

5. **PROPERTY ACQUISITION: EXPROPRIATION:
REGIONAL ROAD 49 (MARCH ROAD) RECONSTRUCTION**

COMMITTEE RECOMMENDATIONS

That Council:

- 1. Approve the application for authorization to expropriate the lands in question.**
- 2. Approve the enactment of an expropriation by-law in the Regional standard form to expropriate the land and to formally authorize:**
 - a) registering the plan of expropriation;**
 - b) serving Notices of Expropriation and Possession;**
 - c) paying Offers of Compensation (see Schedule A) and,**
 - d) making application to a District Court Judge under Sections 39 and 40 of the Expropriations Act for early or other possession in cases where such action is required to permit construction to proceed.**

DOCUMENTATION:

- 1. Deputy Regional Solicitor's report dated 22 Jan 98 is immediately attached.**

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

REPORT
 RAPPORT

Our File/N/Réf. P.2.4.251.3.1.
 Your File/V/Réf.

DATE 22 January 1998

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

FROM/EXP. Deputy Regional Solicitor

SUBJECT/OBJET **PROPERTY ACQUISITION - EXPROPRIATION
 REGIONAL ROAD 49 (MARCH ROAD) RECONSTRUCTION**

DEPARTMENTAL RECOMMENDATION

That the Corporate Services and Economic Development Committee and Council:

- 1. approve the application for authorization to expropriate the lands in question;**
- 2. approve the enactment of an expropriation by-law in the Regional standard form to expropriate the land and to formally authorize:**
 - a) registering the plan of expropriation;**
 - b) serving Notices of Expropriation and Possession;**
 - c) paying Offers of Compensation (see schedule A) and**
 - d) making application to a District Court Judge under Sections 39 and 40 of the Expropriations Act for early or other possession in cases where such action is required to permit construction to proceed.**

BACKGROUND

The purpose of this report is to recommend the expropriation of certain lands required for the above project and the approval for payment of compensation therefor.

The limits of this project are March Road (Regional Road 49) from Klondike Road to Solandt Road in the City of Kanata. The property requirements are along the frontages of properties known municipally as 591 March Road and 788 March Road.

COUNCIL AUTHORITY

Regional Council at its meeting of June 11, 1997 approved the above project as part of the Canada-Ontario Infrastructure Works Extension Programme.

PROPERTY ACQUISITION PROCEDURE

To ensure that the Regional Municipality obtains possession of property needed for this project prior to the start of construction, negotiation, appraisal and expropriation proceedings were commenced.

PUBLIC CONSULTATION

Notices of Application for Approval to Expropriate Land were sent to the property owners by registered mail on July 4, 1997. The notice was published in the Ottawa Citizen, the Ottawa Sun and Le Droit on July 5, July 12 and July 19, 1997. The last date to request that an Inquiry be held was August 5, 1997.

No property owner has applied to have such an inquiry held. Therefore it is now in order to complete the expropriation of the lands in question.

COMPENSATION

The compensation payable for the properties has been appraised by Juteau, Johnson, Comba Inc. and by Usher, Capordelis, Seguin, Real Estate Appraisers and Consultants.

In accordance with Section 25 of the Expropriations Act authorization is requested to make offers of compensation for the lands in question. These offers of compensation are in the alternative:

1. the owner may choose to take the entire compensation (market value and all allowances) as a final settlement of his claim to compensation; or
2. the owner may elect to take only the offer of compensation for market value, the final compensation then being subject to arbitration by the Ontario Municipal Board.

If the owner decides not to accept the full compensation then the owner is entitled to immediate payment of the appraised market value. This payment is without prejudice to whatever value may be subsequently negotiated or determined by the Ontario Municipal Board. Final settlement may exceed the sums authorized hereby, particularly for such items of compensation as business loss, damages, legal and appraisal costs, etc.

In the event that any owner elects to take only the market value compensation then the Regional Solicitor will proceed to have the final compensation negotiated by the Board of Negotiation of Ontario and ultimately arbitrated by the Ontario Municipal Board if no early settlement is reached.

The land being expropriated, the owners and the compensation to be offered in accordance with appraisals as prepared are shown in Schedule "A" annexed hereto.

EXPENDITURE JUSTIFICATION

The subject lands are required to facilitate the reconstruction of Regional Road 49 (March Road) from Solandt Road to Klondike Road. Without the acquisition of these lands the project cannot proceed.

FINANCIAL STATEMENT

Approved Funding to Date	7,500,000
Total Paid and Committed	<u>(6,121,397)</u>
Balance Available	1,378,603
This Request	<u>(63,500)</u>
Balance Remaining	<u>1,315,103</u>

Funds have been provided in the 1997 Capital Budget, Account No. 912-30741, March Road, (Solandt to Klondike).

This expropriation is in accordance with Corporate acquisition policies and as such, approval is recommended.

*Approved by
Eric A. Johnston
Deputy Regional Solicitor*

FINANCE DEPARTMENT COMMENTS

Funds are available as indicated.

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

SCHEDULE "A"

REGIONAL ROAD 49 (MARCH ROAD) - QUEENSWAY TO SOLANDT (912-30616)

<u>PARCEL #</u>	<u>LEGAL DESC.</u>	<u>OWNER</u>	<u>MARKET VALUE COMPENSATION</u>	<u>FULL COMPENSATION (MARKET VALUE & ADDITIONAL ALLOW- ANCES UNDER THE EXPROPRIATIONS ACT)</u>	<u>DESC. OF LANDS</u>
03.006.	Part 14, Plan 4R-12735	Kerscott Developments Ltd.	\$ 15,000.00	\$ 15,750.00	192.6 m ² (2073 sq.ft.)
03.012.	Part 1, Plan 4R-12785	1048383 Ontario Inc.	47,000.00	47,750.00	1532 m ² (16,490 sq.ft.)