Subject: Application for Approval to Expropriate Lands – Bank Street Rehabilitation Project, Phase 1

File Number: ACS2023-PRE-CRO-0005

Report to Finance and Corporate Services Committee on 5 September 2023

and Council on 13 September 2023

Submitted on August 1, 2023 by Peter Radke, Director, Corporate Real Estate Office, Planning, Real Estate and Economic Development Department

Contact Person: Robin Souchen, Manager, Realty Services Branch, Corporate Real Estate Office

613-580-2424 ext.21549, robin.souchen@ottawa.ca

Ward: River (16), Capital (17), Alta Vista (18)

Objet : Demande d'approbation visant l'expropriation de terrains – Étape 1 du projet de réfection de la rue Bank

Dossier: ACS2023-PRE-CRO-0005

Rapport au Comité des finances et des services organisationnels

le 5 septembre 2023

et au Conseil le 13 septembre 2023

Soumis le 1 août 2023 par Peter Radke, Directeur, Bureau des biens immobiliers municipal, Services de la planification, des biens immobiliers et du développement économique

Personne ressource: Robin, Souchen, gestionnaire, services immobilier, Services de la planification, des biens immobiliers et du développement économique

613-580-2424 poste.21549, robin.souchen@ottawa

Quartier : Rivière (16), Capitale (17), Alta Vista (18)

# 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 Bank Street Rehabilitation project, Phase 1.

# RECOMMANDATION(S) DU RAPPORT

Que le Comité des finances et des services organisationnels recommande au Conseil d'adopter un règlement municipal, sous la forme présentée dans le document 1 ci-joint, qui approuve la création d'une demande en vertu de l'article 4 de la *Loi sur l'expropriation* dans le but d'approuver l'expropriation des terrains requis pour la réalisation de l'étape 1 du projet de réfection de la rue Bank.

#### **BACKGROUND**

The Bank Street Rehabilitation Project involves significant reconstruction of approximately 2.8 kilometres of Bank Street from Riverside Drive (North) to Ledbury Avenue. The objective of the project is to construct a functioning and safe complete arterial main street with a well-balanced multi-modal transportation network that will cater to vehicles, transit, cyclists, and pedestrians.

The underground works include reconstruction of the sanitary sewer, storm sewer and replacement of distribution watermains as well as the renewal of the Bank Street Sawmill Creek culvert.

The aboveground work includes reconstruction of the four-lane roadway with new concrete sidewalks and curbs, raised asphalt cycle tracks, significant streetscaping improvements and optimized bus stop and shelter locations.

The planning phase of the project involved completion of the Bank Street Functional Design Study (December 2016), a Road Modification Approval (RMA) dated 17 July 2017 by the Councillors for Ward 16 (River), Ward 17 (Capital) and Ward 18 (Alta Vista) and three public meetings (October 2019, April 2021, and March 2023).

Funding for the design of the Bank Street Rehabilitation Project was approved by City Council in 2017 with construction funding being approved by City Council in 2022.

The Bank Street Rehabilitation Project is planned to be constructed in phases, with Phase 1 of the project encompassing the segment of Bank Street which extends from

Riverside Drive westbound to the north side of Collins Avenue. The contract is expected to be awarded in the first quarter of 2024 with construction of Phase 1 expected to commence shortly thereafter.

The property requirements included in the draft By-law recommended for adoption and included in Document 1, are required to permit the construction of Phase 1 of the Bank Street Rehabilitation Project. It is anticipated that additional expropriation proceedings will be required to secure other property and property interests required for the Bank Street Rehabilitation Project. These will be the subject of a future report to the Finance and Corporate Services Committee and Council.

The Corporate Real Estate Office (CREO) recommends initiating expropriation proceedings with respect to the properties identified in Document 1 to ensure that property interests required to support Phase 1 of the Bank Street Rehabilitation Project are available to meet anticipated construction timing.

#### DISCUSSION

Property interests such as road widenings are required to support the Bank Street Rehabilitation Project. Staff from CREO have initiated discussions with all Phase 1 affected property owners and to date have acquired 15 per cent of the lands required. CREO Staff will continue to work with property owners in a fair and equitable manner to acquire the remaining requirements.

However, in order to continue the Bank Street Rehabilitation Project and preserve project timing, CREO staff are now 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 adoption of the draft by-law attached as Document 1, 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

There are no direct financial implications.

#### **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)

All three affected Councillors from Wards 16, 17 and 18 have been notified regarding the recommendation of this Report. Phase 1 property requirements fall within Wards 17 and 18.

Councillor Brockington, Ward 16, has acknowledged receipt of the notification email. Councillor Menard, Ward 17 is open to the recommendation of this Report and Councillor Carr, Ward 18, has reviewed the report and has provided no comments.

#### CONSULTATION

The planning phase of the project involved completion of the Bank Street Functional Design Study (December 2016), a Road Modification Approval (RMA) dated 17th of July 2017 by the Councillors for Ward 16 (River), Ward 17 (Capital) and Ward 18 (Alta Vista) and three public meetings (October 2019, April 2021, and March 2023).

To the extent possible, the real estate acquisition team has been in contact with the owners of properties where property interests are required to support the Bank Street Rehabilitation project. This work has been ongoing since January 2023 and is expected to continue for the next two years.

#### **ACCESSIBILITY IMPACTS**

There are no accessibility impacts associated with this Report.

### **RISK MANAGEMENT IMPLICATIONS**

The acquisition of certain property interests is required to complete the Bank Street Rehabilitation Project. Failure to approve the initiation of expropriation proceedings may delay completion of the project and reconstruction of the underground infrastructure.

### **RURAL IMPLICATIONS**

All requirements are within the Urban Boundary of the City of Ottawa. The acquisition of property required for the Bank Street Rehabilitation project will not generate any rural implications.

### **TERM OF COUNCIL PRIORITIES**

In July 2023, Council approved the 2023-2026 Term of Council Priorities. The Bank Street Rehabilitation Project will assist in meeting the Council objectives to have a city that is: more connected with reliable, safe and accessible mobility options; more liveable for all and that is green and resilient.

