

# MEMO / NOTE DE SERVICE



To / Destinataire	Mayor and Members of Council	File/N° de fichier:
From / Expéditeur	Stephen Willis General Manager Planning, Infrastructure & Economic Development/	
Subject / Objet	By-law authorizing the making of an application to expropriate properties required for the Stage 2 Light Rail Transit Project	Date: December 9, 2020

## PURPOSE

This Memorandum explains the following by-law required to support the initiation of expropriation procedures with respect to certain temporary construction easements required for the purposes of the Stage 2 Light Rail Transit Project:

- A by-law to initiate the expropriation process to acquire temporary construction easements at properties municipally known as 2650 Queensview Drive and 2680 Queensview Drive as more particularly described in the draft By-law attached as Document 1 (the “**Temporary Easements**”)

## BACKGROUND

### **Authorization to initiate the expropriation process with respect to the Temporary Easements.**

The construction of the Stage 2 LRT project is currently underway including the westerly extension of the Confederation Line to Moodie Drive. A segment of the extended light rail corridor runs adjacent to Highway 417 east of the Pinecrest Road highway overpass and immediately behind properties municipally known as 2650 Queensview Drive, 2670 Queensview Drive, 2680 Queensview Drive and 2700 Queensview Drive. Other than the property at 2670 Queensview Drive which is owned by the City, 2650, 2680 and 2700 Queensview Drive (the “**Queensview Properties**”) are all owned by Metcalfe Realty Company Limited (the “**Property Owner**”).

In October of 2018, the City acquired by expropriation a strip of land to the rear of the Queensview Properties to accommodate a widening of the future light rail corridor as well

as temporary working easements running parallel to the widening and required to support the construction of the Stage 2 LRT Project.

Since the contract for the construction of the Stage 2 LRT Project was awarded in the spring of 2019 (the "**Project Agreement**"), the consortium selected to construct the extensions of the Confederation Line (the "**Contractor**") has been engaged in completing the detailed design of this component of the extended rail transit system. This work includes advancing plans for the construction and implementation of the construction program for the Stage 2 LRT Project.

In connection with advancing the detailed design of the Stage 2 LRT Project and the development of the construction and implementation program for the project, the Contractor concluded that the temporary easements previously acquired from the Property Owner at 2650 and 2680 Queensview are insufficiently wide to permit the construction of the corridor in this location within a reasonable time frame.

In order to address this issue, the Contractor submitted a request, in accordance with the process contemplated in the Project Agreement, that the City pursue the acquisition of the Temporary Easements. This request was accompanied by required drawings and technical support and, based on a review of these materials, the Rail Construction Program Service has determined that the Temporary Easements are now required for the purposes of the Stage 2 LRT Project.

Between the fall of 2019 and the spring of 2020, property acquisition staff with the Rail Construction Program Service, working with the Contractor, attempted to negotiate the acquisition of the Temporary Easements with the Property Owner; however, these negotiations were unsuccessful.

It appears that, in order to protect project timelines, it will be necessary to acquire the Temporary Easements by expropriation. Staff are therefore recommending that Council adopt the Application By-law (Document 1) for the purpose of authorizing the making of an application for approval to expropriate the Temporary Easements identified in Schedule "A" and illustrated in Schedule "B" of the draft by-law included in Document 1.

Initiating expropriation proceedings with respect to the Temporary Easements does not mean the City will cease discussion with the Property Owner. Staff will continue efforts to achieve a negotiated resolution of all property acquisition matters.

## **DISCUSSION**

### **Authorization to initiate the expropriation process**

The purpose of the draft Application By-law attached as Document 1 is to initiate the expropriation process to acquire the Temporary Easements.

In accordance with Section 4 of the *Expropriations Act*, Council, acting as the approving authority, must authorize the making of an application to expropriate. Once this approval is granted, notice of the City's intent to seek approval to proceed with an expropriation will be served in accordance with the legislation and will also be published once a week, for three consecutive weeks in English and French newspapers having general circulation in the Ottawa Region.

### **Mayor and Councillor's Concurrence**

The concurrence of the Mayor and Councillor Kavanagh (Ward 7), has been obtained prior to including the Application By-law in the Council Agenda.

## **FINANCIAL IMPLICATIONS**

The current approved capital authority for the Stage 2 Light Rail Transit Project (Capital Project #907926) includes an allocation for property acquisition and related expenditures. Staff have estimated costs associated with acquiring the Temporary Easements, including costs associated with expropriation, and have concluded that such costs are within the approved budget allocation.

In addition to the above, the Project Agreement provides for the recovery of costs associated with the acquisition of additional property interests, acquired at the request of the Contractor and in support of the detailed design of the Stage 2 LRT system, by the City from the Contractor. The City intends to take all reasonable steps to recover from the Contractor all costs associated with the acquisition of the Temporary Easement.

If you require further information with respect to the information in this memorandum, please feel free to contact either Derrick Moodie, Director, Corporate Real Estate Office, at extension 15134, or myself at extension 16150.

Stephen Willis

General Manager Planning, Infrastructure & Economic Development

cc: Senior Leadership Team  
Derrick Moodie, Director, Corporate Real Estate Office  
Michael Morgan, Director, Rail Construction Program  
Caitlin Salter-MacDonald, Program Manager, Committee and Council Services  
Branch

Encl.: Document 1: Draft by-law for the purpose of authorizing the making of an application for approval to expropriate the Temporary Easements identified in Schedule "A" and illustrated in Schedule "B" thereto (Application By-law)

DOCUMENT 1

APPLICATION BY-LAW