

12. APPLICATION FOR APPROVAL TO EXPROPRIATE LANDS FOR THE PURPOSE OF THE KANATA SOUTH LINK PROJECT PURSUANT TO SECTION 4 OF THE *EXPROPRIATIONS ACT*

DEMANDE D'APPROBATION DE L'EXPROPRIATION DE TERRAINS REQUIS DANS LE CADRE DU PROJET DE LIEN DE KANATA-SUD, CONFORMÉMENT À L'ARTICLE 4 DE LA *LOI SUR L'EXPROPRIATION*

### **COMMITTEE RECOMMENDATION**

That Council enact a by-law, as set out in Document 1, approving the making of an application for approval to expropriate lands pursuant to Section 4 of the *Expropriations Act*, that are required for purposes of the Kanata South Link Project.

### **RECOMMANDATION DU COMITÉ**

Que le Conseil adopte un règlement, comme le décrit le document 1, approuvant la présentation d'une demande d'approbation de l'expropriation de terrains, conformément à l'article 4 de la *Loi sur l'expropriation*, des terrains requis pour mener le projet de lien de Kanata-Sud.

### **DOCUMENTATION/DOCUMENTATION**

1. Director's report, Corporate Real Estate Office dated 26 September 2017 (ACS2017-CSD-CRE-0013)

Rapport du Directeur, Bureau de l'immobilier de la Ville daté le 26 septembre 2017 (ACS2017-CSD-CRE-0013)

2. Extract of draft Minutes, Finance and Economic Development Committee, 7 November 2017

Extrait de l'ébauche du procès-verbal, Comité des finances et du développement économique, le 7 novembre 2017

**Report to  
Rapport au:**

**Finance and Economic Development Committee  
Comité des finances et du développement économique  
7 November 2017 / 7 novembre 2017**

**and Council  
et au Conseil  
22 November 2017 / 22 novembre 2017**

**a  
Submitted on October 25, 2017  
Soumis le 25 octobre 2017**

**Submitted by  
Soumis par:  
Gordon MacNair, Director, Corporate Real Estate Office/Directeur, Bureau des  
biens immobiliers municipal**

**Contact Person  
Personne ressource:  
Peter Radke, Manager, Realty Initiative & Development Branch, Corporate Real  
Estate Office/Gestionnaire, Initiatives et Mise en valeur en immobilier, Bureau des  
biens immobiliers municipal  
613-580-2424 x/poste 12551, [peter.radke@ottawa.ca](mailto:peter.radke@ottawa.ca)**

**Ward: RIDEAU-GOULBOURN (21)  
COLLEGE (8)  
KANATA SOUTH (23)**

**File Number: ACS2017-CSD-CRE-0013**

**SUBJECT: APPLICATION FOR APPROVAL TO EXPROPRIATE LANDS FOR THE  
PURPOSE OF THE KANATA SOUTH LINK PROJECT PURSUANT TO  
SECTION 4 OF THE *EXPROPRIATIONS ACT***

**OBJET: DEMANDE D'APPROBATION DE L'EXPROPRIATION DE TERRAINS  
REQUIS DANS LE CADRE DU PROJET DE LIEN DE KANATA-SUD,  
CONFORMÉMENT À L'ARTICLE 4 DE LA *LOI SUR L'EXPROPRIATION***

## REPORT RECOMMENDATION

That the Finance and Economic Development Committee recommend Council enact a by-law, as set out in Document 1, approving the making of an application for approval to expropriate lands pursuant to Section 4 of the *Expropriations Act*, that are required for purposes of the Kanata South Link Project.

## RECOMMANDATION DU RAPPORT

Que le Comité des finances et du développement économique recommande au Conseil d'adopter un règlement, comme le décrit le document 1, approuvant la présentation d'une demande d'approbation de l'expropriation de terrains, conformément à l'article 4 de la *Loi sur l'expropriation*, des terrains requis pour mener le projet de lien de Kanata-Sud.

## BACKGROUND

In the 2017 Capital Budget, City Council approved funding for the Kanata South Link Project involving the widening of Old Richmond Road and West Hunt Club Road from Hope Side Road to Highway 416. Motion TRC 34/5 requires that "any funds surplus to Old Richmond Road and West Hunt Club Road in Phase 1 of the TMP to be applied to Hope Side Road". Therefore, a Preliminary Design of the entire Kanata South Link including Hope Side Road was required. The project is required to create road capacity and the widening will minimize the impact on the Greenbelt lands and to protect the Stony Swamp Conservation Area and wetlands. The functional design consists of a rural road cross-section with paved shoulders within the Greenbelt and an urban cross-section for 500 metres on the west side of Old Richmond Road and along the north side of Hope Side Road. Two lane roundabouts are included at all intersections except at Moodie Drive, where signals are specified to reduce impacts on adjacent wetland.