# 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.

# Document 1 - Draft By-law

BY-LAW NO.	2023 –
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A by-law of the City of Ottawa for the making of an application for approval to expropriate property in the City of Ottawa for the purposes of the Bank Street Renewal Project

WHEREAS the City of Ottawa requires property interests described in Schedule "A" and in Schedule "B" attached hereto for the purposes of the Bank Street Renewal project (the "Bank Street Renewal Project") including, but not limited to, replacing and relocating above and underground utilities, including sanitary sewers, stormwater sewers, watermains and other utility conduits, facilitating the construction, use, operation, installation and maintenance of an improved right-of-way, cycling and pedestrian corridors, cycle tracks, bus stops and shelters, fences, curbs, sidewalks, retaining walls, landscaping and streetscaping features, streetlight and traffic signal poles, re-grading of the right-of way and [all other improvements and works ancillary to the Bank Street Renewal Project;

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*");

AND WHEREAS pursuant to Section 4 of the *Expropriations Act*, an expropriating authority, in this case, the City of Ottawa, shall not expropriate land without the approval of the approving authority, in this case, the Council of the City of Ottawa;

AND WHEREAS the City of Ottawa shall conduct the expropriation in accordance with the *Expropriations Act*.

THEREFORE the Council of the City of Ottawa hereby enacts as follows:

- 1. THAT the Council of the City of Ottawa hereby approves the making of an application for approval to expropriate land by the City of Ottawa, in respect of the property described in Schedule "A" and Schedule "B", appended hereto.
- 2. THAT the Mayor, the City Clerk, and the Director of Corporate Real Estate Office, or any one of them are hereby authorized to execute, on behalf of the City of

Ottawa, an Application for Approval to Expropriate the property described in Schedule "A" and Schedule "B" appended hereto.

- 3. THAT the Mayor, the City Clerk, and the Director of Corporate Real Estate Office, or any one of them are hereby authorized to execute, on behalf of the City of Ottawa, Notices of Application for Approval to Expropriate Land for the property described in **Schedule "A"** and **Schedule "B"** appended hereto and that such Notices be served and published, as required by the *Expropriations Act*.
- 4. THAT, in the event an owner or registered owner requests a hearing of necessity, and a report of the Ontario Land Tribunal is issued, the report of the Ontario Land Tribunal shall come before Council of the City of Ottawa for consideration.
- 5. 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.
- 6. THAT this by-law comes into force on the day it is passed.

	ENACTED and PASSED this	day of	, 2023.
CITY CLER	RK	MAYOR	

#### SCHEDULE "A"

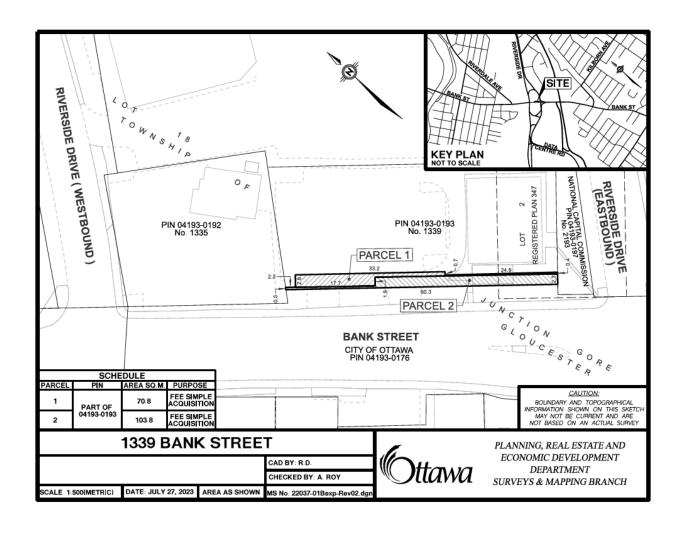
# All right, title and interest in the following lands:

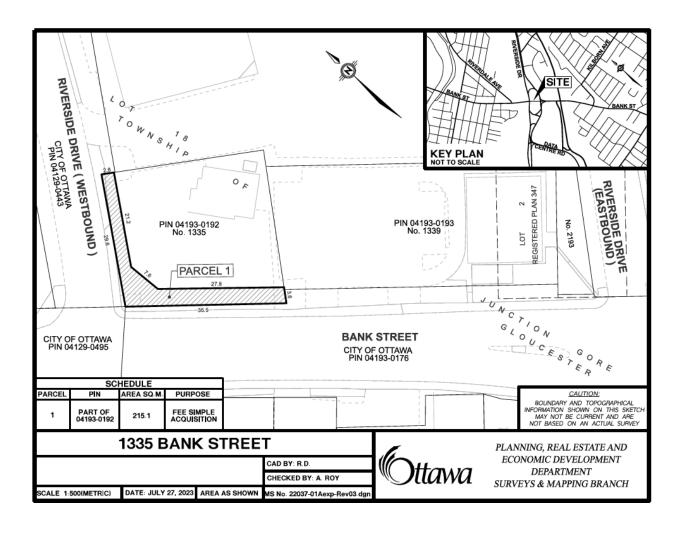
- 1. Part of PIN 04193-0193 (LT) PT LT 18, CON JG; PT LT 2, PL 347, AS IN OT61045 & CT248129 EXCEPT PT 1, 5R13457; CITY OF OTTAWA designated as Parcels 1 and 2 on drawing 22037-01Bexp-Rev02.dgn
- Part of PIN 04193-0192 (LT) PT LT 18, CON JG , AS IN N687501 ;
   OTTAWA/GLOUCESTER designated as Parcel 1 on drawing 22037-01Aexp-Rev03.dgn
- Part of PIN 04145-0234 (LT) PT LT 18, CON JG , PART 1 , 5R14188 ;
   OTTAWA/GLOUCESTER designated as Parcel 1 on drawing 22037-03Aexp-Rev03.dgn
- Part of PIN 04145-0235 (LT) PT LT 18, CON JG, BEING PART 1, 5R4623 EXCEPT PART 1, 5R12957; OTTAWA/GLOUCESTER designated as Parcel 1 on drawing 22037-03Cexp-Rev02.dgn
- Part of PIN 04145-0236 (LT) PT LT 18, CON JG , AS IN NS84996 ;
   OTTAWA/GLOUCESTER designated as Parcel 1 on drawing 22037-03Dexp-Rev02.dgn
- Part of PIN 04193-0189 (LT) PT LT 18, CON JG , PART 8, 9 & 10 , 4R11441 , S/T & T/W N730796 ; S/T CT113160,N729781,N729782,OT70728E
   OTTAWA/GLOUCESTER designated as Parcel 1 on drawing 22037-04exp-Rev02.dgn
- 7. Part of PIN 04146-0091 (LT) PT BLK F, PL 46, AS IN CT255363; OTTAWA/GLOUCESTER designated as Parcel 1 on drawing 22037-10exp-Rev01.dgn
- Part of PIN 04193-0177 (LT) PT LT C, PL 46 , PART 13 TO 17 & 19 , 5R283 , EXCEPT PTS 3 &4, 5R4865; S/T N286036; S/T OT30281 PARTIALLY RELEASED BY NS253944 ; PT LT D, PL 46 , PART 22 , 5R283 ; PT LT 19, CON JG , PART 24 , 5R283 ; OTTAWA/GLOUCESTER designated as Parcels 1 and 2 on drawing 22037-11exp-Rev02.dgn
- Part of PIN 04192-0079 (LT) PT LTS 13, 14 & 15, PL 365, AS IN CT136632 EXCEPT 5R3075; S/T OT29463 OTTAWA/GLOUCESTER designated as Parcel 1 on drawing 22037-15exp-Rev02.dgn
- 10. Part of PIN 04148-0240 (LT) PT LT 20, CON JG , PART 4 , 5R275 ;
  OTTAWA/GLOUCESTER designated as Parcel 1 on drawing 22037-16exp-Rev01.dgn

