2018 - _____

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A by-law to approve the expropriation of certain properties in the City of Ottawa for the purposes of the Stage 2 Ottawa Light Rail Transit System project, as more particularly described in Schedule "A" attached hereto.

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Enacted by City Council at its meeting of 11 July 2018.

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LEGAL SERVICES
TN/eb

COUNCIL AUTHORITY:
City Council 11 July 2018
Agenda Item (FEDCO Report No.)