Following the completion of the Preliminary Design and updated cost estimates, the project scope was prioritized and work is proceeding to obtain both Federal and Provincial approvals. Detailed design is underway, and construction is expected to start in 2018 subject to project permits (such as MOECC, MNRF, RVCA) and property acquisition.

The City must acquire fee simple interests in property from the National Capital Commission and two private property owners to support the widening of the roads. In order to meet construction timelines, the City requires the ability to acquire property interests by expropriation, if necessary.

The purpose of this report is to seek Council approval for the initiation of expropriation proceedings with respect to certain property interests required in connection with the Kanata South Link Project as more particularly described in the draft by-law attached hereto as Document 1. (As amended by FEDC Motion No. 32 / 1)

## **DISCUSSION**

The City must acquire fee simple interests in property from the National Capital Commission and two private property owners to support the widening of the roads.

The property interests which are the subject of this report are described in more detail in the draft by-law attached hereto 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 recommendations contained in this report, the City, as expropriating authority, can initiate expropriation procedures including the service and publication of statutory notices. A further report will be brought before Council prior to registration of Plans of Expropriation.

Notwithstanding the foregoing, and pursuant to the direction of the Infrastructure Services Department, Realty Services will contact property owners and, to the extent possible, pursue meaningful negotiations to acquire the required property interests and negotiate settlements with all affected property owners.

## **RURAL IMPLICATIONS**

Two rural properties will be impacted by the proposed widening. One is an agricultural use and the other operates as a quarry and plant. Rural residents travelling through the area may benefit from the road widening and roundabout, which are expected to result in improved traffic flows. The project will also minimize the impact on the Greenbelt lands and protect the Stony Swamp Conservation Area and wetlands.

## **CONSULTATION**

Public consultation was undertaken as part of the Municipal Class Environmental Assessment Process under the Kanata South Link Study and included open houses and notices. Public Open Houses concerning the Kanata South Link Project were held on April 25, 2013 and September 16, 2013 with two additional Open Houses planned prior to construction.

## **COMMENTS BY THE WARD COUNCILLOR(S)**

The subject lands are located within/adjacent Ward 8, 21 and 23. The Ward Councillors, Rick Chiarelli (8), Scott Moffatt (21) and Allan Hubley (23) have been consulted and are aware of the recommendation contained herein.

## **LEGAL IMPLICATIONS**

Provided that the City follows procedures set out in the *Expropriation Act* and outlined in this report and the draft by-law attached hereto as Document 1, there are no legal impediments to implementing the recommendation set out in this report.

## **RISK MANAGEMENT IMPLICATIONS**

Acquisition of the land requirements are required to complete the construction project. Failure to approve the expropriation may delay completion of the Kanata South Link Project and could impact the City's ability to meet its contractual obligations under the Kanata South Link construction contract which is to be awarded in 2018.

## **FINANCIAL IMPLICATIONS**

Funds for the expropriation are available within 906920 Kanata South Link Project.

## **ACCESSIBILITY IMPACTS**

There are no accessibility impacts with regard to this report.

## **ENVIRONMENTAL IMPLICATIONS**

The City's requirements from this property have been reviewed through the Historical Land Use Inventory (HLUI) and there are no environmental impacts with regard to this report.

## **TERM OF COUNCIL PRIORITIES**

The recommendations of this report support City Council's Sustainable Environmental Services strategic priority.

## **SUPPORTING DOCUMENTATION**

Document 1 – Draft by-law (*Distributed separately and held on file with the City Clerk.*)

## **DISPOSITION**

Following Council's approval, Realty Services and Legal Counsel will serve a Notice of Application for Approval to Expropriate upon the registered owner(s) as required and publish the said Notice pursuant to Section 6 of the *Expropriations Act*.

DRAFT

**CITY OF OTTAWA**

**BY-LAW NO.**

A BY-LAW TO PROVIDE FOR THE MAKING OF AN APPLICATION FOR APPROVAL TO EXPROPRIATE PROPERTY IN THE CITY OF OTTAWA AND DESCRIBED IN SCHEDULES “A” and “B” TO THIS BY- LAW FOR THE PURPOSES OF THE KANATA SOUTH LINK PROJECT.

