

<p>9. EXPROPRIATION OF LANDS, MAIN STREET RENEWAL EXPROPRIATION DE TERRAINS, RÉFECTION DE LA RUE MAIN</p>
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**COMMITTEE RECOMMENDATION**

That Council approve the By-law attached as Document 1, authorizing the City to proceed with the expropriation of the properties described in Document 2 for the purpose of the Main Street Renewal Project, as outlined in this report and in accordance with the *Expropriations Act*.

**RECOMMANDATION DU COMITÉ**

Que le Conseil approuve le règlement municipal faisant l'objet du document 1, autorisant la Ville à procéder à l'expropriation des propriétés décrites dans le document 2 aux fins du Projet de renouvellement Main Street, comme indiqué dans le présent rapport et conformément à la *Loi sur l'expropriation*.

**DOCUMENTATION / DOCUMENTATION**

John L. Moser, Acting Deputy City Manager, Planning and Infrastructure, report dated 29 March 2016 / Directeur municipal adjoint par intérim, urbanisme et infrastructure, rapport daté le 29 mars 2016 (ACS2016-PAI-REP-0006)

**FINANCE AND ECONOMIC  
DEVELOPMENT COMMITTEE  
REPORT 13  
13 AVRIL 2016**

**121**

**COMITÉ DES FINANCES ET DU  
DÉVELOPPEMENT ÉCONOMIQUE  
RAPPORT 13  
LE 13 AVRIL 2016**

**Report to  
Rapport au:**

**Finance and Economic Development Committee  
Comité des finances et du développement économique  
5 April 2016 / 5 Avril 2016**

**and Council  
et au Conseil  
13 April 2016 / 13 Avril 2016**

**Submitted on March 29, 2016  
Soumis le 29 mars 2016**

**Submitted by  
Soumis par:  
John L. Moser, Acting Deputy City Manager/directeur municipal adjoint par  
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**Ward: CAPITAL (17) / CAPITALE (17)      File Number: ACS2016-PAI-REP-0006**

**SUBJECT: EXPROPRIATION OF LANDS, MAIN STREET RENEWAL**

**OBJET: EXPROPRIATION DE TERRAINS, RÉFECTION DE LA RUE MAIN**

**REPORT RECOMMENDATIONS**

**That the Finance and Economic Development Committee recommend Council  
approve the By-law attached as Document 1, authorizing the City to proceed with**

**the expropriation of the properties described in Document 2 for the purpose of the Main Street Renewal Project, as outlined in this report and in accordance with the *Expropriations Act*.**

## **RECOMMANDATIONS DU RAPPORT**

**Que le Comité des finances et du développement économique recommande au Conseil d'approuver le règlement municipal faisant l'objet du document 1, autorisant la Ville à procéder à l'expropriation des propriétés décrites dans le document 2 aux fins du Projet de renouvellement Main Street, comme indiqué dans le présent rapport et conformément à la *Loi sur l'expropriation* .**

## **BACKGROUND**

City Council, in the 2014 and 2015 Capital budget, approved funding for property acquisition required for the widening, reconstruction and renewal of Main Street between Echo Drive and the McIlraith Bridge in accordance with the recommendations of the July 2013 Main Street Renewal Environmental Study Report. The purpose of this report is to obtain the approval of City Council to proceed with the expropriation of the Road Widening as described in Document 2, needed for the Main Street Renewal Project.

## **DISCUSSION**

The Main Street Renewal Project required the partial acquisition from multiple properties. The majority of the lands required were acquired through negotiation; however, staff have been unable to reach an agreement with the owner of two parcels still required to complete the project between Echo Drive and the McIlraith Bridge, referred to as the Road Widening and described in Document 2.

Expropriation proceedings commenced with the Application for Approval to Expropriate Lands under Section 4 of the *Expropriations Act*, approved by Council 8 July 2015 (report [ACS2015-PAI-REP-0009](#)). Notice of the Application for Approval to Expropriate the Road Widening was served by registered mail on 15 December 2015 and published three times in the EMC and Le Droit as per the requirements of the *Expropriations Act*.

