

MEMO / NOTE DE SERVICE



To / Destinataire	Mayor and Members of Council	File/N° de fichier:
From / Expéditeur	Marian Simulik General Manager and City Treasurer, Corporate Services Department / Directrice générale et Trésorière municipale, Direction générale des services organisationnels	
Subject / Objet	By-laws approving the expropriation of properties and authorizing the making of an application to expropriate properties required for the Stage 2 Light Rail Transit Project	Date: March 22, 2019

PURPOSE

This Memorandum details two by-laws required to support the expropriation procedures for property interests required for the Stage 2 Light Rail Transit Project:

- A by-law to approve the expropriation of certain of the properties that were subject to Council approved initiation of expropriation by-laws on July 11, 2018 and May 10, 2017, as further described in Document 1 (the 2017/2018 Property Interests) and Document 2 (Property Request Plans); and
- A by-law to initiate the expropriation process to acquire property interests as further described in Document 3 (the 2019 Application By-law Property).

BACKGROUND

Authorization to proceed with expropriation of the 2017/2018 Property Interests

On [March 8, 2017, City Council](#) directed the Corporate Real Estate Office (CREO) to proceed with the acquisition of the property interests required to facilitate the construction, use and maintenance of the Stage 2 Light Rail Transit Project and related works. On May 10, 2017, Council approved [By-law 2017-176](#), and on July 11, 2018, Council approved [By-law 2018-283](#) (collectively the “2017/2018 Application By-laws”) both of which authorized the making of an application for approval to expropriate certain property interests.

To the extent possible, CREO staff has been in contact with the owners of the properties which were included in the 2017/2018 Application By-laws, consistent with the City's Real Property Acquisition Policy. In order to ensure that certain of the required property interests included in the 2017/2018 Application By-laws are secured in time to meet current timelines established for the delivery of the Project, Staff recommends that Council enact the Approval of Expropriation By-law (Document 1) attached to this memorandum. Property Request Plans (Document 2) illustrating the property interests in the Approval of Expropriation By-law are provided for reference purposes.

Authorization to initiate the expropriation process for the 2019 Application By-law Property

The preliminary engineering process of the Stage 2 Light Rail Transit Project has identified a requirement for additional property interests including a 17-month temporary easement over part of a property located at the corner of Carling Ave. and Champagne Ave and property interests at Bayshore Dr. and Woodridge Cr. including Fee Simple requirements, easements, 55-month temporary easements, and 12-month temporary easements (the 2019 Application By-law Property). CREO staff has been in contact with the owners of these properties, but have not yet been able to reach agreements. As such, staff recommends that Council adopt the 2019 Application By-law (Document 3) for the purpose of authorizing the making of an application for approval to expropriate the 2019 Application By-law Property identified in Schedule "A" and illustrated in Schedule "B" of the draft 2019 Application By-law in order to preserve project timelines.

It is important to note that initiating expropriation proceedings, approval of the expropriation, and completing the expropriation of property does not mean the City will cease negotiations. Staff will continue efforts to achieve a negotiated resolution of all property acquisition matters.

DISCUSSION

Authorization to proceed with expropriation of the 2017/2018 Property Interests

Further to the 2017/2018 Application By-laws approved by Council on May 10, 2017 and July 11, 2018, the City was authorized to make an application for approval to expropriate the 2017/2018 Property Interests identified in that By-law.

The 2017/2018 Property Interests are located at the following municipal addresses and are illustrated on property request plan sketches (PRPs) for reference purposes in Document 2:

1. No address, frontage on Dominion Avenue and Transitway Corridor (PRP West 89a);
2. No address, frontage on Transitway Corridor north of Walkley Avenue (PRP Trillium 52a);
3. 1215 Rainbow St. (PRP East 6c); and
4. No Address, frontage on Regional Road 174 east of Trim Road (PRP East 28b).

The acquisition process to date in accordance with the *Expropriations Act* and by-laws is summarized in Document 4.

Authorization to initiate the expropriation process for the 2019 Application By-law Property

The preliminary engineering process of the Stage 2 Light Rail Transit Project has identified additional property requirements including a 17-month temporary construction easement over part of a property located at the corner of Carling Ave. and Champagne Ave and property at Woodridge Crescent and Bayshore Drive including Fee Simple requirements, easements, 55-month temporary easements, and 12-month temporary easements. Property interests are listed in Schedule “A” and generally described in the sketch included in Schedule “B” to the draft 2019 Application By-law.

The purpose of the draft 2019 Application By-law attached as Document 3 is to initiate the expropriation process to acquire these property interests.

As outlined in Document 4, 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.

CREO staff will continue to work to obtain a negotiated acquisition of the 2019 Application By-law Property, but authorization to initiate the expropriation process at this stage is recommended to ensure that the project can be delivered within current timelines.

Mayor and Councillors’ Concurrence

The concurrence of the Mayor and Councillors Kavanagh (Ward 7), Brockington (Ward 16), Tierney (Ward 11), Leiper (Ward 15), and Luloff (Ward 1) has been obtained prior to including both draft by-laws 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 these draft by-laws, including costs associated with expropriation, and have concluded that such costs can be met within the approved budget allocation.

If you require further information with respect to the information in this memorandum, please feel free to contact either Gordon MacNair, Director, Corporate Real Estate Office, at extension 21217, or myself at extension 14159.

Marian Simulik

General Manager, Corporate Services and City Treasurer / Directrice générale, services organisationnels et Trésorière municipale

cc: Senior Leadership Team
Gordon MacNair, Director, Corporate Real Estate Office
Chris Swail, Director, O-Train Planning
Caitlin Salter-MacDonald, Program Manager, Committee and Council Services Branch

Encl.: Document 1: Draft by-law to approve the expropriation of properties that were subject to the Council approved initiation of expropriation on May 10, 2017 and July 11, 2018 (the Approval of Expropriation By-law)

Document 2: Property Request Plans illustrating the property interests in the Approval of Expropriation By-law, for reference purposes only

Document 3: Draft by-law for the purpose of authorizing the making of an application for approval to expropriate property interests identified in Schedule "A" and illustrated in Schedule "B" thereto (2019 Application By-law)

Document 4: Acquisition Process Summary, for reference purposes only