

Approval of Expropriations - Yellowhead Trail Freeway Conversion

Recommendation

1. That the expropriation of the property and interests, set out in Attachment 1 and legally described in Attachment 2 of the August 27, 2019, Office of the City Manager report CR_7428, be approved.
2. That all steps under the *Expropriation Act*, RSA 2000, c E-13, be taken to complete the expropriations, including but not limited to, registering certificates of approval of expropriation, and serving the notices of expropriation, notices of proposed payment and notices of possession.

Executive Summary

City Council, as approving authority under the *Expropriation Act*, is required to approve or disapprove the proposed expropriation of the property and interests shown in Attachment 1 and legally described in Attachment 2 of the August 27, 2019, Office of the City Manager report CR_7428.

Acquisition of the subject property and interests will facilitate 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

Yellowhead Trail Freeway Conversion Program Overview

The Yellowhead Trail Freeway Conversion Program is intended to improve the operations capacity, safety and level of service for the corridor. At the conclusion of the Yellowhead Trail Freeway Conversion Program, Yellowhead Trail will consist of six core lanes with additional lanes in congested areas. The freeway will target an operating speed of 80 km/hr (where possible) and will be free-flow. In some locations, improvements to parallel or intersecting roadways will be completed to ensure that traffic, which must be rerouted from previously existing direct connections to Yellowhead Trail, will be able to travel to alternative connections more easily.

The program is comprised of six primarily distinct segments. These include:

1. Yellowhead Trail (156 Street to St. Albert Trail);

2. Yellowhead Trail (St. Albert Trail to 97 Street);
3. Yellowhead Trail (97 Street to 82 Street);
4. Yellowhead Trail (82 Street to 50 Street);
5. Fort Road (Yellowhead Trail to 66 Street); and
6. Yellowhead Trail (50 Street to the North Saskatchewan River).

The property shown in Attachment 1 and legally described in Attachment 2 is required for construction of the Yellowhead Trail Freeway Conversion Program. The configuration for the Yellowhead Trail freeway, and associated land requirements, were determined through a process of public engagement, strategic planning, conceptual planning and further design efforts.

Expropriation Steps

City Council may expropriate land pursuant to the *Expropriation Act*. On June 26, 2018, City Council approved the commencement of the expropriation process to acquire the property and interests in Attachment 1 and legally described in Attachment 2. Negotiations with owners continued but did not result in either a voluntary acquisition or a section 30 agreement, pursuant to the *Expropriation Act*.

Administration started the formal expropriation process in late-May 2019. A notice of intention to expropriate was registered on the title to the property shown on Attachment 1 and legally described in Attachment 2, served on each owner, and published in the Edmonton Journal, all in accordance with the *Expropriation Act*. An owner has 21 days after being served with a notice of intention to expropriate to file a notice of objection to expropriation. The owners shown in Attachment 2 did not file a notice of objection to expropriation.

Attachment 3 contains copies of Affidavits of Service and Publication (exhibits excluded but available) evidencing proof of service on the owners and publication of the notices of intention to expropriate, as required by the *Expropriation Act*. The *Expropriation Act* states that if the owner does not object to the notice of intention to expropriate, 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.

Budget/Financial Implications

Funding for the acquisition of lands required for the Yellowhead Trail Freeway Conversion Program was approved on February 21, 2017 in Council report CR_4248, and is available as part of Capital Profile CM-99-0060.

Legal Implications

1. After City Council approves the commencement of expropriation, an expropriation formally starts when a notice of intention to expropriate is registered on the title to the property being expropriated.
2. Each interest registered on title, and each owner, as defined in the *Expropriation Act*, is served with a copy of the notice of intention to expropriate.
3. A copy of the notice of intention to expropriate is published twice in the newspaper.
4. Within 21 days of being served with a notice of intention to expropriate, an owner must file a notice of objection to expropriation with the City.
5. If an owner does not file a notice of objection to expropriation, City Council shall approve or disapprove the proposed expropriation upon proof of service and publication of the notice of intention to expropriate.
6. The owners listed in Attachment 2 did not file a notice of objection to expropriation.
7. If City Council approves the expropriations, a certificate of approval of expropriation will be registered on the property and the City will be the registered owner of the property immediately on registration.
8. A certificate of approval of expropriation must be registered on title within 120 days from the date the notice of intention was registered on title. If a certificate of approval is not registered, the proposed expropriation is deemed to be abandoned.
9. After the certificate of approval is registered on title, the City will serve each owner with a notice of possession, advising when the owner will need to give up possession. *The Expropriation Act* requires a minimum of 90 days notice.
10. Before the City gets possession, the owners will receive compensation in accordance with the *Expropriation Act*. If an owner and the City do not agree on the amount of compensation, the Land Compensation Board will determine compensation.
11. The reasonable legal, appraisal and other costs actually incurred by an owner, in order to determine compensation, are paid by the City.

Corporate Outcomes and Performance Management

Corporate Outcome(s): Goods and services move efficiently.			
Outcome(s)	Measure(s)	Result(s)	Target(s)
Goods and services move efficiently	Business Satisfaction: Goods and Services Transportation (% of survey respondents who are satisfied/very satisfied)	50.5% (2017)	53.0% (2018)

	Travel Time and Reliability for Goods and Services Movement (time in minutes: seconds to drive 10 km route)	10:09 (2017) - 50% of the time 13:35 (2017) - 85% of the time	12:30 (2018) 50% of the time 16:00 (2018) - 85% of the time
Corporate Outcome: Edmonton is a safe city.			
Outcome(s)	Measure(s)	Result(s)	Target(s)
Minimize traffic disruptions on intersections through collision reduction	Rate of inner-ring road (75 St, Whitemud Drive, 170 St, Yellowhead Trail) intersection collisions per million vehicles	1.01 (2017)	0.99 (2018)
	Rate of inner-ring road (75 St, Whitemud Drive, 170 St, Yellowhead Trail) midblock collisions per million vehicles-km of travel	0.79 (2017)	0.99 (2018)
Corporate Outcome: The City of Edmonton has sustainable and accessible infrastructure.			
Outcome(s)	Measure(s)	Result(s)	Target(s)
The City of Edmonton has sustainable and accessible infrastructure	Edmontonians' Assessment: Access to Amenities and Services that Improve Quality of Life (% of survey respondents who agree/strongly agree)	68% (2017)	70% (2018)

Risk Assessment

Risk Element	Risk Description	Likelihood	Impact	Risk Score (with current mitigations)	Current Mitigations	Potential Future Mitigations
Project Management	Project goes over budget, has poor quality, or is delayed.	2- Unlikely	2 - Moderate	4 - Low	Recommendation that City Council approve the proposed expropriation of the identified property and interests.	Complete the steps required under the <i>Expropriation Act</i> to finalize the expropriation, including registering a certificate of approval of expropriation.

Legal	If a certificate of approval of expropriation is not registered within the required timeline, the proposed expropriation is presumed to be abandoned.	2- Unlikely	3 - Major	6 - Low	Recommendation that City Council approve the proposed expropriation of the identified property and interests.	Complete the steps required under the <i>Expropriation Act</i> to finalize the expropriation, including registering a certificate of approval of expropriation.
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Attachments

1. Map of Subject Property
2. Legal Description and Registered/Non-Registered Interests of Subject Property
3. Affidavit of Service & Publication (Exhibits excluded)

Others Reviewing this Report

- J. Meliefste, Acting Deputy City Manager, Integrated Infrastructure Services
- A. Laughlin, Acting Deputy City Manager, Financial and Corporate Services
- C. Owen, Deputy City Manager, Communications and Engagement