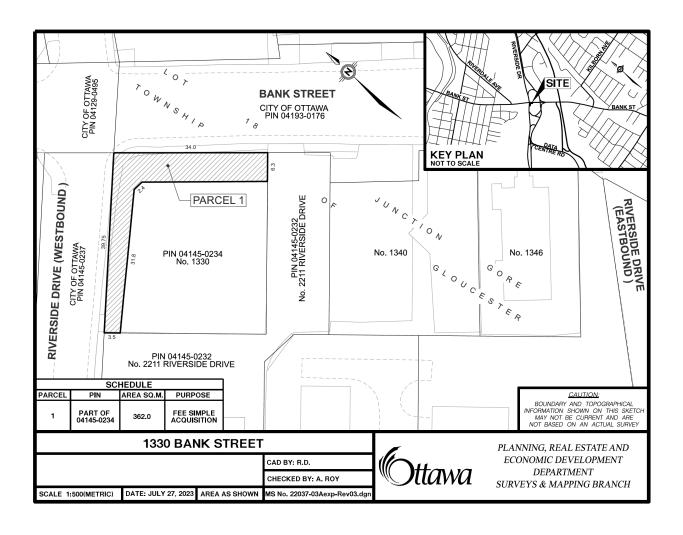
- 11. Part of PIN 04148-0243 (LT) PT LT 20, CON JG , AS IN NS247531 ;
  OTTAWA/GLOUCESTER designated as Parcel 1 on drawing 22037-18exp-Rev02.dgn
- 12. Part of PIN 04146-0274 (LT) PART LOTS 18 AND 19, CONCESSION JUNCTION GORE AS IN N416965, OT49322, OT44395 SAVE AND EXCEPT PARTS 4 AND 5 PLAN 4R11588, OTTAWA. SUBJECT TO RIGHTS AS IN OT23230, OT40681 AND N416965. SUBJECT TO AN EASEMENT IN FAVOUR OF THE HYDRO-ELECTRIC COMMISSION OF THE CITY OF OTTAWA AS IN N649859. SUBJECT TO RIGHTS IN FAVOUR OF PARTS 4 AND 5 ON 4R-11588 OVER PARTS 2, 3 AND 6 ON 4R-11588 AS IN LT1061326.designated as Parcels 1, 2 and 3 on drawing 22037-07exp-Rev05.dgn
- 13. Part of PIN 04146-0306 (LT) PART OF LOTS 3, 4, 5, 6, 7, 9, AND PART OF "A" STREET (CLOSED BY ORDER N573261) ON PLAN 46 BEING PARTS 7, 8, 9, 13, 14, 15 AND 16 ON PLAN 4R-25652. SUBJECT TO AN EASEMENT OVER PART 7 PLAN 4R25652 AS IN LT1280792.; SUBJECT TO AN EASEMENT AS IN LT1401746; TOGETHER WITH AN EASEMENT OVER PART OF LOTS 7, 9 AND PART OF "A" STREET (CLOSED BY ORDER N573261) ON PLAN 46 BEING PARTS 3, 4 AND 17 ON PLAN 4R-25652 AS IN OC1318883; TOGETHER WITH AN EASEMENT OVER PART OF LOT 7 ON PLAN 46 BEING PART 6 ON PLAN 4R-25652 AS IN OC1318883: TOGETHER WITH AN EASEMENT OVER PART OF LOT 7 ON PLAN 46 BEING PARTS 5 AND 6 ON PLAN 4R-25652 AS IN OC1318883; TOGETHER WITH AN EASEMENT OVER PART OF LOTS 7 AND 9 AND PART OF "A" STREET (CLOSED BY ORDER N573261) ON PLAN 46 BEING PART 3 ON PLAN 4R-25652 AS IN OC1318883: TOGETHER WITH AN EASEMENT OVER PART OF LOTS 7 AND 9 ON PLAN 46 BEING PART 17 ON PLAN 4R-25652 AS IN OC1318883; SUBJECT TO AN EASEMENT OVER PARTS 8 AND 9 ON PLAN 4R-25652 IN FAVOUR OF PART OF LOTS 7, 9, 10 AND 11 AND PART OF "A" STREET (CLOSED BY ORDER N573261) ON PLAN 46 BEING PARTS 1, 2, 3, 4, 5, 6 AND 17 ON PLAN 4R-25652 AS IN OC1318883; SUBJECT TO AN EASEMENT OVER PART 9, 13 AND 16 ON PLAN 4R-25652 IN FAVOUR OF PART OF LOTS 7, 9, 10 AND 11 AND PART OF "A" STREET (CLOSED BY ORDER N573261) ON PLAN 46 BEING PARTS 1, 2, 3, 4, 5, 6 AND 17 ON PLAN 4R-25652 AS IN OC1318883; SUBJECT TO AN EASEMENT OVER PARTS 9, 13, 14, 15 AND 16 ON PLAN 4R-25652 IN FAVOUR OF PART OF LOTS 7, 9, 10 AND 11 AND PART OF "A" STREET (CLOSED BY ORDER N573261) ON PLAN 46 BEING PARTS 1, 2, 3, 4, 5, 6 AND 17 ON PLAN 4R-25652 AS IN OC1318883; SUBJECT TO AN EASEMENT OVER PARTS 9, 13, 14, 15 AND 16 ON PLAN 4R-25652 IN FAVOUR OF PART OF LOTS 7, 9, 10 AND 11 AND PART OF "A" STREET

