

**Expropriation (Ward 1)****Report Purpose**

To seek approval for the expropriation of the road right-of-way from Plan 8822222, Block 1, Lot 43, required for the Sherwood Drive – Ash Street to Village Drive project.

**Recommendations (Publication date on Feb 19)**

1. THAT Council, in its capacity as Approving Authority under the *Expropriation Act*, RSA 2000, c E-13 (the "Act"), hereby approves the expropriation of the land, or interests in the land, legally described as Plan 8822222, Block 1, Lot 43 as shown in red on Enclosure 1;
2. THAT Administration be authorized to take all steps under the Act to finalize the expropriations, including, without limitation, registering the Certificate of Approval of the expropriations and serving all documents required under the Expropriation Act to obtain the expropriated interest in, and possession of, the land legally described as Plan 8822222, Block 1, Lot 43 as shown in red on Enclosure 1; and
3. THAT Administration be authorized to arrange for the necessary appraisal of the lands and to make a proposed payment pursuant to the provisions of the Expropriation Act to the owners of the lands to be acquired, or such other compensation as may be ascertained and determined by the Land Compensation Board, or as may be agreed to between Administration and the owners.

**Our Prioritized Strategic Goals**

Goal 2 - Manage, invest and plan for sustainable municipal infrastructure

**Report**

The acquisition of land through the *Expropriation Act* was approved by Council and resulted in the execution of the Notice of Intention to Expropriate. In accordance with the approval, the Notice of Intention to Expropriate was served, publicly advertised, and registered at the Land Titles Office. An objection by the owners to the Notice of Intention to Expropriation was not received.

To proceed with the expropriation, a resolution by Council, as the Expropriating Authority, is required approving the expropriation, together with authorization for the execution of a Certificate of Approval and Notice of Expropriation. If approved, the Certificate of Approval, together with a legal survey, will be registered at the Land Titles office. The registration will give Strathcona County title to the land; however, it is not entitled to possession until 90 days after the owners have been served with the Notice of Possession along with a Notice of Proposed Payment together with a cheque in the amount of payment being proposed.

Should the owners not be satisfied with the payment, they have one year from the date of service of the Notice of Proposed Payment to bring an Application for Determination to the Land Compensation Board to determine compensation.

The area of land required is the most technically and economically feasible for the Sherwood Drive – Ash Street to Village Drive project and time is of the essence for the acquisition.

**Council and Committee History**

January 21, 2020 THAT Council, in its capacity as Expropriating Authority under the *Expropriation Act*, RSA 2000, c E-13 (the "Act"), hereby approves and authorizes the commencement of the expropriation process under the Act to acquire those portions of the land, or interest in the land legally described as Plan 8822222, Block 1, Lot 43 as shown in red on Schedule "A" to enclosure 5 of the January 21, 2020 Planning and Development Services Report;

THAT administration be authorized to take all steps necessary to undertake the expropriation under the Act, including filing, serving and publishing the Notice of Intention to Expropriate, set out in Enclosure 5 of the January 21, 2020 Planning and Development Services report; and

THAT administration be authorized to enter into an agreement, pursuant to Section 30 of the Act, with any owners of the land legally described as Plan 8822222, Block 1, Lot 43, if any such owners are willing to consent to the acquisition.

December 2019 Council approved the 2020 Capital Budget

December 2016 Council approved the 2017 Capital Budget

**Other Impacts**

**Policy:** SER-012-011 Land Management Policy

**Legislative/Legal:** Section 14 of the *Municipal Government Act* authorizes the council of a municipality to acquire an interest in land by expropriation for "any municipal purpose." *Expropriation Act*, R.S.A. 2000, Chapter E-13 provides requirements related to the expropriation of land.

**Interdepartmental:** Transportation Planning and Engineering, Legislative and Legal Services

**Master Plan/Framework:** n/a

**Enclosures**

- |   |                           |
|---|---------------------------|
| 1 | Individual Ownership Plan |
| 2 | Affidavit of service      |
| 3 | Affidavit of advertising  |