

Authorization of Expropriation

Southeast LRT

Recommendation:

That the Executive Committee recommend to City Council, in City Council's capacity as the Approving Authority under the *Expropriation Act*:

1. That the expropriation of the property shown on Attachment 1 and legally described in Attachment 2 of the April 29, 2013 Corporate Services Department report 2013COL007, be approved.
2. That Administration be given the authority to take all steps required by the *Expropriation Act* in furtherance of the expropriation including the registration of the Certificate of Approval of Expropriation.

Report Summary

Through its statutory capacity as an Approving Authority under the *Expropriation Act*, City Council approval is required in order to complete the expropriation of the subject property, as described in Attachments 1 and 2.

Previous Council/Committee Action

The amended Southeast LRT Concept Plan for Downtown to Mill Woods was approved by City Council on June 20, 2012. Bylaw 15726, to authorize the City of Edmonton to undertake and finance land acquisition for Transportation Project Southeast to West LRT (Phase 1), was approved by City Council on February 15, 2012.

At the November 28, 2012, City Council meeting, Council in its capacity as the Expropriating Authority, passed the following motion:

1. That the commencement of the expropriation process to acquire the properties shown in Attachment 1, and legally described in Attachment 2, of the November 19, 2012, Sustainable Development report 2012SC0894, be approved.
2. That Administration be authorized to enter into agreements pursuant to s. 30 of the *Expropriation Act* (Section 30 Agreement) with the owner or owners of any property or interest in property, as outlined in Attachment 2 of the November 19, 2012, Sustainable Development report 2012SC0894, where the owner is willing to consent to the expropriation.

Report

- Administration requires the subject property for the Southeast LRT from Downtown to Mill Woods Valley Line – Stage 1.
- Construction on this section of the project is scheduled to commence in the spring of 2014.
- A Notice of Intention to Expropriate was registered on title to the property described on Attachment 2, published in issues of the Edmonton Journal and served on the registered owner and other necessary parties, all in accordance with the *Expropriation Act*.
- Attachment 3 contains the Affidavit of Service and Affidavit of Publication

(Exhibits excluded) evidencing proof of service and proof of publication of the Notice of Intention to Expropriate respecting the property described in Attachment 2.

- Negotiations with the property owner have to date failed to result in the execution of an agreement to purchase the property.

Policy

- The legislated authority for the action recommended in this report falls under the *Expropriation Act* of Alberta.

Corporate Outcomes

- *The Way We Move*, City of Edmonton Transportation Master Plan.

Budget/Financial Implications

Funding for the acquisition of lands required for this project will be through Capital Program 11-66-1673.

Legal Implications

- A Notice of Objection (Objection) was filed with respect to the intended expropriation of the subject property by one of the tenants, however, the Objection was subsequently withdrawn pursuant to s. 12 of the *Expropriation Act*.
- Pursuant to Section 11 of the *Expropriation Act*, when no Notice of Objection has been served within the time prescribed by the *Act*, or where a Notice of Objection has been served but subsequently withdrawn pursuant to s. 12 of the *Act*, Council in its capacity as the Approving Authority shall approve or disapprove the proposed expropriation upon proof of service and proof of

publication of the Notice of Intention to Expropriate.

Justification of Recommendation

Approval of the expropriation will enable Administration to proceed with finalizing the expropriation of this property which is required for the Southeast LRT from Downtown to Mill Woods, Valley Line – Stage 1 project.

Attachments

1. Plan of the Subject Property
2. Legal Description and Registered Interests for the Property
3. Affidavit of Service and Affidavit of Publication (Exhibits excluded)