WHEREAS the City of Ottawa requires a fee simple interest in the lands described in **Schedules “A” and “B”** attached hereto for the purposes of the Kanata South Link Project including the widening of Hope Side Road, Old Richmond Road and West Hunt Club Road from Eagleson Road to Highway 416 and including the construction and/or installation of an additional travel lane in each direction, multi-lane roundabouts, traffic signals, signalized trail crossings, improved lighting, paved shoulders, sidewalks, multi-use pathways, works to address drainage and water quality and minimize and mitigate impacts to the Greenbelt and all other works and improvements ancillary to the Kanata South Link Project including but not limited to utility relocations;

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, 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*.

NOW 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 Lands by the City of Ottawa, in respect of the property described in **Schedules “A” and “B”**, appended hereto.

2. THAT the Mayor, the City Clerk, the Director of the 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 **Schedules “A” and “B”**, appended hereto.

DRAFT

3. THAT the Mayor, the City Clerk, the Director of the Corporate Real Estate Office or any one of them are hereby authorized to execute, on behalf of the City of Ottawa, a Notice of Application for Approval to Expropriate Lands for the property described in **Schedules "A" and "B"**, appended hereto and that such Notice 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 inquiry officer is issued, the report of the inquiry officer 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.

READ and PASSED this      day of November, 2017.