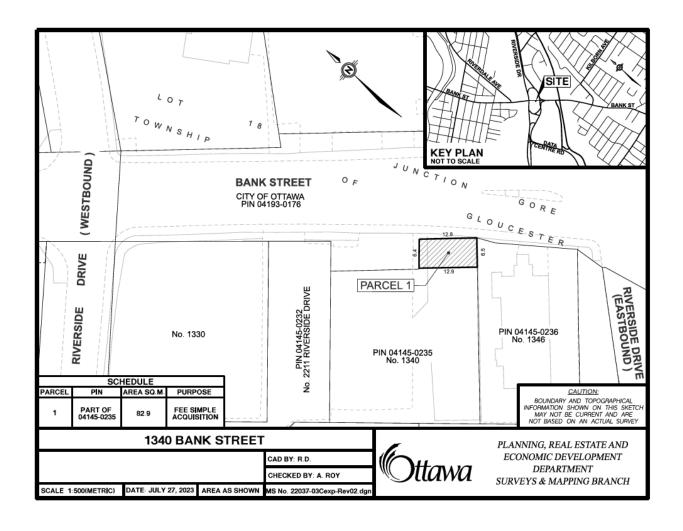
- (CLOSED BY ORDER N573261) ON PLAN 46 BEING PARTS 1, 2, 3, 4, 5, 6 AND 17 ON PLAN 4R-25652 AS IN OC1318883; CITY OF OTTAWA designated as Parcel 1 on drawing 22037-09exp-Rev02.dgn
- 14. Part of PIN 04147-0007 (LT) PCL 50-1, SEC 149; PT ALLEY, PL 149, PART 3, 4R3367, PT LTS 50, 51 & 52, PL 149, PART 4, 4R3367; OTTAWA/GLOUCESTER designated as Parcels 1 and 2 on drawing 22037-12exp.Rev02.dgn
- 15. Part of PIN 04147-0013 (LT) PT LT 38, PL 149, AS IN NS175369; OTTAWA/GLOUCESTER designated as Parcel 1 on drawing 22037-14exp-Rev01.dgn
- 16. Part of PIN 04147-0274 (LT) LOTS 1, 2, 3, 4, 5 AND PART OF LOT 6 PLAN 409, LANE PLAN 409 AS CLOSED BY CT171590, PART OF LOT 20 CONCESSION JUNCTION GORE PART 1 PLAN 5R7642 EXCEPT PARTS 1, 2 AND 3 PLAN 5R9245; PART 3 PLAN 4R14879 EXCEPT PART 1 PLAN 4R21263; GLOUCESTER/OTTAWA. S/T AN EASEMENT IN GROSS OVER PARTS 2 AND 4 PLAN 4R21263 AS IN OC623979 designated as Parcel 1 on drawing 22037-17exp-Rev01.dgn
- 17. Part of PIN 04147-0215 (LT) PT LTS 6 & 7, PL 409; PT LT 20, CON JG, ALL AS IN N423385; OTTAWA/GLOUCESTER designated as Parcel 1 on drawing 22037-19exp-Rev02.dgn
- 18. Part of PIN 04147-0209 (LT) LTS 21, 22, 23 & 24, PL 409; LT 26, PL 409, EXCEPT PT 12, 5R275; PT LTS 16 & 25, PL 409, BEING PTS 1 & 2, 5R2727; OTTAWA/GLOUCESTER designated as Parcel 1 on drawing 22037-21exp-Rev01.dgn
- 19. Part of PIN 04069-0338 (LT) PT LTS 17 & 18, PL 31, PT 1 5R13449; OF LT 21, CON JG; S/T CT133011,CT133010,N371711 OTTAWA/GLOUCESTER designated as Parcels 1 and 2 on drawing 22037-50exp-Rev01.dgn
- 20. Part of PIN 04145-0232 (LT) PT LT 18, CON JG, AS IN N734284;
  OTTAWA/GLOUCESTER designated as Parcel 1 on drawing 22037-03B-Rev05.dgn

