

Expropriation (Ward 4)**Report Purpose**

To seek approval for the expropriation of road right-of-way from Plan 2354RS, Lot B and Plan 2354RS, Lot C required for the North of Yellowhead project.

Recommendations

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 2354RS, Lot B 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 2354RS, Lot B as shown in red on Enclosure 1; and
3. 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 2354RS, Lot C as shown in red on Enclosure 3;
4. 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 2354RS, Lot C as shown in red on Enclosure 3; and
5. THAT administration be authorized to arrange for the necessary appraisals 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 and Property Rights Tribunal, 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 and Property Rights Tribunal to determine compensation.

The area of land required is the most technically and economically feasible to provide service road widening and utility servicing for the North of Yellowhead project and time is of the essence for the acquisition.

Council and Committee History

May 25, 2021	Council approved an Agreement between Strathcona County, Mattamy (Sherwood Park) Limited, North Sherwood Ltd., and North Sherwood II Ltd., for design, construction and installation, financing, and funding of certain municipal infrastructure to facilitate the development of Cambrian Crossing subdivision development located in the North of Yellowhead area, in accordance with the terms set out in enclosure 3 of the May 25, 2021 Planning and Development Services report, be approved.
April 13, 2021	Council approved, 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 lands legally described as: 1. Plan 2354RS, Lot B as shown in red on Schedule "A" to enclosure 7; 2. Plan 2354RS, Lot C as shown in red on Schedule "A" to enclosure 8; and 3. Plan 0725453, Block 165, Lot 2 as shown in red on Schedule "A" to enclosure 9 of the April 13, 2021 Planning and Development Services Report; and Council authorized administration to take all steps necessary to undertake the expropriation under the Act, including filing, serving and publishing the Notices of Intention to Expropriate, set out in Enclosures 7, 8 and 9 of the April 13, 2021 Planning and Development Services report; and April 13, 2021; and authorized administration to enter into an agreement, pursuant to Section 30 of the Act, with any owners for the lands legally described as: 1. Plan 2354RS, Lot B; 2. Plan 2354RS, Lot C; 3. Plan 0725453, Block 165, Lot 2; if any such owners are willing to consent to the acquisition.
October 27, 2020	Council approved Policy SER-008-027 Establishing Security in Developer Agreements.

September 24, 2019	Council approved an amendment to the 2013 Capital Budget to change the source of funds for the 2013 Strategic Land Purchase in the amount of \$3,225,000 from municipal taxes to development levy, to be financed by the existing debenture, and if the debenture repayment starts before collection of the development levy, then Municipal reserves be used to interim finance the debenture repayment; and administration negotiate and complete the acquisition of land from the NW 24-53-23W4 for right-of-way purposes, within the approved funding; and administration enter into an Option to Purchase for the acquisition of land from the SW 13-53-23-W4 for right-of-way purposes, within the approved funding.
July 23, 2019	Council approval of Offsite Development Levies for New Growth Areas policy SER-009-044.
May 14, 2019	Priorities Committee was provided with a financial quarterly update for the North of Yellowhead servicing.
April 16, 2019	Priorities Committee was provided with the Report for Information, North of Yellowhead Servicing, Development, and Financial Quarterly Report Q1 2018 for information purposes only and a report presentation for May 14, 2019 was requested.
January 29, 2019	Priorities Committee was provided with the Report for Information, North of Yellowhead Servicing, Development, and Financial Quarterly Report Q4 2018 for information purposes only.
October 23, 2018	Priorities Committee was provided an update on the status of the detail design for the Range Road 231 – CN Rail overpass.
September 18, 2018	Priorities Committee was provided with the Report for Information, North of Yellowhead Servicing, Development, and Financial Quarterly Report for information purposes only.
July 17, 2018	Council approved commencement of a detailed design for construction of a rail overpass at Range Road 231 and the CN track crossing, with a design budget up to \$1.6 million and added to the 2018 Capital Budget, and that developers in the North of Yellowhead area be consulted to discuss plans for construction.
June 19, 2018	Council approved an amendment to the 2014 and 2015 Capital Budgets to cancel the North of Yellowhead water, wastewater, roadway and land infrastructure projects that have not started in the total amount of \$53,065,641.

