



City of
Peterborough

To: **Members of the Committee of the Whole**

From: **Patricia Lester, City Solicitor and Director of Legal Services**

Meeting Date: **July 25, 2016**

Subject: **Report OCS16-005**
Expropriation of Lands – 1400 Parkhill Road West for Road
Widening Purposes

Purpose

A report to seek Council's approval to initiate proceedings to expropriate all of 1400 Parkhill Road West for road widening purposes.

Recommendations

That Council approve the recommendations outlined in Report OCS16-005 dated July 25, 2016, of the City Solicitor and Director of Legal Services, as follows:

- a) That expropriation proceedings be commenced and the Application for Approval to Expropriate Land, being described as all of PIN 28458-0009 (LT) and more particularly described as PT W 1/2 LT 7 CON 1 (Smith), as in T17137; designated as Part 5 on 45R16219 Peterborough known municipally as 1400 Parkhill Road West, be made for widening, urbanization and reconstruction of Parkhill Road West from east of Ravenwood Drive to Brealey Drive, including intersection improvements and a roundabout at Brealey Drive, for public undertakings and for works ancillary thereto;

- b) That the City Solicitor and Director of Legal Services be authorized to execute the Application for Approval to Expropriate Land and the Notice of Application for Approval to Expropriate Land, and to serve and publish the Notice as required under the **Expropriations Act**;
- c) That any valid request from an owner for an inquiry that is received be forwarded to the Chief Inquiry Officer for the appointment of an Inquiry Officer, and that the City be represented at any Hearing of Necessity, as necessary, under the **Expropriations Act**;
- d) That in the event that there is an inquiry (Hearing of Necessity) conducted at the request of the owner, the recommendation of the Inquiry Officer be reported to City Council for its consideration and decision as the approving authority under the **Expropriations Act**;
- e) That the City Solicitor and Director of Legal Services be authorized to engage such appraisal, business valuation, survey or other professional services in connection with the expropriation as are necessary and advisable; and
- f) That the Initiation of Expropriation Proceedings By-law, as set out in Appendix “A” of Report OCS16-005, be approved.

Budget and Financial Implications

The City as the expropriating authority will pay the property owner such compensation as is determined in accordance with the **Expropriations Act**.

Background

It is recommended that Council approve the initiation of expropriation of 1400 Parkhill Road West, for road widening purposes and authorize the City Solicitor and Director of Legal Services to commence the expropriation process and execute all necessary documents and notices as required under the Act.

Submitted by,

Patricia Lester
City Solicitor and Director of Legal Services

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Attachments:

Appendix "A" – By-law

Appendix "B" – Sketch of 1400 Parkhill Road West

Appendix “A”



The Corporation of the City of Peterborough

By-Law Number 16-XXX

Being a By-law to approve the Initiation of Expropriation Proceedings of the land known as 1400 Parkhill Road West, Peterborough.

Whereas The Corporation of the City of Peterborough (the “City of Peterborough”) requires lands described in Schedule “A” hereto for the purposes of the widening, urbanization and reconstruction of Parkhill Road West from east of Ravenwood Drive to Brealey Drive, including intersection improvements and a roundabout at Brealey Drive, for public undertakings, and for works ancillary thereto;

And Whereas Section 11 of the **Municipal Act, 2001, S.O. 2001, c.25**, as amended (the “**Municipal Act, 2001**”) confers on the City of Peterborough jurisdiction in respect of highways and public utilities;

And Whereas Section 6 of the **Municipal Act, 2001** confers on the City of Peterborough the power to expropriate land;

And Whereas the Council of the City of Peterborough has by resolution passed on August 2nd, 2016 authorized the commencement of procedures to expropriate land;

Now Therefore The Council of The Corporation of the City of Peterborough hereby enacts as follows:

1. That Application for Approval to Expropriate Land be made by the City of Peterborough in respect of the land described in Schedule “A” and that the Application be executed by the City Solicitor and Director Legal Services.

2. That a Notice of Application for Approval to Expropriate Land be executed on behalf of the City of Peterborough by the City Solicitor and Director Legal Services and that the Notice be served and published in accordance with the **Expropriations Act, R.S.O. 1990, c. E.26**, as amended (the “**Expropriations Act**”).
3. That any valid request from an owner for an inquiry be forwarded to the Chief Inquiry Officer for the appointment of an Inquiry Officer, and that the City of Peterborough be represented at any hearing of necessity, as necessary, under the **Expropriations Act**.
4. That, in the event that there is an inquiry (hearing of necessity) conducted and a recommendation of the Inquiry Officer issued, the report of the Inquiry Officer shall come before The Council of The Corporation of the City of Peterborough for consideration.

By-law read a first, second and third time this 2nd day of August, 2016.

Daryl Bennett, Mayor

John Kennedy, City Clerk

Schedule "A"

Lands described as all of PIN 28458-0009 (LT) and more particularly described as PT W 1/2 LT 7 CON 1 (Smith), as in T17137; designated as Part 5 on 45R16219 Peterborough known municipally as 1400 Parkhill Road West, Peterborough, Ontario

Appendix "B"

