

By-Law No. 2018-112

A by-law of the City of Ottawa to approve the expropriation of certain properties in the City of Ottawa for the purposes of the Kanata South Link Project

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Enacted On: 2018-04-11

OttWatch Bylaw Reference: <http://ottwatch.ca/bylaws/2018-112>

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BY-LAW NO.2018 - 112

A by-law of the City of Ottawa to approve the expropriation of certain properties in the City of Ottawa for the purposes of the Kanata South Link project.

WHEREAS the City of Ottawa requires a fee simple interest in the lands described in Schedule "A" attached hereto (the "Subject Property Interests") for the purposes of the Kanata South Link Project including the widening of Hope Side Road, Old Richmond Road and West Hunt Club Road from Eagleson Road to Highway 416 and including the construction and/or installation of an additional travel lane in each direction, multi-lane roundabouts, traffic signals, signalized trail crossings, improved lighting, paved shoulders, sidewalks, multi-use pathways, works to address drainage and water quality and minimize and mitigate impacts to the Greenbelt and all other works and improvements ancillary to the Kanata South Link Project including but not limited to utility relocations;

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 under this or any other Act includes the power to expropriate land in accordance with the *Expropriations Act*, 1990, c.E.26, as amended (hereinafter referred to as the "*Expropriations Act*");

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

AND WHEREAS the application has not been referred to a hearing of necessity by any of the owners of the Subject Property Interests and the applicable deadline for such has passed;

AND WHEREAS the City has been unable to reach an agreement with the registered owners to acquire the Subject Property Interests;

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 Subject Property Interests described in Schedule "A" attached to this By-law, for the above-described purposes.

2. THAT the City Clerk and Solicitor, or any one of them are 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 and Solicitor, or any one of them are 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 Subject Property Interests.

4. THAT a Notice of Expropriation be served upon the registered owners together with a copy of the Expropriation Plan and a Notice of Election relating to the date of assessment of compensation.

5. THAT an appraisal report estimating the market value of the Subject Property Interests be obtained from an accredited appraiser.

6. THAT a Notice of Possession be served requiring possession of the Subject Property Interests at least three months after the date of service of said notice.

7. 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 relevant owners and the City.

8. THAT, subject to any requirement for additional Council approval based on the estimated market value of any registered owner's interest in the Subject Property Interests, an offer of an amount in full compensation for the registered owners' interests in the Subject Property Interests, 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.

9. THAT the officers and authorized agents of the City of Ottawa be and they are hereby otherwise 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.

READ and PASSED this 11th day of April, 2018.

CLERK

MAYOR

SCHEDULE “ A ” – BY-LAW NO

All right, title and interest in the following lands:

- 1) Part of PIN 04734-0044 (LT) being part of Lots 24 and 25, Concession 6, Rideau Front, Nepean, Parts 1, 2, 3, 4 and 5 on Plan 4R-23918, except Parts 1 and 2 on plan 4R-27136, subject to an easement over Part 2 on Plan 4R-23918, except Part 2 on plan 4R-27136 as in NS261645 geographic Township of Nepean, City of Ottawa, designated as parts 1, 2 and 3 on reference plan 4R-30959.

- 2) Part of PIN 04632-0261 (LT) being part of Lots 24 and 25, Concession 5, Rideau Front, being part 1 on plan 4R-21040, geographic Township of Nepean, City of Ottawa, designated as part 4 on reference plan 4R-30959.

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Enacted by City Council at its meeting of April 11, 2018.

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LEGAL SERVICES
T. Nahasl

COUNCL AUTHORITY:
City Council April 11, 2018
Bulk Consent Agenda Item K
(FEDCO Report No. 33)