

**Subject: Application for Approval to Expropriate Lands – Earl Grey Drive
Extension Project**

File Number: ACS2023-PRE-CRO-0006

**Report to Finance and Corporate Services Committee on 6 June 2023
and Council 14 June 2023**

**Submitted on May 2, 2023 by Peter Radke, Director, Corporate Real Estate Office,
Planning, Real Estate and Economic Development Department**

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Ward: Kanata North (4)

**Objet : Demande d’approbation visant l’expropriation de terrains – Projet de
prolongement de la promenade Earl-Grey**

Dossier : ACS2023-PRE-CRO-0006

Rapport au Comité des finances et des services organisationnels

le 6 juin 2023

et au Conseil le 14 juin 2023

**Soumis le 2 mai 2023, par Peter Radke, Directeur, Bureau des biens immobiliers
municipal, Services de la planification, des biens immobiliers et du
développement économique**

**Personne ressource : Stephen O’Brien, Gestionnaire de programme, Bureau des
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Quartier : Kanata Nord (4)

REPORT RECOMMENDATION(S)

That the Finance and Corporate Services Committee recommend that Council enact a by-law, in the form attached in Document 1, approving the making of an application pursuant to Section 4 of the *Expropriations Act* for approval to expropriate lands that are required for purposes of the Earl Grey Drive Extension Project.

RECOMMANDATION(S) DU RAPPORT

Que le Comité des finances et des services organisationnels recommande au Conseil d'adopter un règlement municipal, dans la forme présentée dans le document 1 ci-joint, qui approuve la présentation d'une demande, en vertu de l'article 4 de la *Loi sur l'expropriation*, visant à autoriser l'expropriation des terrains nécessaires pour réaliser le projet de revitalisation du chemin de Montréal.

BACKGROUND

The City is proceeding with the extension of Earl Grey Drive west to Didsbury Road, with the construction of a segment of road approximately 140 metres in length. The extension will pass under Terry Fox Drive and requires the construction of a new bridge structure as well as an upgrade to the Terry Fox Drive and Didsbury Road intersection in order to meet the requirements of the City's protected intersection guidelines. The extension of Earl Grey Drive and the construction of the underpass and intersection improvements are collectively referred to in this Report as the ("Earl Grey Drive Extension Project"). A budget for the Earl Grey Drive Extension Project was included in the 2023 capital budget.

As identified within the City's Transportation Master Plan, the Earl Grey Drive Extension Project will improve traffic flow in the Kanata Centrum area and will greatly improve bus service by providing a more direct route to and from Terry Fox Station.

DISCUSSION

Property interests such as road widenings and temporary construction easements are required to support the Earl Grey Drive Extension Project. While negotiations with all affected property owners have commenced, and in some cases are expected to result in agreements, in order to protect construction timing, the Corporate Real Estate Office (CREO) is recommending the initiation of expropriation proceedings with respect to the property interests identified in Schedules A and B of the draft By-law attached as Document 1.

In accordance with Section 4 of the *Expropriations Act*, R.S.O., 1990, c. E-26, as amended (the "*Expropriations Act*"), the City must apply to City Council, acting as the approval authority, to acquire land by expropriation.

Upon Council approval of the recommendation contained in this report, staff will proceed through the statutory notification process set out in the *Expropriations Act* which includes service by registered mail and publication in English and French in newspapers having general circulation in the City.

A further report will be brought before Council prior to registration of Plans of Expropriation.

Notwithstanding the initiation of expropriation proceedings, staff will continue to pursue negotiations with affected property owners to acquire the required property interests and negotiate settlements.

FINANCIAL IMPLICATIONS

Funding for costs associated with implementing the recommendation of the report are available within account 904995 Earl Grey/Centrum Underpass.

LEGAL IMPLICATIONS

Provided that the statutory process set out in the *Expropriations Act* is followed, there are no legal impediments to implementing the recommendations set out in this Report.

COMMENTS BY THE WARD COUNCILLOR(S)

The Ward Councillor for the Ward in which the property interests identified in Document 1 are located, has been consulted and is aware of this report.

ADVISORY COMMITTEE(S) COMMENTS

n/a

CONSULTATION

Consultation regarding the Earl Grey Drive Extension Project has been ongoing during the design phase with the local ward councillor, stakeholders and BIA. During the implementation phase regular communications with stakeholders, councillors, local residents and commuters will be required to proactively inform the community about work taking place. Specifically, the City will advise of any potential mobility impacts and assist the community to plan their travels.

The owners of all properties by the recommended by-law have been contacted directly

about property requirements for the Earl Grey Drive Extension Project.

ACCESSIBILITY IMPACTS

This project will comply with the [Integrated Accessibility Standards Regulation \(IASR\)](#) of the [Accessibility for Ontarians with Disabilities Act, 2005, \(AODA\)](#).

ASSET MANAGEMENT IMPLICATIONS

This report proposes that the City construct/acquire new assets. Consideration of the implications of acquiring new or expanded assets on the City's management of its infrastructure portfolio forms an important step in the planning process. Acquisition of new assets require reflection on the City's commitment to fund future infrastructure operations, maintenance and renewal costs and must also account for future depreciation when reviewing long term financial sustainability. When reviewing the long-term impacts of asset acquisition, it is useful to consider the cumulative value and lifecycle costing of the acquired assets being taken on by the City. This must be done in a socially, culturally, environmentally, and economically conscious manner and support the guiding principle of sustainability by considering climate impacts in the decision to acquire new assets.

ENVIRONMENTAL IMPLICATIONS

A review of the City's Historical Land Use Inventory data base resulted in no further environmental investigation being recommended regarding these partial takings. This project will ensure compliance with City, Provincial and Federal environmental policies, standards, regulations and legislation.

RISK MANAGEMENT IMPLICATIONS

The acquisition of certain property interests is required to complete the Earl Grey Drive Extension Project. Failure to approve the expropriation may delay completion of the project and could impact the City's ability to meet its contractual obligations under the construction contract which is to be awarded in the spring 2024.

RURAL IMPLICATIONS

There are no rural implications associated with this report.

SUPPORTING DOCUMENTATION

Document 1 Draft By-law

DISPOSITION

Following Council's approval, CREO will work with external legal counsel to serve and publish Notice of Application for Approval to Expropriate.