

Approval of Expropriations

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 December 7, 2020, Office of the City Manager report OCM00102, (the “Subject Lands”), be approved.
2. That all steps under the *Expropriation Act*, RSA 2000, c. E-13 (the “Act”) be taken to complete the expropriation, 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 *Act*, is required to approve or disapprove the expropriation of the interests in the Subject Lands, which are required for construction and operation 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

On June 22, 2020, City Council approved the commencement of the expropriation process to acquire the Subject Lands. Negotiations with owners continued but did not result in either a voluntary acquisition or a Section 30 agreement, pursuant to the *Act*.

In late August 2020, Administration registered notices of intention to expropriate on the titles to the Subject Lands shown and described on Attachment 1, served the notices of intention to expropriate on the owners, and published the notices 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 expropriation.

The owners shown in Attachment 1 did not file a notice of objection to expropriation. The *Act* states that if an 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. Attachment 2 is a copy of the Affidavit of Service and Publication (exhibits excluded but available) evidencing proof of service on the owners and publication of the notices of intention to expropriate.

If City Council approves the expropriation of the Subject Lands, Administration will register a certificate of approval to expropriate on the title to the Subject Lands. If a certificate of approval to expropriate is not registered within the timelines in the *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.

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 into whether the expropriation is fair, sound and reasonably necessary.
4. If no objection is filed, City Council may approve or disapprove the proposed expropriation upon proof of service and proof of publication in compliance with the *Act*.
5. If City Council approves an expropriation, a certificate of approval of expropriation will be registered making the City the owner of the land. If a certificate of approval is not registered within the timeline in the *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 it must vacate by.
8. Prior to vacating, an owner will receive compensation in accordance with the *Act*. The City is required to provide an owner with an appraisal setting out the market value.
9. The Land Compensation Board will determine compensation if the parties cannot agree.
10. 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(s): Edmonton is a safe city.			
Outcome(s)	Measure(s)	Result(s)	Target(s)
Traffic disruptions at intersections are minimized 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(s): 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.

Attachments

1. Map and Legal Description of Subject Lands
2. Affidavit of Service & Publication (Exhibits excluded)

Others Reviewing this Report

- M. Persson, Deputy City Manager and Chief Financial Officer, Financial and Corporate Services
- C. Owen, Deputy City Manager, Communications and Engagement
- J. Meliefste, Acting Deputy City Manager, Integrated Infrastructure Services