---

CLERK

---

MAYOR



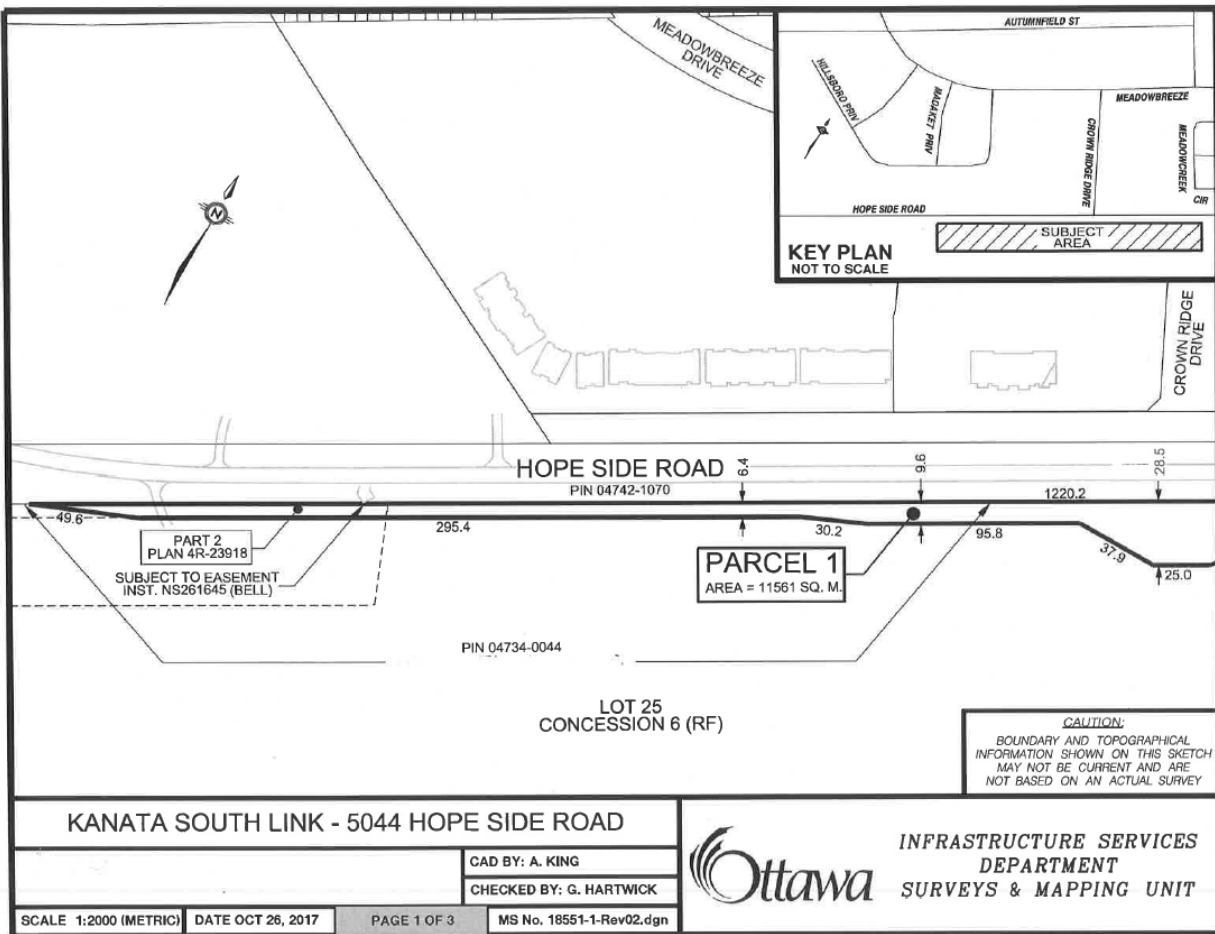
DRAFT

**SCHEDULE “ A” – BY-LAW NO**

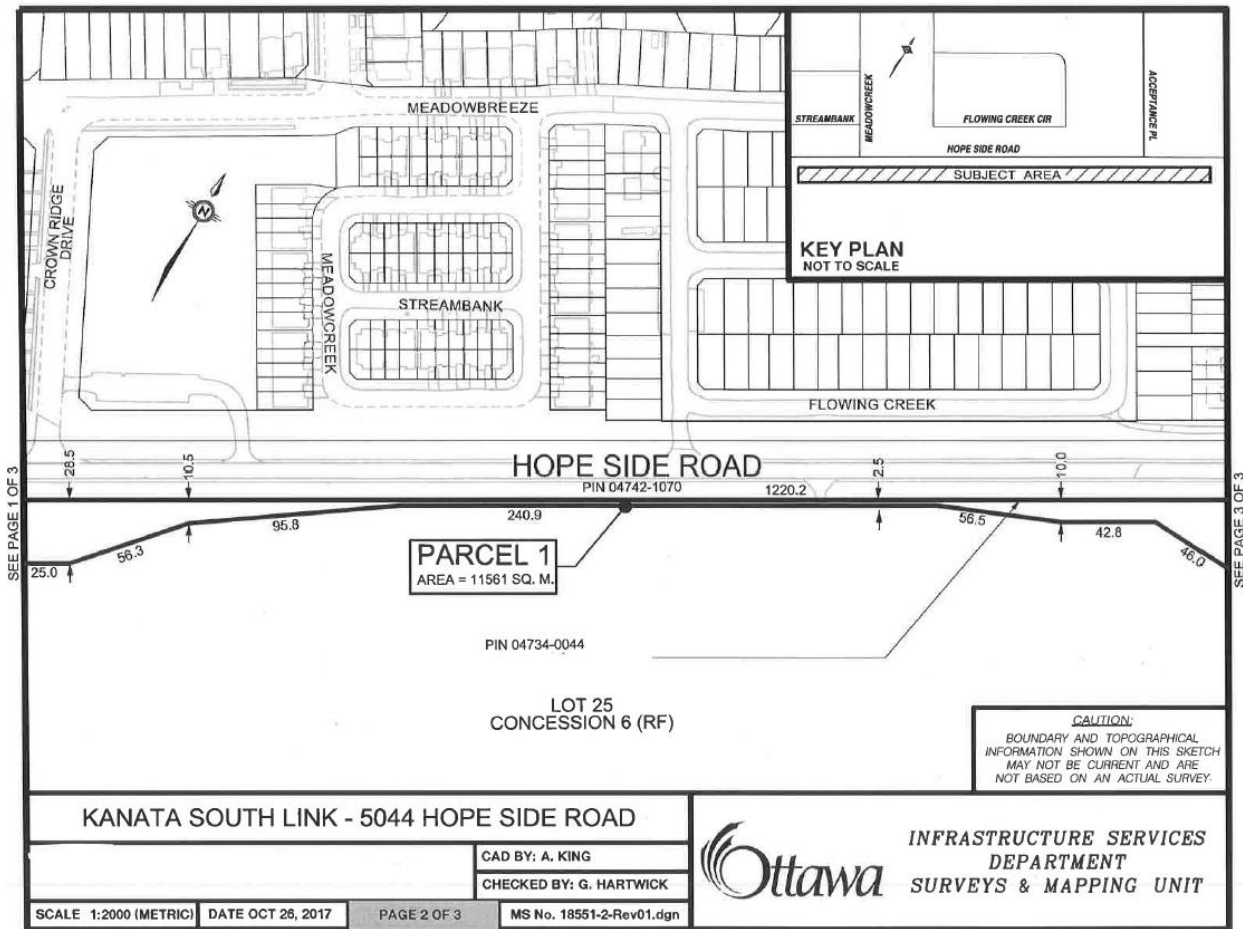
**All the right, title and interest in the following lands:**