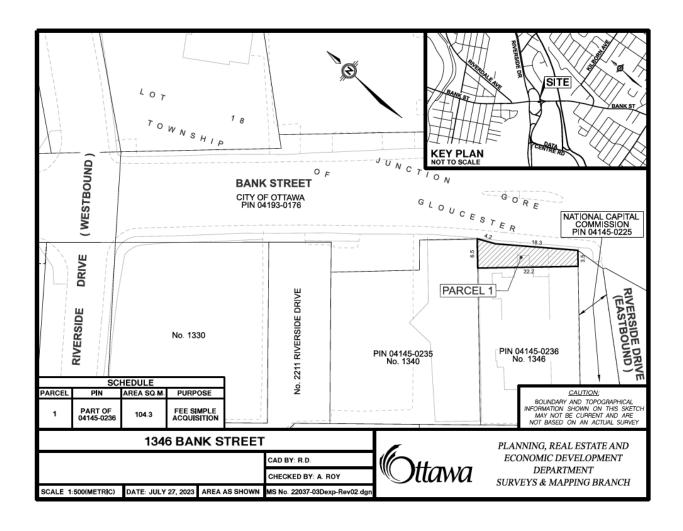
# SCHEDULE "B" - PROPERTY SKETCHES

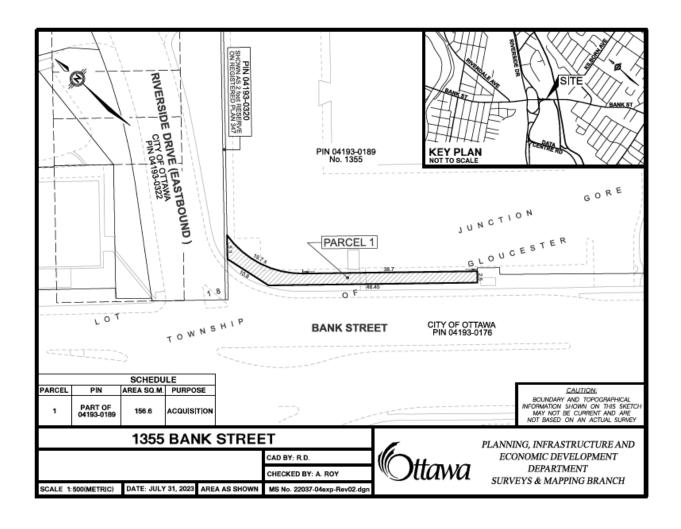


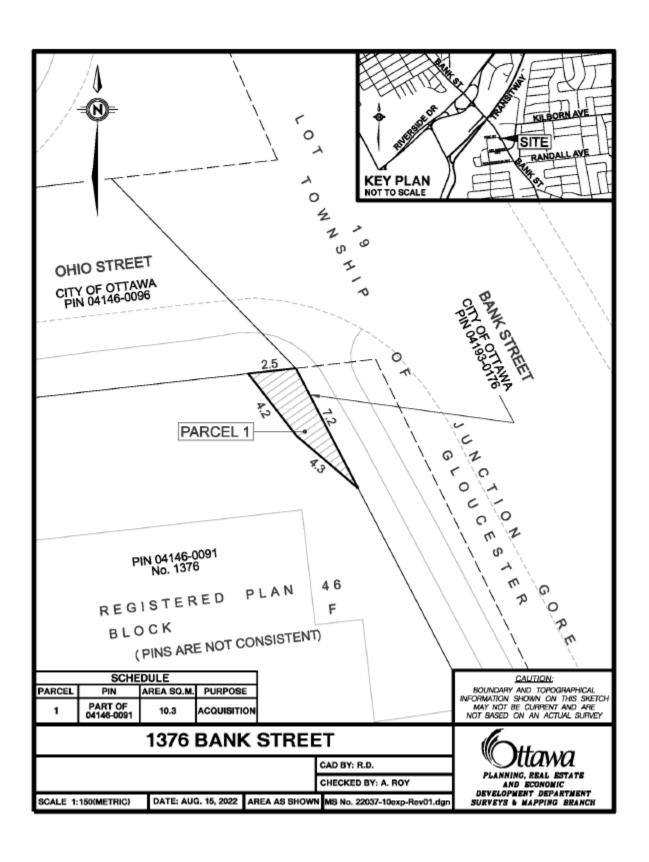


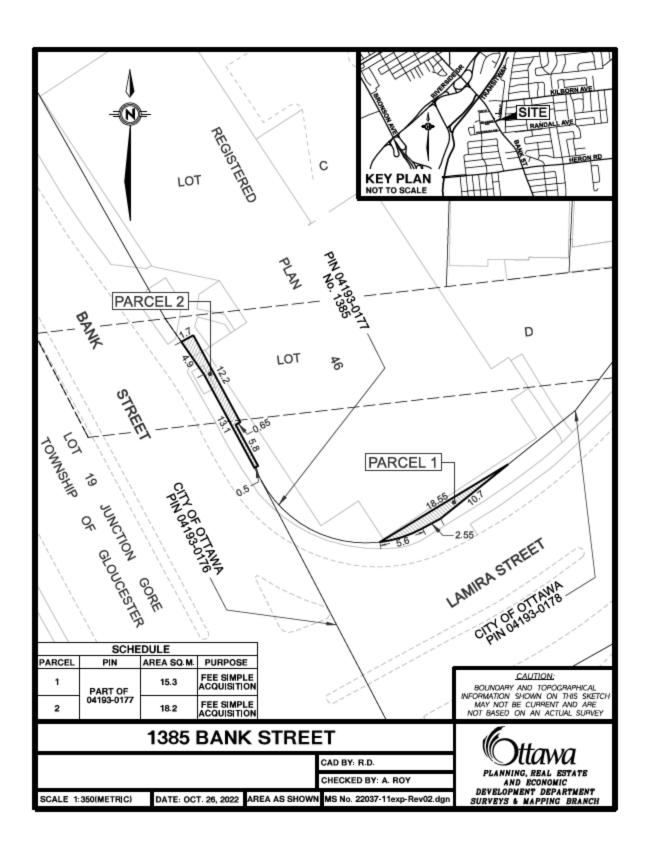


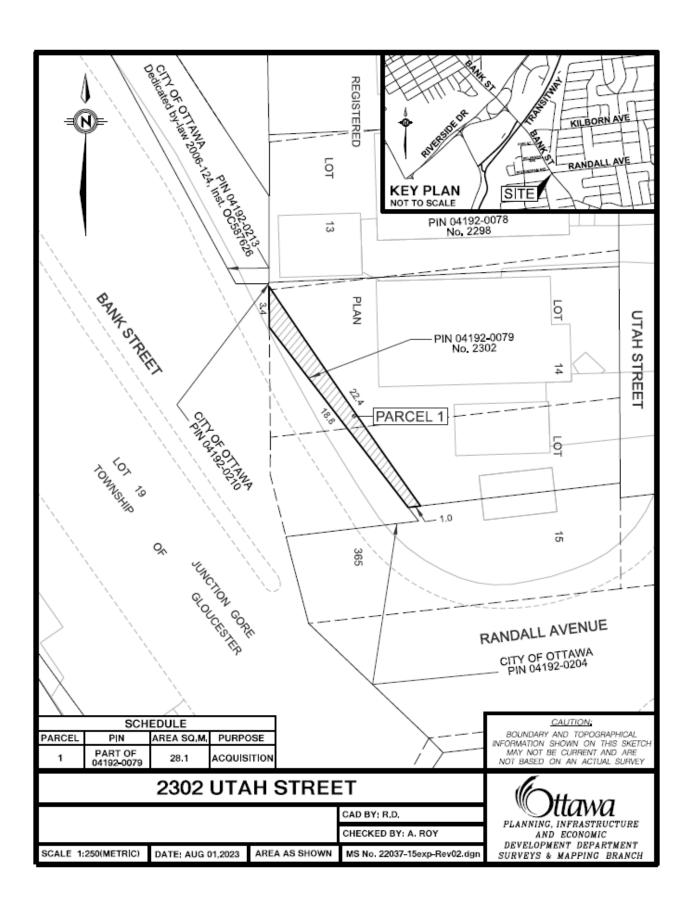


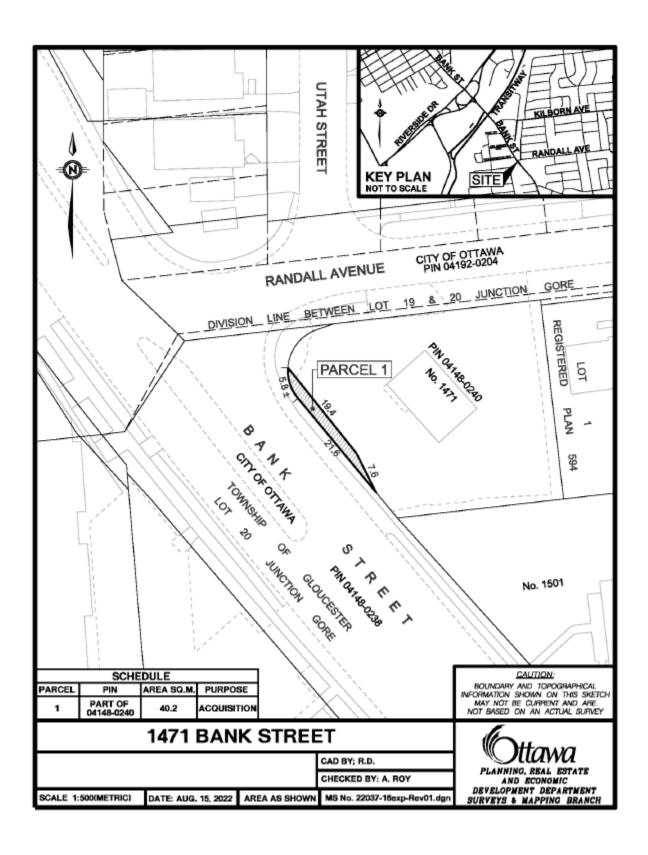


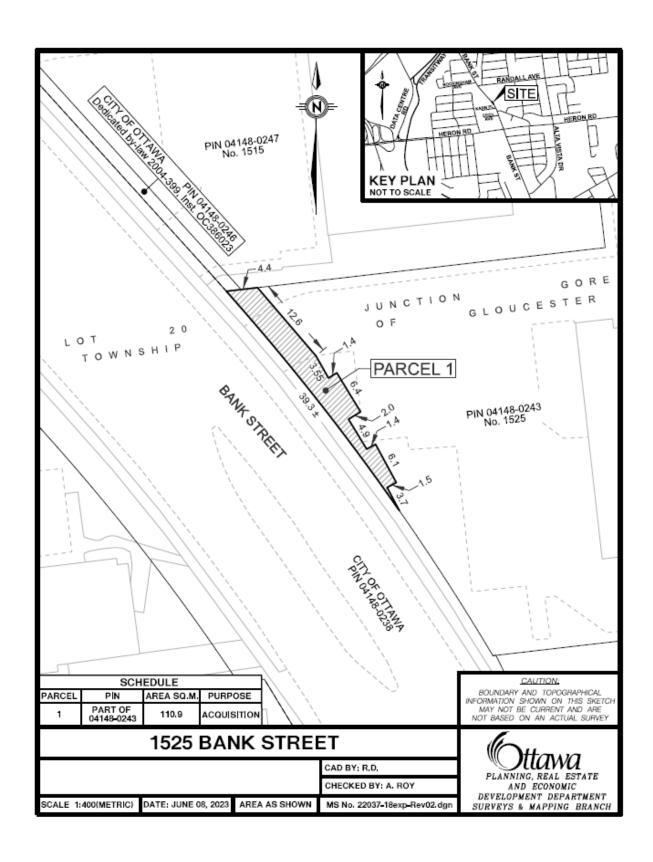