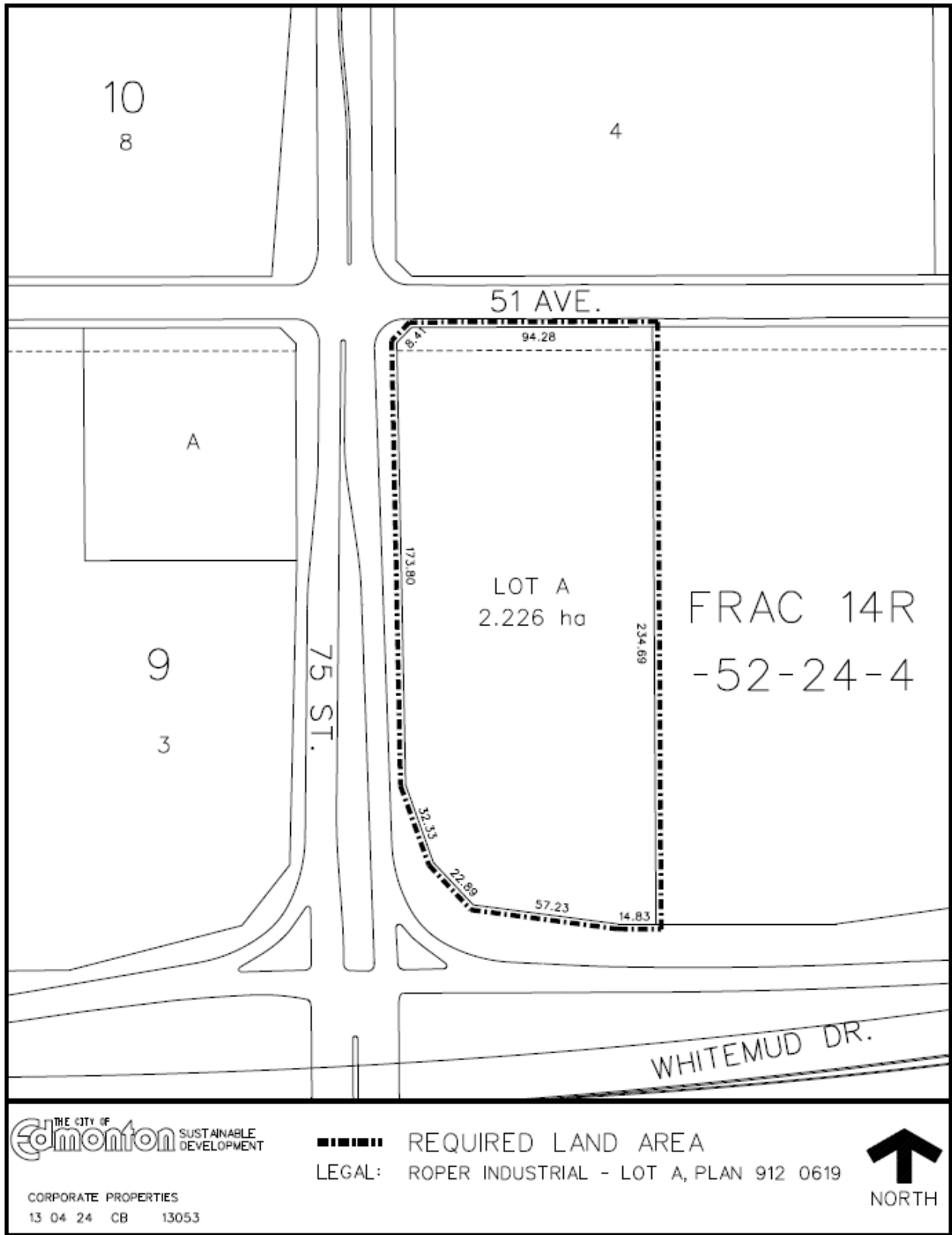
Background Information Available on Request

1. Exhibits to Affidavit of Service and Affidavit of Publication in Attachment 3.

Others Reviewing this Report

- R. G. Klassen, General Manager, Sustainable Development
- R. Boutilier, General Manager, Transportation Services

Plan of Subject Property



Legal Description and Registered Interests for the Property

An interest in fee simple together with all registered and non-registered rights, titles and interests in part or all of the following property:

Property #1

PLAN 9120619, LOT A
EXCEPTING THEREOUT ALL MINES AND MINERALS
AREA: 2.226 HECTARES (5.5 ACRES) MORE OR LESS

This property is registered in the name of the 1427911 ALBERTA LTD. as owner of an estate in fee simple in the North Alberta Land Registration District, Land Titles Office, under Certificate of Title Number 102 103 182.

Registered Interests:

Registration Number	Registration Type	Name
102 103 183	Mortgage	Servus Credit Union Ltd.
102 103 184	Assignment of Rents and Leases	Servus Credit Union Ltd.
112 047 760	Caveat Re: Lease Interest	SBA Canada, ULC.

Unregistered Interests known at this time: Whitemud Drive Amusement Park LTD.

Municipal Address: 7411 - 51 Avenue
Required Land Area: 2.226 Hectares (5.5 acres)
Improvements: Amusement Park