- 1) Part of PIN 04734-0044 (LT) being part of Lots 24 and 25, Concession 6, Rideau Front, Nepean Parts 1, 2, 3, 4 and 5 on Plan 4R-23918, except Parts 1 and 2 on plan 4R-27136, subject to an easement over Part 2 on Plan 4R-23918, except Part 2 on plan 4R-27136 as in NS261645 geographic Township of Nepean, City of Ottawa, designated as Parcel 1 on Property Sketch B-1 (No. 18551-1-Rev02.dgn), Parcel 1 on Property Sketch B-2 (No. 18551-2-Rev01.dgn), and Parcels 1 and 2 on Property Sketch B-3 (No. 18551-3 Rev02.dgn) all in Schedule “B” hereto.
  
- 2) Part of PIN 04632-0261 (LT) being part of Lots 24 and 25, Concession 5, Rideau Front, being part 1 on plan 4R-21040 geographic Township of Nepean, City of Ottawa, designated as Parcel 1 on Property Sketch B-4 (No. 18551-4-Rev03.dgn) in Schedule “B” hereto.

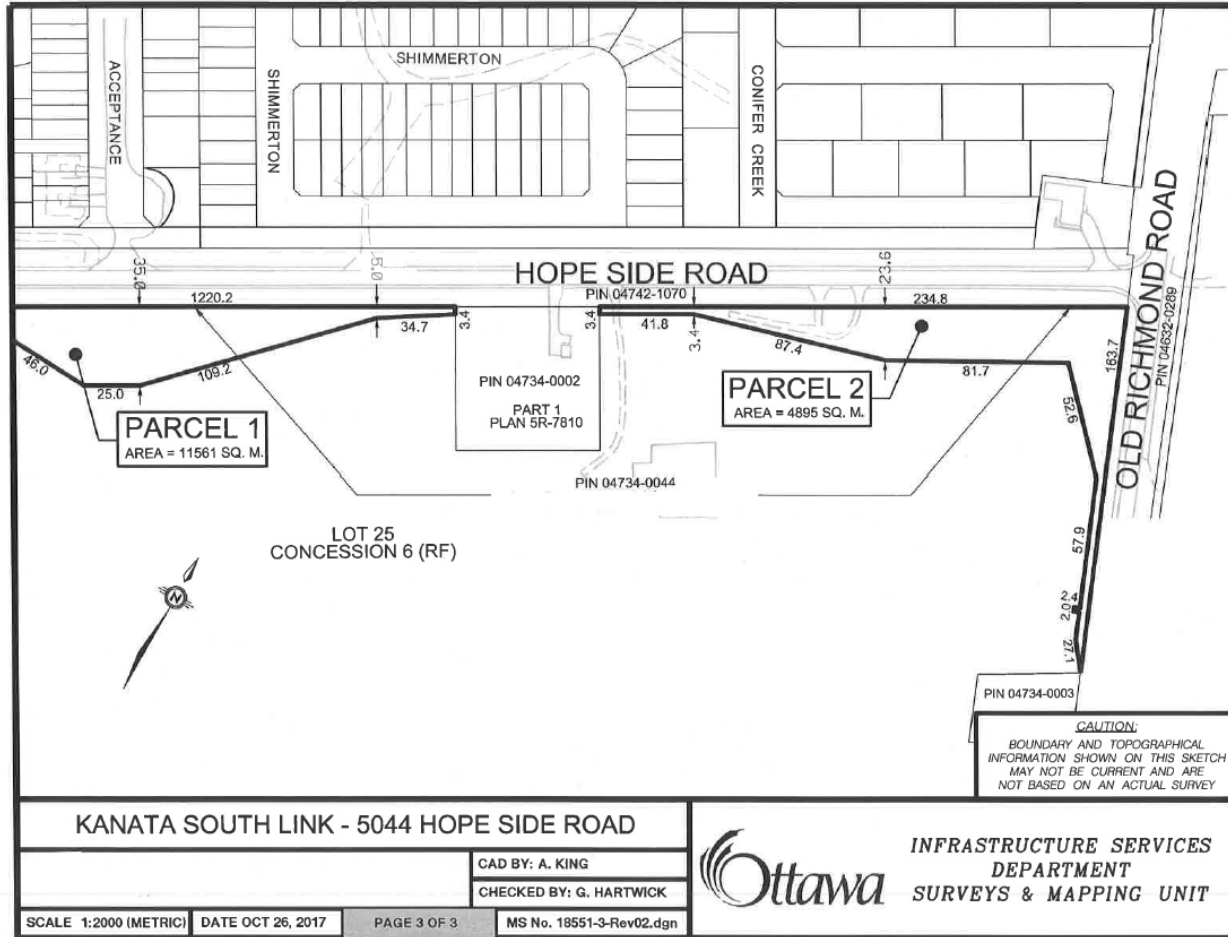
**SCHEDULE "B"**  
**PROPERTY SKETCH B-1**