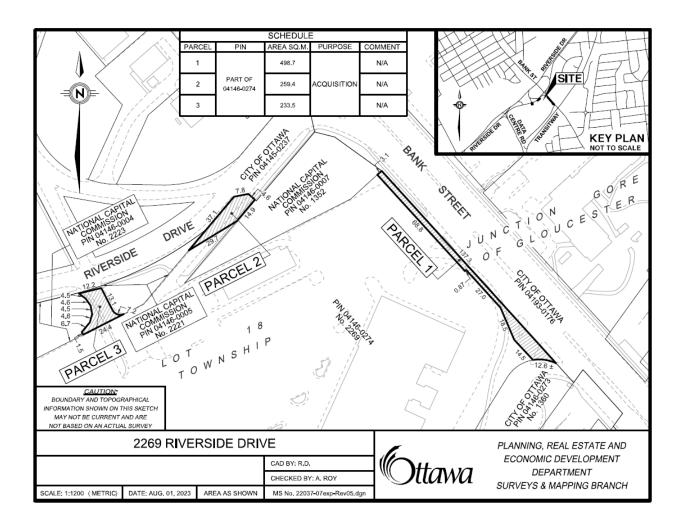


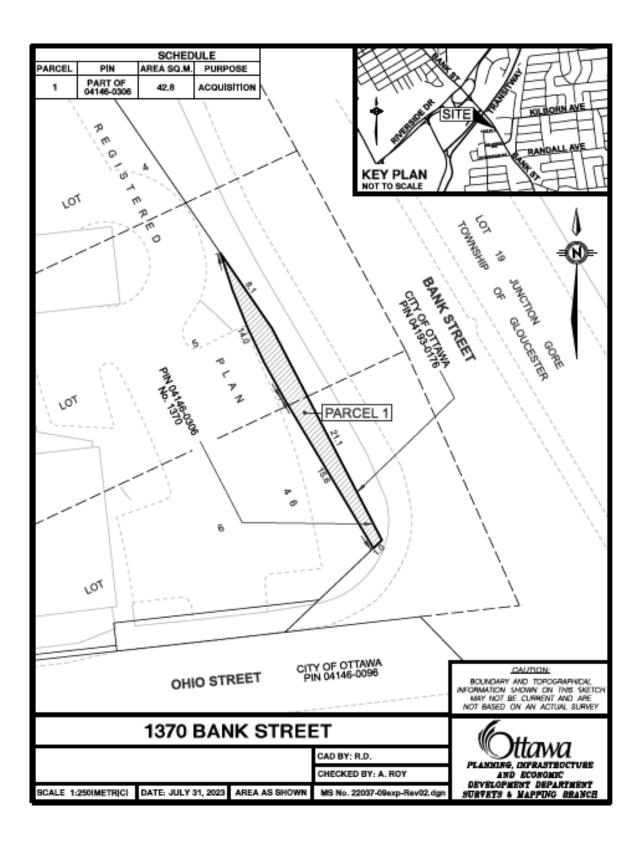


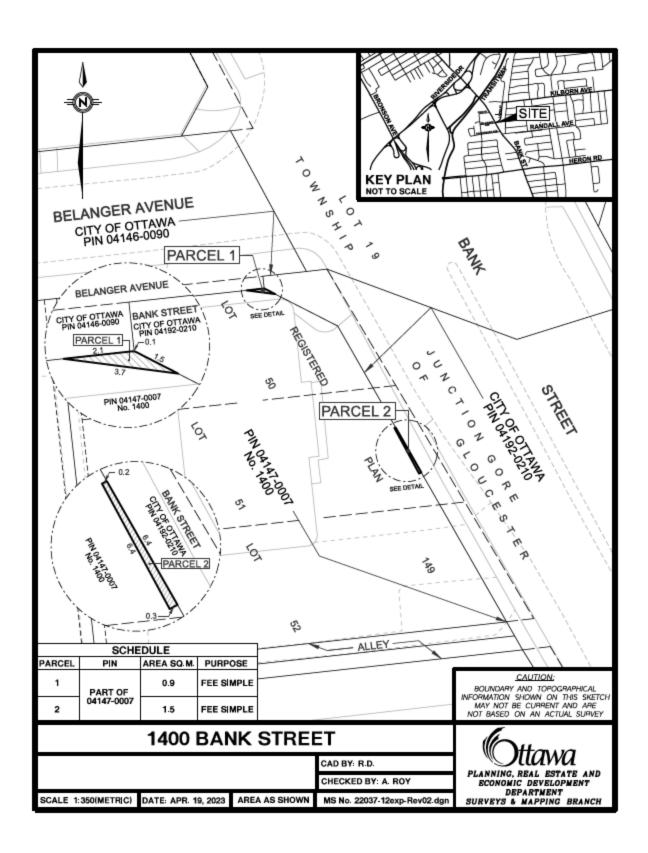


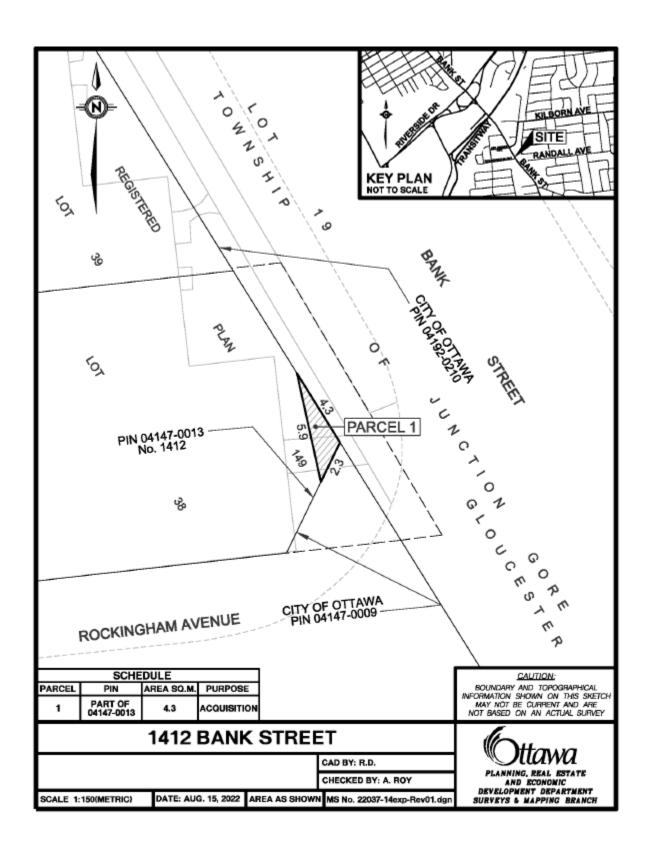


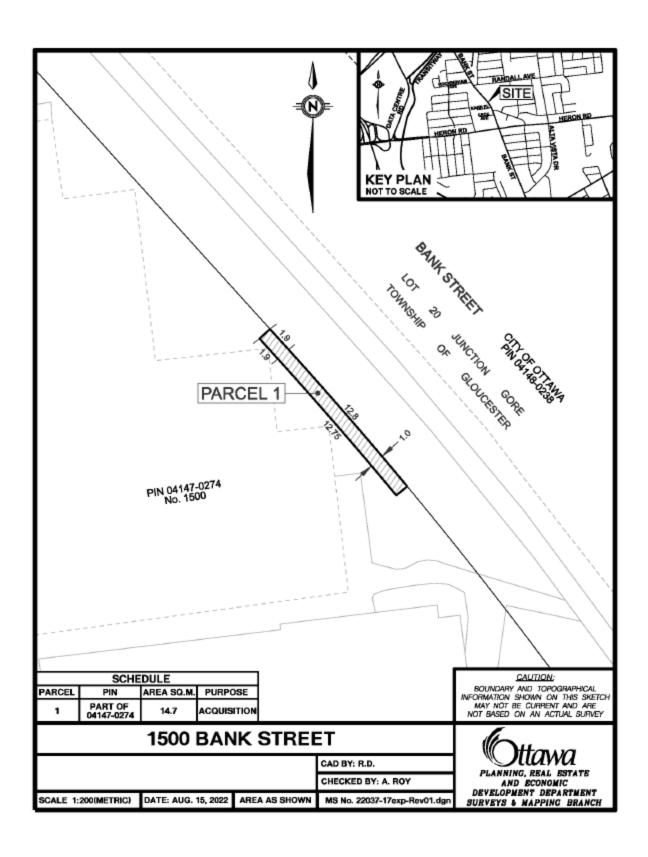


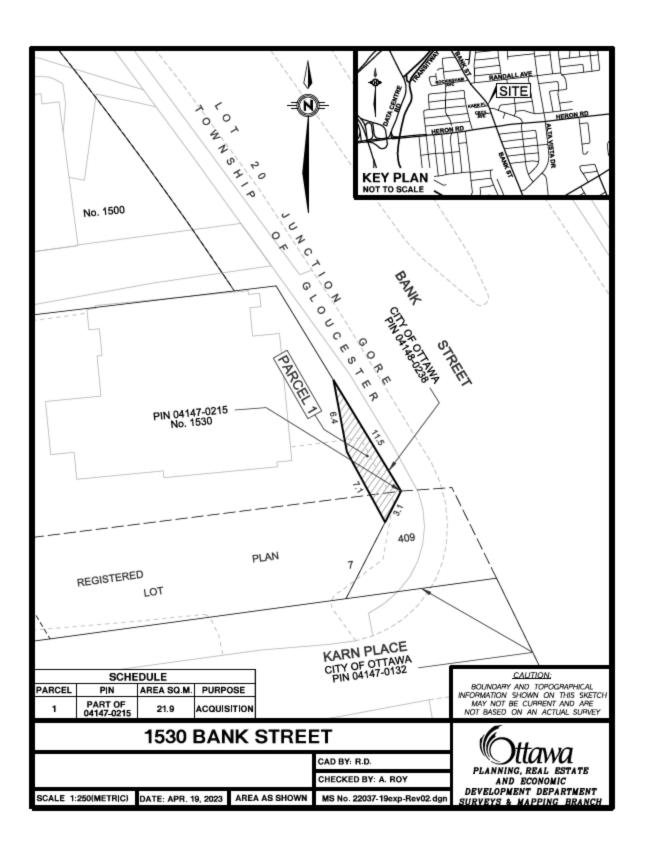


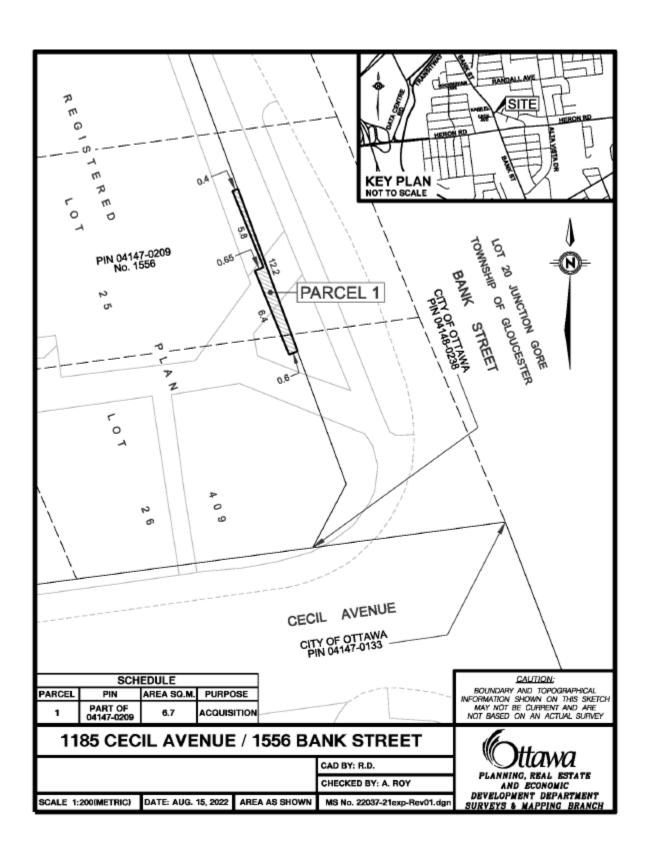


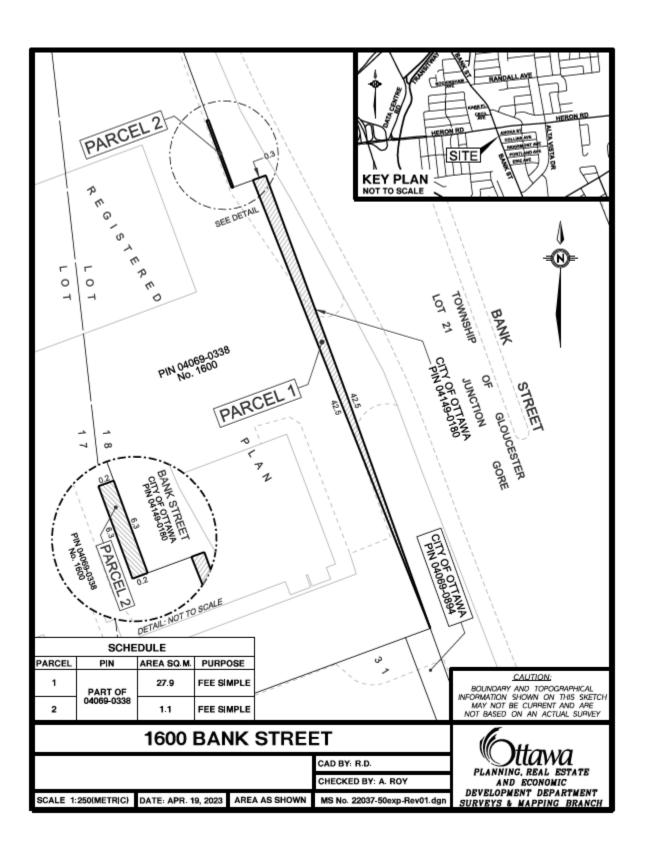