While the owner of the Road Widening initially requested an inquiry pursuant to Section 6 and 7 of the *Expropriations Act* to determine whether the expropriation of the Road Widening is fair, sound and reasonably necessary for the purposes of the Main

Street Renewal Project, the owner of the Road Widening withdrew this request on March 15, 2016. No other such request for an inquiry has been received.

The City is now in a position to proceed with the expropriation of the Road Widening including:

1. Registering a plan of expropriation with respect to the Road Widening;
2. Serving notice of expropriation and possession on the owner(s) of the Road Widening;
3. Offering the owner(s) of the Road widening 100% of the market value of the Road Widening; and
4. Taking possession of the Road widening.

Staff will continue to pursue a settlement with respect to the acquisition of the Road Widening and the determination of compensation payable to the owner of the Road Widening through negotiation and, if necessary, through the process established in the Expropriations Act including conducting a hearing of necessity or an arbitration before the Ontario Municipal Board.

### **RURAL IMPLICATIONS**

The property is within the urban boundary. There are no rural implications associated with this report.

### **CONSULTATION**

The Main Street Renewal Project was subject to a Municipal Class Environmental Assessment that included public open houses.

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

The project is in Ward 17 Capital. Councillor David Chernushenko has reviewed the report and supports the recommendations in this report.

### **LEGAL IMPLICATIONS**

Provided that the City follows procedures set out in the *Expropriation Act*, including as 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**

Failure to acquire the Road Widenings in a timely manner may delay the Main Street Renewal Project.

## **FINANCIAL IMPLICATIONS**

Funding for the expropriations will come from within 906579 Main Street Renewal Project.

## **ACCESSIBILITY IMPACTS**

There are no accessibility implications to implementing the recommendations set out in this report.

## **ENVIRONMENTAL IMPLICATIONS**

The report recommendations fulfil legislative requirements of the *Expropriations Act*. There are no environmental impacts related to this report.

## **TERM OF COUNCIL PRIORITIES**

This road widening land acquisition is supportive of Term of Council Priorities for Transportation and Mobility – TM3 - provide infrastructure to support mobility choices and for Economic Prosperity – TM3 - support growth of local economy.

## **SUPPORTING DOCUMENTATION**

Document 1 is a draft by-law and Document 2 is a description of the Road Widenings.

## **DISPOSITION**

Upon approval, Realty Services, Legal Services and External Counsel acting on behalf of the City will finalize expropriation proceedings. Surveys and Mapping will compose and register a plan of expropriation.

## 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 Main Street Renewal Project, 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 the widening and renewal of Main Street (the “**Main Street Renewal Project**”) between Echo Drive and the McIlraith Bridge, including facilitating the construction, use, operation, installation and maintenance of an improved right-of-way, cycling and pedestrian corridors, bus stops, curbs, retaining walls and landscaping features, and including the re-grading of the right-of way and relocation of any utilities, and all other improvements and works ancillary to the Main Street Renewal 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 owner of the Lands initially requested an inquiry into whether the expropriation of the Lands is fair, sound and reasonably necessary for the purposes of the Main Street Renewal Project, but has now withdrawn this request and no other requests for such an inquiry were received by the City;

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 owner(s) 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 owner(s)' 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) Part of Pin 04204-0148, being part of Lot E, Plan 150 , East side of Main Street, As in N690153; Geographic Township of Nepean, now the City of Ottawa, being Part 3 on Plan 4R-29306; and,
- (2) Part of Pin 04203-0001, being part of Lot 1 & Lot 2, Plan 28, as in N690153; Geographic Township of Nepean, now the City of Ottawa, subject to an Easement in favour of Rogers Cable Communications Inc., as in OC343464, being Part 1 on Plan 4R-29334.

## **Document 2 - Description of the Road Widening**

All right, title and interest the following lands:

- (3) Part of Pin 04204-0148, being part of Lot E, Plan 150 , East side of Main Street, As in N690153; Geographic Township of Nepean, now the City of Ottawa, being Part 3 on Plan 4R-29306; and,
- (4) Part of Pin 04203-0001, being part of Lot 1 & Lot 2, Plan 28, as in N690153; Geographic Township of Nepean, now the City of Ottawa, subject to an Easement in favour of Rogers Cable Communications Inc., as in OC343464, being Part 1 on Plan 4R-29334.