

REGIONAL MUNICIPALITY OF OTTAWA-CARLETON  
MUNICIPALITÉ RÉGIONALE D'OTTAWA-CARLETON

REPORT  
RAPPORT

Our File/N/Réf.                   **12 09-97-20302-028**  
Your File/V/Réf.

DATE                                12 May 1998

TO/DEST.                         Co-ordinator  
Corporate Services and Economic Development Committee

FROM/EXP.                        Planning and Development Approvals Commissioner

SUBJECT/OBJET                 **LAND ACQUISITION - 11 BURGESS AVENUE  
WEST TRANSITWAY EXTENSION PROJECT - PHASE I  
OWNER: RICHARD AND LIDIA KOZLOWSKI**

### **DEPARTMENTAL RECOMMENDATION**

**That the Corporate Services and Economic Development Committee approve the acquisition of 11 Burgess Avenue, City of Nepean, from Richard and Lidia Kozlowski for the construction of the West Transitway Extension between Pinecrest Road and Acres Road, for a consideration of \$200,000.**

### **BACKGROUND**

Regional Council at its meeting of August 12, 1992 (Report 30, Item 30) authorized the acquisition of residential properties identified as being wholly or partially required for the West Transitway Extension Project. Properties along Burgess Avenue, Bellfield Street, Alenmede Crescent and Connaught Avenue were identified as those affected. These properties were recommended to be purchased in advance of need to avoid causing any undue hardships to affected homeowners. Subsequently, the project was split into two phases. Utility relocation and the construction of sound attenuation walls proceeded along Phase I, which is west of Pinecrest Road, while Phase II, which is east of Pinecrest Road, was put on indefinite hold.

Council at its meeting of May 13, 1998 approved funding for the West Transitway Extension, west of Richmond Road, now designated Phase 1A and deferred funding for the portion between Pinecrest and Richmond Road which is designated Phase 1B. The subject property is within the

Phase 1B portion. The residence will have to be demolished to make way for construction. In the interim, it will be maintained and rented, thereby obtaining revenue and recovering a portion of the Region's initial cost.

The property, municipally known as 11 Burgess Avenue, consists of a 1,873 square foot split level residence with attached garage. The property is owned by Richard and Lidia Kozlowski. Mr and Mrs Kozlowski were contacted in October of 1997 and informed of the Region's need to acquire the property. Appraisals of the property were completed by the Region and negotiations proceeded shortly thereafter. Mr and Mrs Kozlowski have made an offer on another property in anticipation of the Region's approval. The settlement is in accordance with the appraisal report.

In summary, compensation for the acquisition of the subject property, by which the Region is to receive a conveyance and a release from all claims whatsoever arising out of the acquisition, is as follows:

Market value	\$ 169,000
Disturbance Allowance 5%	8,450
Special Allowance [Sec.18(1),(a),(ii)]	14,520 *
Moving Costs	3,980
Legal Costs	3,800
Appliance Allowance (stove)	<u>250</u>
<b>Total (rounded)</b>	<b>\$ 200,000</b>

\* Mr. and Mrs. Kozlowski undertook extensive renovations to their property within the last 12 to 14 months unaware of the Region's impending need of their property. The renovations would not be totally reflected in the appraised market value of the property and therefore an allowance has been included pursuant to the Expropriations Act of Ontario.

### **PUBLIC CONSULTATION**

Between 1990 and 1996 an Environmental Assessment Study was undertaken and public consultation in accordance with that process was undertaken.

### **EXPENDITURE JUSTIFICATION**

The West Transitway Extension, Phase I, between Pinecrest Road and Acres Road has received Council approval. Utility relocation and the construction of sound attenuation walls has commenced. The subject property is within the Phase I portion. As previously noted, Regional Council has made a commitment to the residents in this area to purchase their properties in advance of need. The homeowners have acted in good faith and proceeded to search and make offers on other residences. To date 22 residential properties have been acquired on this basis. These properties are now either being offered for sale or rented until required for construction, in order to recover a portion of the Region's initial cost.

**FINANCIAL STATEMENT**

Approved Budget to Date	\$ 68,307,000
Total Paid & Committed	<u>( 31,109,253 )</u>
Balance Available	\$ 37,197,747
<b>THIS REQUEST</b>	<b><u>( 200,000 )</u></b>
Balance Remaining	<u>\$ 36,997,747</u>

Funds have been provided in the 1997 Capital Budget, Account Number 942-30626, West Transitway Extension (reference page 161).

Negotiations with the owner has resulted in agreement being reached in the amount of \$200,000. The Corporation is to receive a conveyance and a release from all claims whatsoever arising out of the acquisition. This settlement is in accordance with corporate acquisition policies and as such, approval is hereby recommended as outlined above.