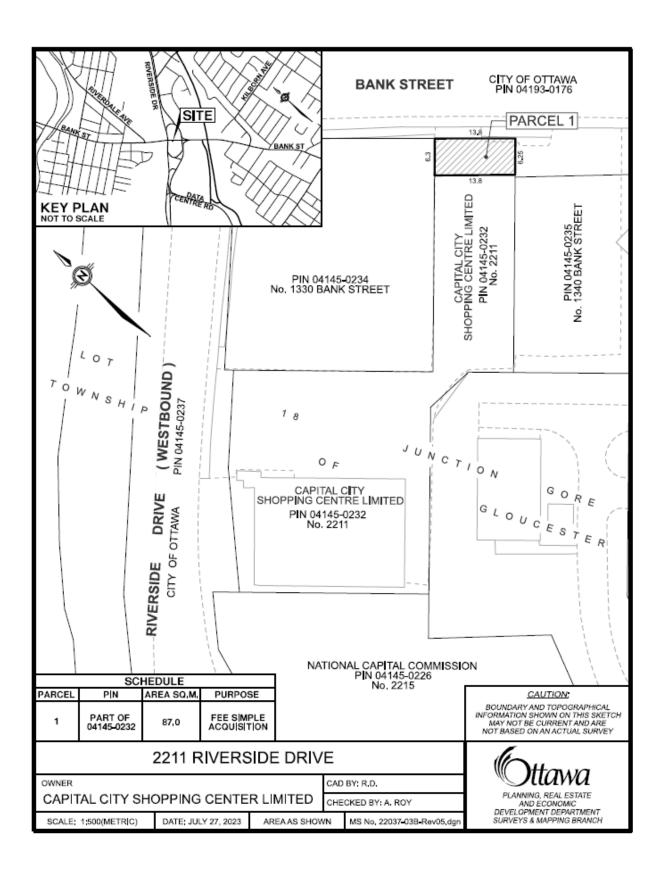












### **BY-LAW NO. 2023**

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A by-law to provide for the making of an application for approval to expropriate certain property in the City of Ottawa for the purposes of the Bank Street Renewal Project.

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Enacted by City Council at its meeting of

TBD.

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CORPORATE REAL ESTATE OFFICE, PLANNING, INFRASTRUCTURE AND ECONOMIC DEVELOPMENT:

[TBD: Initial]

**COUNCIL AUTHORITY:** 

City Council [TBD] 2023

Agenda Item [TBD]

(Finance and Corporate Services Committee Report No TBD, Agenda Item No. TBD)