

BY-LAW NO. 2019 – ____

A by-law of the City of Ottawa to approve the expropriation of an easement at 855 Carling Avenue for the purposes of the Stage 2 Ottawa Light Rail Transit System project

WHEREAS the City of Ottawa requires a temporary easement in property for a term of seventeen (17) months, described in Schedule “A” attached hereto, 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, at-grade guideway corridors, guideways, stations, platforms, storage of excavated materials, construction materials and equipment, temporary support of excavation, temporary power supply, parking, vehicular and pedestrian access and egress and to enter and remain on the lands with all vehicles, machinery, workmen and material for construction, grading and relocation of utilities and for construction of fences, retaining walls, landscaping features and all other improvements and works ancillary to the Stage 2 LRT (the “Easement”);

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 the Easement was served and published, as required by the *Expropriations Act*;

AND WHEREAS the application has not been referred to a hearing of necessity and the applicable deadline for such has passed;

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 Easement, for the above-described purposes.
2. THAT the City Clerk is hereby authorized to execute on behalf of City Council the Certificate of Approval and the Expropriation Certificate and all other notices and documents which are necessary to carry out the provisions of this By-law.
3. THAT the City Clerk is 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 Easement.
4. THAT a Notice of Expropriation be served upon the registered owner(s) 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 Easement be obtained from an accredited appraiser.
6. THAT a Notice of Possession be served requiring possession of the property interest at least three months after the date of service of said notice.
7. THAT the City of Ottawa is hereby authorized to take possession of the lands described in Schedule "A" hereto in accordance with the Easement 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 owner(s) and the City of Ottawa.
8. THAT, an offer of an amount in full compensation for the registered owners' interests in the Easement, and an offer for immediate payment of 100% of market value as estimated by the expropriating authority, all in accordance with section 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 25th day of September, 2019.

CITY CLERK

MAYOR

SCHEDULE "A" –

Trillium Line

An estate, right or interest, for a limited time in the nature of a temporary easement for a period of seventeen (17) months in the following lands:

1. Part of PIN 04102-0135(LT) being PART OF LOT 15, BLOCK G, REGISTERED PLAN 146 AND PART OF RAILWAY STREET, (AS CLOSED BY ORDER CR564781) REGISTERED PLAN 73; DESIGNATED AS PART 1 ON PLAN 4R-31932; CITY OF OTTAWA

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Enacted by City Council at its meeting of
25th of September, 2019.

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PLANNING INFRASTRUCTURE AND ECONOMIC DEVELOPMENT: MC

COUNCIL AUTHORITY:
City Council March 8, 2017
Agenda Item 4
(FEDCO Report No. 21)