*Approved by L. Shallal for Nick Tunnacliffe, MCIP, RPP*

LJN/

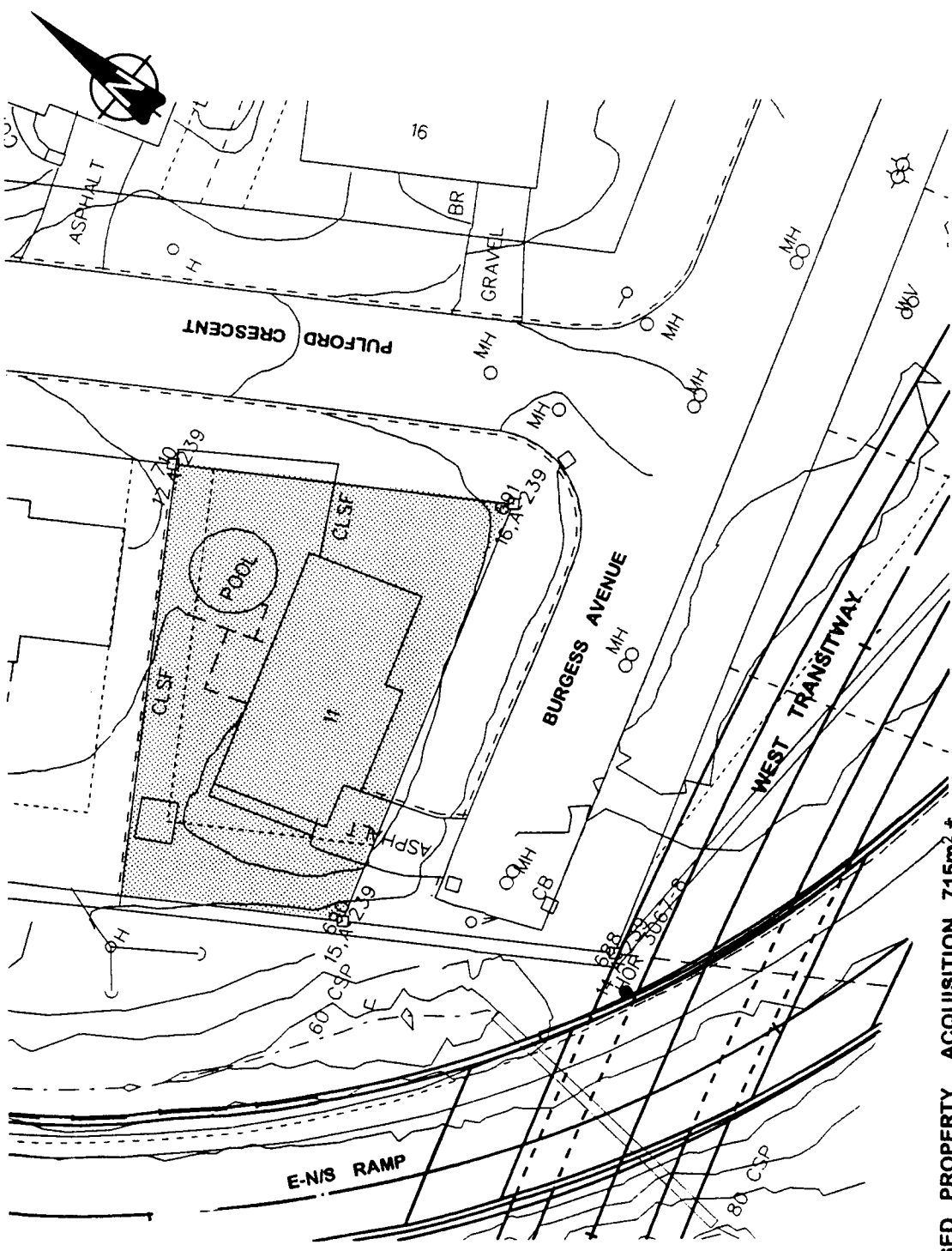
**FINANCE DEPARTMENT COMMENT**

Funds are available as indicated.

*Approved by C. Colaiacovo  
on behalf of the Finance Commissioner*

Rev.

DATE



PROPOSED PROPERTY ACQUISITION 715m<sup>2</sup> ±

**OTTAWA-CARLETON**  
 Environment &  
 Transportation Department

**WEST TRANSITWAY**  
 ACRES ROAD TO PINECREST ROAD  
 11 BURGESS AVENUE  
 PROPOSED PROPERTY ACQUISITION

Drawn  
 R.F.L.

Checked  
 Date  
 OCT. 97

Scale  
 1:500

ENGINEERING DIVISION

W. Bennett, P.Eng.  
 Manager Transportation Projects

RT-2287