December 12, 2017	That an amendment to 2013 Capital Budget for a change in funding only for the 2013 Strategic Land Purchase in the amount of \$5,100,000 from municipal taxes to development levy, to be financed by the existing debenture, be approved.
November 21, 2017	Priorities Committee recommended to Council that administration bring Quarterly Status reports on the North of Yellowhead Project to Priorities Committee throughout 2018 until the project is underway.
September 5, 2017	Council adopted a new Municipal Development Plan Bylaw 20-2017.
April 17, 2017	Priorities Committee was provided with the Report for Information, North of Yellowhead Servicing, Development, and Financial Quarterly Report for information purposes only.
December 9, 2014	Council approved the 2015 Consolidated Capital Budget for Municipal, Utility and Library Operations which included: \$2,675,000 – Range Road 231 and Highway 16 Construction.
March 25, 2014	Council adopted Bylaw 45-2013, a bylaw that amended the Municipal Development Plan to facilitate a change in land use policy areas for the NE 24-53-23-W4 and the area west of Old Man Creek within sections 24-53-23-W4 and 13-53-23-W4.
March 25, 2014	Council adopted the: <ul style="list-style-type: none"> • Revised North of Yellowhead Area Concept Plan Bylaw 46-2013 (and repealed previous Bylaw 36-2010); • Revised Cambrian Crossing Area Structure Plan Bylaw 47-2013 (and repealed previous Bylaw 37-2010).
December 10, 2013	Council approved the 2014 Consolidated Capital Budget for Municipal, Utility and Library Operations which included: <ul style="list-style-type: none"> • \$1,740,662 - Highway 16 Ramp and Clover Bar Road Intersection design and construction (WIP 500358) Transportation Planning and Engineering (TPE); and • \$393,750 – Township Road 534 and Highway 21 Intersection design (WIP 500360) (TPE) • \$5,898,375 – Range Road 231, CNR Overpass Land and Construction (WIP 500355) (TPE); and • \$12,402,266 – Range Road 231, Highway 16 to Township Road 534 Stage 1A - Third Party Utilities Construction (WIP 500356) (TPE); and • \$14,300,000 – North of Yellowhead Water Line Construction (WIP 600088) Utilities (UT); and \$14,700,000 – North of Yellowhead Waste Water Line Construction (WIP 600089) (UT).
August 13, 2013	Council gave second and third readings to Bylaw 49-2013.
July 2, 2013	Council approved capital budget amendments to reallocate the North of Yellowhead Land component in the amount of \$4,000,000 from the 2012 North of Yellowhead Design and Land Project (WIP 500224) to the new 2013 Strategic Land Project (WIP 500350) that

	included additional municipal tax supported debenture financing of \$12,925,000.
July 2, 2013	Council amended the 2012 Capital Budget to decrease the cost of the North of Yellowhead Design and Land – Utilities project by \$500,000 for cost savings and release the funding commitment from the North of Yellowhead Trunk Line Levy (1.4777).
July 2, 2013	Council gave first reading to Bylaw 49-2013, a bylaw to approve the incurrence of indebtedness on behalf of Strathcona County by the issuance of debentures or loans for the purpose of a Strategic Land Purchase.
December 11, 2012	Council approved the 2013 Consolidated Capital Budget for Municipal, Utility and Library Operations which included: <ul style="list-style-type: none"> • \$2,470,474 – North of Yellowhead Range Road 232 Aurum Access to Township 534 (WIP 500294) (TPE).
December 13, 2011	Council approved the 2012 Capital Budget for Municipal, Utility and Library Operations which included: <ul style="list-style-type: none"> • \$9,997,750 for the North of Yellowhead Design and Land for Roads (WIP 500224) (TPE); and • \$3,517,500 for the North of Yellowhead Design and Land for Utilities (WIP 600067) (UT).
January 25, 2011	Council adopted Bylaw 35-2010, a bylaw that amended the Municipal Development Plan Bylaw 1-2007 to support the Cambrian Crossing Area Structure Plan.
January 25, 2011	Council adopted the: <ul style="list-style-type: none"> • North of Yellowhead Area Concept Plan Bylaw 36-2010 (and repealed previous Bylaw 51-2003); and • Cambrian Crossing Area Structure Plan Bylaw 37-2010.
November 10, 2009	Council authorized administration to proceed with a review and update of the North of Yellowhead Area Concept Plan.
July 2, 2008	Council approved the Yellowhead North Recommended Arterial Road Network.
March 25, 2008	Council approved the completion of the North of Yellowhead Arterial Road Study.
July 2, 2003	Council adopted the North of Yellowhead Area Concept Plan Bylaw 51-2003.

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 (Plan 2354RS, Lot B)
- 2 Affidavit of service
- 3 Individual ownership plan (Plan 2354RS, Lot C)
- 4 Affidavit of service
- 5 Affidavit of service
- 6 Affidavit of advertising