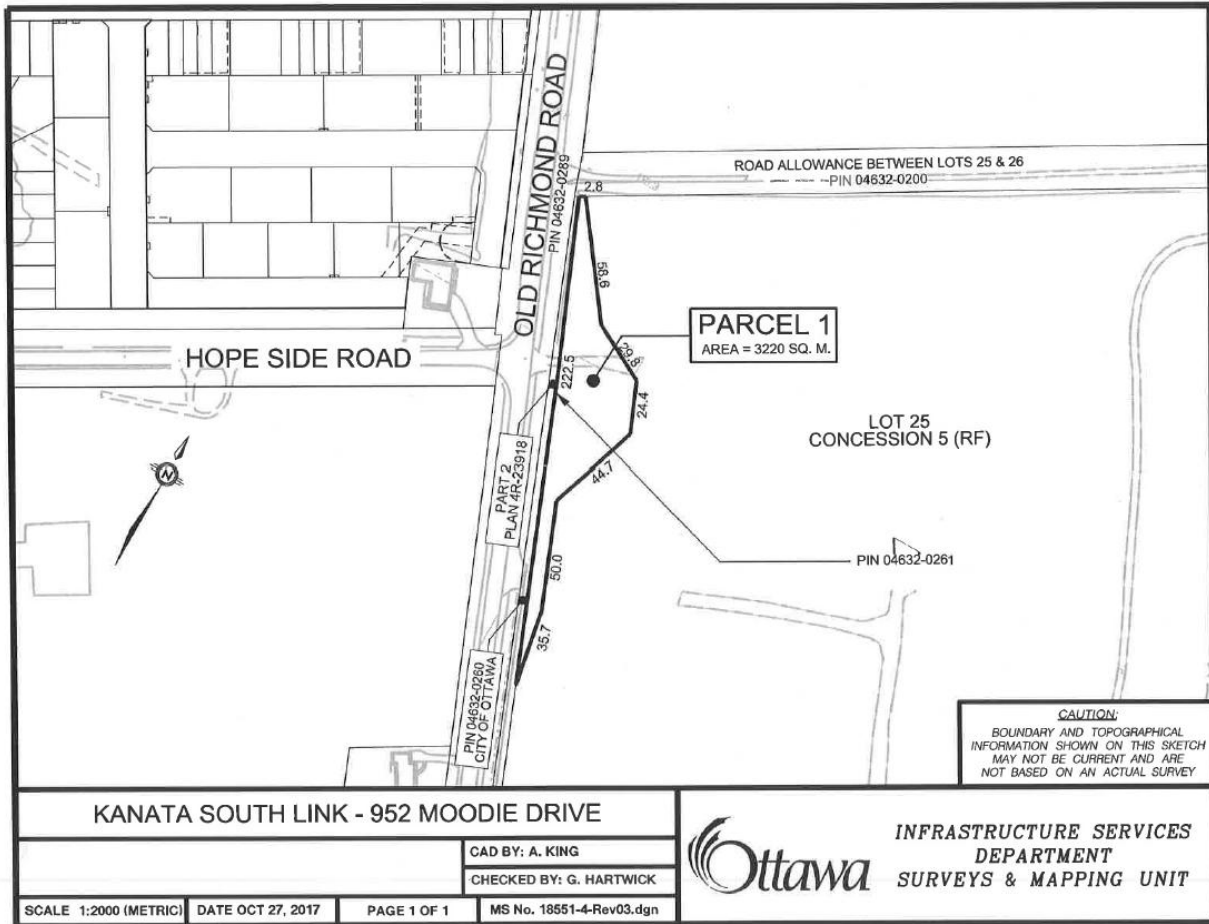
PROPERTY SKETCH B-2



PROPERTY SKETCH B-3



PROPERTY SKETCH B-4



**Ottawa** INFRASTRUCTURE SERVICES  
DEPARTMENT  
SURVEYS & MAPPING UNIT