

APPROVAL OF EXPROPRIATION

Yellowhead Trail Freeway Conversion Program

RECOMMENDATION

1. That the expropriation of the land requirements, including all interests therein, in the lands shown and legally described in Attachment 1 of the May 24, 2022, Office of the City Manager report OCM01226 (the "Subject Lands"), be approved.
2. That all steps under the *Expropriation Act*, RSA 2000, c. E-13 (the "*Expropriation Act*") be taken to complete the expropriation, including but not limited to, registering a certificate of approval of expropriation, and serving the notices of expropriation, notices of proposed payment, and notices of possession.

Report Purpose

Council decision required.

City Council is required to approve or disapprove the expropriation of the Subject Lands, all of which are required for construction of the Yellowhead Trail Freeway Conversion Program.

Executive Summary

- City Council, as approving authority under the Expropriation Act, is required to approve or disapprove the expropriation of the Subject Lands, which are required for construction of the Yellowhead Trail Freeway Conversion Program.
- Personal information has been redacted from Attachment 2 in accordance with section 17(1) of the Freedom of Information and Protection of Privacy Act.

REPORT

Expropriation Steps

- City Council may expropriate land pursuant to the Expropriation Act. On July 5, 2021, Council approved the commencement of the expropriation process to acquire the Subject Lands.

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- Negotiations with owners of the Subject Lands did not result in either a voluntary acquisition or a section 30 agreement, which is an agreement between the expropriating authority and the owner that allows an owner to provide express consent to the acquisition by the expropriating authority, pursuant to section 30 of the Expropriation Act.
- In December 2021 Administration registered a notice of intention to expropriate on the title to the Subject Lands shown and described on Attachment 1, served the notice of intention to expropriate on the owners, and published the notice of intention to expropriate in the Edmonton Journal.
- An owner has 21 days after being served with a notice of intention to expropriate to file a notice of objection to the expropriation.
- The owners shown in Attachment 1 either did not file a notice of objection to the expropriation, or withdrew the notice of objection to expropriation.
- The Expropriation Act states that if an owner does not object to the notice of intention to expropriate or an objection is made and then withdrawn, City Council may proceed as though no objection had been made; and City Council shall then approve or disapprove the proposed expropriation upon proof of service and proof of publication of the notice of intention to expropriate.
- Attachment 2 is a copy of the Affidavits of Service and Publication (exhibits excluded but available) evidencing proof of service on the owners and publication of the notice of intention to expropriate.
- If City Council approves the expropriation of the Subject Lands, Administration will register a certificate of approval at the Land Titles Office to expropriate the Property. If a certificate of approval is not registered within the timeline in the Expropriation Act, the proposed expropriation is deemed abandoned.

Budget/Financial Implications

Funding for the acquisition of lands required for the Yellowhead Trail Freeway Conversion Program is provided from Capital Profile CM-99-0060. Expropriation costs currently identified are within the land budget for the Yellowhead Trail Freeway Conversion Program. Sufficient funding exists within this budget for the land considered in this report.

Legal Implications

1. An owner may object to an expropriation within 21 days of being served with a notice of intention to expropriate.
2. A notice of intention to expropriate is also advertised twice in the Edmonton Journal.
3. If an objection is filed, the Province will appoint an inquiry officer to conduct a hearing as to whether the expropriation is fair, sound and reasonably necessary.
4. Since either no objection was filed, or an objection was made then withdrawn, in respect of the Subject Lands, City Council may approve or disapprove the proposed expropriation of the

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Subject Lands upon proof of service and proof of publication in compliance with the Expropriation Act.

5. If City Council approves an expropriation, a certificate of approval will be registered, which will make the City the owner of the land. If a certificate of approval is not registered within the timeline in the Expropriation Act, the proposed expropriation is deemed abandoned.
6. If an expropriation is abandoned, the City must pay any actual loss sustained by an owner and the reasonable legal, appraisal, and other costs incurred by the owner up to the abandonment.
7. After an interest is expropriated, the City must serve the owner with a notice of possession stating the date by which it must vacate.
8. Prior to vacating an owner will receive compensation in accordance with the Expropriation Act. The City is required to provide an owner with an appraisal setting out the market value.
9. If the parties cannot agree the Land and Property Rights Tribunal will determine compensation.
10. Reasonable legal, appraisal, and other costs actually incurred by an owner in order to determine compensation are paid by the City.

COMMUNITY INSIGHT

Community insights are not available for this report as this matter involves private information of third parties and the City and is subject to legal privilege.

GBA+

Acquiring the land necessary to complete the Yellowhead Trail Freeway Conversion Program will provide greater and more efficient access to the City of Edmonton for all Edmontonians.

ATTACHMENTS

1. Legal Description and Map of Subject Lands
2. Affidavits of Service and Publication