

Document 1 – Draft by-law

BY-LAW NO.

A by-law of the City of Ottawa to approve the expropriation of property in the City of Ottawa for purposes of the extension of Brian Coburn Boulevard from Navan Road to Mer Bleue Road, as more particularly described in Schedule “1” to this by-law.

WHEREAS Council of the City of Ottawa (“City”) adopted By-law No. 2015-227 authorizing the making of an application for approval to expropriate, inter alia, the lands described in Schedule “1” attached hereto (the “Lands”) for the purposes of extending Brian Coburn Boulevard (the “Brian Coburn Boulevard Project”) from Navan Road to Mer Bleue Road, including facilitating the construction, use, operation, installation and maintenance of a new roadway, new storm sewers, a multi-use pathway, roundabouts, street lighting, pedestrian crossings, landscaping, grading and relocation of any utilities, and all other improvements and works ancillary to the Brian Coburn Boulevard 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 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 the *Expropriations Act* authorizes City Council to expropriate lands for municipal purposes;

AND WHEREAS a Notice of Application for Approval to Expropriate Land for the Lands was served and published, as required by the *Expropriations Act*;

AND WHEREAS the City has been unable to reach an agreement with the registered owner(s) to acquire the Lands;

NOW 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 Lands described in **Schedule “1”** attached to this By-law, 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 set out on the Expropriation Plan 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 said Lands.
4. THAT a Notice of Expropriation be served upon the owners of the Lands together with a copy of the Expropriation Plan and a Notice of Election, relating to the date of assessment of compensation.
5. THAT a Notice of Possession be served requiring possession of the Lands at least three months after the date of service of said notice.
6. THAT an appraisal report estimating the market value of the Lands be obtained from an accredited appraiser.
7. THAT an offer of an amount in full compensation for the owners' interest in the Lands, and an offer for immediate payment of 100% of market value as estimated by the expropriating authority, all in accordance with s. 25 of the *Expropriations Act* be served, together with a copy of the appraisal report on which the offer of compensation is based.
8. THAT the City is hereby authorized to enter and take possession of the expropriated lands on the day permitted under the *Expropriations Act*, or pursuant to any Court Order thereunder, or pursuant to any agreement entered into between the owner(s) and the City.
9. THAT the staff and authorized representatives of the City are 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 day of , 2016.

CITY CLERK

MAYOR

SCHEDULE "1" – BY-LAW NO

All right, title and interest the following Lands:

1. All of PIN 04757-0020 (LT), being Part of Lot 6, Concession 3, Ottawa Front in the geographic Township of Gloucester Part 1, 52R2541;
2. All of PIN 04756-0325 (LT), being part of Lot 6 Concession 3 Ottawa Front in the geographic Township of Gloucester, as in N282023; Subject to GL36179;
3. Part of PIN 04756-0324 (LT) being part of Lot 6 Concession 3 Ottawa Front in the geographic Township of Gloucester as in CT217459; designated as Part 8 on 4R-29589;
4. Part of PIN 04756-1335 (LT), being Part of Lot 6 Concession 3 Ottawa Front in the geographic Township of Gloucester; Parts 2 and 3 Plan 5R4675; Part 3 Plan 5R7985; Part 4 Plan 5R11005; except Parts 13, 14 and 16 Plan 4R21265; Ottawa Subject to GL36179 and GL47179, designated as Parts 1, 2, 3, 4, 5, 6 and 7 on 4R-29589;
5. Part of PIN 04404-0490 (LT) being part of Lot 5 Concession 3 (Ottawa Front) in the geographic Township of Gloucester as in N379090 save and except Part 4 Plan 4R19479 City of Ottawa; designated as Part 9 on 4R-29589.