

Approval to Commence Expropriation of Interests in Property

50 Street CP Rail Grade Separation

Recommendation

That Executive Committee recommend to City Council:

1. That the commencement of the expropriation process under the *Expropriation Act*, RSA 2000, c E-13 (the “Act”) be approved to acquire:
 - a. the lands and the interests in the lands shown and legally described in Attachment 2 of the May 27, 2021, Integrated Infrastructure Services report IIS00651 (the “Subject Property”).
2. That Administration be approved to enter into an agreement(s), pursuant to Section 30 of the *Act* (“Section 30 Agreement”), with an owner, as outlined in Attachment 2 of the May 27, 2021, Integrated Infrastructure Services report IIS00651, where the owner is willing to consent to the acquisition.
3. That Administration be approved, pursuant to Sections 15(10), 35 and 39 of the *Act* to pay:
 - a. the reasonable appraisal and other costs incurred by it; and
 - b. the reasonable legal, appraisal and other costs actually and reasonably incurred by an owner described in Attachment 2 of the May 27, 2021, Integrated Infrastructure Services report IIS00651.

Executive Summary

As expropriating authority under the *Expropriation Act*, City Council approval is required for Administration to commence the expropriation process to acquire the Subject Property and interest and, where an owner is willing to consent to an acquisition, enter into a Section 30 Agreement.

The acquisition of the Subject Property will facilitate the construction of 50 Street CP Rail Grade Separation between Sherwood Park Freeway and 90 Avenue.

Report

50 Street NW provides access to adjacent developing industrial areas and functions as a major north-south commuter and goods movement corridor. The at-grade CP Railway crossing along 50 Street NW, north of the Sherwood Park Freeway, ranks as the highest-priority location requiring grade separation in the city. This ranking is based

on delay times, the number of vehicles impacted and the frequency of train crossings, among other factors. As development continues along the 50 Street NW corridor, particularly along the industrial and residential areas south of the Sherwood Park Freeway, traffic volumes and congestion at this crossing are expected to increase.

In 2010, Administration completed a concept study for the railway grade separation and widening of 50 Street NW between Whitemud Drive and 90 Avenue NW. The concept study identified the configuration of 50 Street between Whitemud Drive and 90 Avenue NW, including the requirement for grade separation.

50 Street CP Rail Grade Separation project consists of numerous improvements, including constructing an overpass crossing the CP Rail line, various utility work and other associated road work. 50 Street CP Rail Grade Separation Project area is shown in Attachment 1.

Land Requirements

City Council, as Expropriating Authority, may expropriate land or an interest in land pursuant to the *Expropriation Act*. As shown and legally described in Attachment 2, the Subject Property is required to accommodate the construction of the railway grade separation and road widening. Construction for this project is anticipated to start in 2021. The Subject Property is required for a temporary construction working area to facilitate utility relocations and road work associated with the construction of the grade separation and the acquisition in fee simple of an area to be used as a turn around at the end of the access ramp into the Subject Property.

On August 31, 2020, City Council approved the commencement of the expropriation process to acquire a portion of land in fee simple from the Subject Property (Integrated Infrastructure Services report CR_8345). Discussions with the property owner and their representatives have been underway for several months. Through discussions with the land owner, additional land required for a turnaround on the site was identified to be acquired beyond the land originally anticipated to be needed for the project. Lands required for a Temporary Construction Working Area Easement have also been identified as being required. Discussions to date have not resulted in agreements being reached to voluntarily acquire these areas.

Commencement of the expropriation process will allow Administration to continue its efforts to negotiate the acquisition of the Subject Property through a voluntary acquisition, settlement, Section 30 Agreement or the expropriation process in the *Expropriation Act*. Approval to commence the expropriation process at this time will allow Administration to obtain ownership and possession of the Subject Property in order to facilitate the current project timelines.