

**7. APPLICATION FOR APPROVAL TO EXPROPRIATE LANDS – COMBINED
SEWAGE STORAGE TUNNEL**

**DEMANDE D'APPROBATION D'EXPROPRIATION – TUNNEL DU SYSTÈME
DE CAPTAGE DES EAUX USÉES MIXTES**

COMMITTEE RECOMMENDATION

That Council enact a by-law, in the form attached 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 Combined Sewage Storage Tunnel project.

RECOMMANDATION DU COMITÉ

Que le Conseil adopte un règlement municipal, dans la forme ci-jointe comme document 1, approuvant la présentation d'une demande visant à approuver l'expropriation des terrains nécessaires aux fins du projet de Tunnel du système de captage des eaux usées mixtes, conformément à l'article 4 de la *Loi sur l'expropriation*.

DOCUMENTATION / DOCUMENTATION

John L. Moser, Acting Deputy City Manager, report dated 29 September 2015 / directeur municipal adjoint par intérim, Planning and Infrastructure, rapport daté du 29 septembre 2015 (ACS2015-PAI-REP-0009)

**FINANCE AND ECONOMIC
DEVELOPMENT COMMITTEE
REPORT 8
14 OCTOBER 2015**

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**COMITÉ DES FINANCES ET DU
DÉVELOPPEMENT ÉCONOMIQUE
RAPPORT 8
LE 14 OCTOBRE 2015**

**Report to
Rapport au:**

**Finance and Economic Development Committee
Comité des finances et du développement économique
6 October 2015 / 6 octobre 2015**

**and Council
et au Conseil
14 October 2015 / 14 octobre 2015**

**Submitted on September 29, 2015
Soumis le 29 septembre 2015**

**Submitted by
Soumis par:
John L. Moser, Acting Deputy City Manager/directeur municipal adjoint par
intérim, Planning and Infrastructure/Urbanisme et Infrastructure**

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**Ward: RIDEAU-VANIER (12),
SOMERSET (14), CAPITAL (17)**

File Number: ACS2015-PAI-REP-0009

**SUBJECT: APPLICATION FOR APPROVAL TO EXPROPRIATE LANDS –
COMBINED SEWAGE STORAGE TUNNEL**

**OBJET: DEMANDE D'APPROBATION D'EXPROPRIATION – TUNNEL DU
SYSTÈME DE CAPTAGE DES EAUX USÉES MIXTES**

REPORT RECOMMENDATIONS

That the Finance and Economic Development Committee recommend Council enact a by-law, in the form attached 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 Combined Sewage Storage Tunnel project.

RECOMMANDATIONS DU RAPPORT

Que le Comité des finances et du développement économique recommande au Conseil d'adopter un règlement municipal, dans la forme ci-jointe comme document 1, approuvant la présentation d'une demande visant à approuver l'expropriation des terrains nécessaires aux fins du projet de Tunnel du système de captage des eaux usées mixtes, conformément à l'article 4 de la *Loi sur l'expropriation*.

BACKGROUND

On February 24, 2010, Council approved the Ottawa River Action Plan (ORAP) which consists of 17 individual projects aimed at improving the health of the Ottawa River and protecting the health of Ottawa's water environment for future generations (ACS2010-ICS-ESD-0007, updated January 15, 2013 – ACS2013-COS-ESD-0002).

The Combined Sewage Storage Tunnel (CSST) is one of the key projects comprising the ORAP. As described in Report No. ACS2013-PAI-INF-0002 detailing the results of the Class Environmental Assessment Study for the Combined Sewage Storage Tunnel, the CSST project will provide additional capacity to the City's sewer infrastructure to reduce the impact of major rainfalls on the Ottawa River and will involve the construction of two underground tunnels: one running east-west from LeBreton Flats to Stanley Park in New Edinburgh, generally running under Slater Street and Cumberland Street, and a second north-south tunnel running generally along Kent Street from Chamberlain Avenue to the Ottawa River.

In April 2015, the federal and provincial government announced joint funding for this project. Now that the detailed design is completed, the project tendering process has been initiated with contract award scheduled for early 2016.

The City must acquire from a number of property owners various property interests to support the construction, use, operation, maintenance and repair of the CSST. 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 CSST as more particularly described in the draft by-law attached hereto as Document 1.

DISCUSSION

The City must acquire from a number of property owners various property interests to support the construction, use, operation, maintenance and repair of the CSST. 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. All but a small number of these are subterranean tunnel segments or subterranean easements.

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

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

ASSET MANAGEMENT IMPLICATIONS

There are no asset management implications with this report.

CONSULTATION

Public consultation for the project was part of the Municipal Class Environmental Assessment process and included open houses and notices (ACS2013-PAI-INF-0002).

COMMENTS BY THE WARD COUNCILLOR(S)

The Ward Councillors have been consulted and are aware of this report.

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 recommendations 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 CSST project and could impact the City's ability to meet its contractual obligations under the CSST construction contract which is to be awarded in 2016.

FINANCIAL IMPLICATIONS

Funds for the expropriations are available within 905028 ORAP Combined Sewer Overflow Reduction.

ACCESSIBILITY IMPACTS

There are no accessibility impacts with regard to this report.

TERM OF COUNCIL PRIORITIES

The recommendations of this report support City Council's Sustainable Environmental Services strategic priority, specifically its objectives ES1 to support an environmentally sustainable Ottawa.

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*.