



City of
Peterborough

To: Members of the General Committee

From: Jeffrey Humble, Director, Planning and Development Services
Patricia Lester, City Solicitor and Director of Legal Services

Meeting Date: February 26, 2018

Subject: Report PLAIR18-001
Expropriation of lands on Greenwood Road to Improve Airport Operations

Purpose

A report to seek Council's approval to initiate proceedings to expropriate all of the lands municipally known as 226, 232, 234, 240, 246, 250, and 252 Greenwood Road to facilitate full utilization and improved operations of the Airport's Main Runway 0927. The report also seeks Council's approval to delegate authority to the Administrative Staff Committee to acquire the subject lands, if feasible, prior to Council's final approval to expropriate.

Recommendations

That Council approve the recommendations outlined in Report PLAIR18-001 dated February 26, 2018, of the Director, Planning and Development Services and the City Solicitor and Director of Legal Services, as follows:

- a) That expropriation proceeding be commenced and the Application for Approval to Expropriate Land be made for facilitating full utilization and improved operations of the Main Runway 0927 for the following 7 properties:
 - i. 226 Greenwood Road
Part Lot 18-19 Con 17 Otonabee as in R666087; T/W R666087 Except the Easement therein secondly described; Otonabee-South Monaghan (being all of PIN 28145-0073 (LT));

- ii. 232 Greenwood Road
PT LT 18-19 CON 17 Otonabee as in R701027; T/W R701027 Except the Easement therein secondly described; Otonabee-South Monaghan (being all of PIN 28145-0075 (LT));
 - iii. 234 Greenwood Road
PT LT 18-19 CON 17 Otonabee as in R594637; T/W R594637 Except the Easement therein secondly described Otonabee-South Monaghan (being all of PIN 28145-0076 (LT));
 - iv. 240 Greenwood Road
PT LT 18 CON 17 Otonabee as in R281869; T/W R281869 Except the Easement therein secondly described; Otonabee-South Monaghan (being all of PIN 28145-0078 (LT));
 - v. 246 Greenwood Road
PT LT 18 CON 17 Otonabee as in R283610; T/W R283610 Except the Easement therein secondly described; Otonabee-South Monaghan (being all of PIN 28145-0080 (LT));
 - vi. 250 Greenwood Road
PT LT 18 CON 17 Otonabee as in R544440; T/W R544440; Except the Easement therein secondly described; Otonabee-South Monaghan (being all of PIN 28145-0081 (LT)); and
 - vii. 252 Greenwood Road
PT LT 18 CON 17 Otonabee as in R459518; T/W R459518; Otonabee-South Monaghan (being all of PIN 28145-0082 (LT)).
- 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 are inquiries (Hearings of Necessity) conducted at the request of an owner(s), the recommendation(s) 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 expropriations as are necessary and advisable;
- f) That the Initiation of Expropriation Proceedings By-law, as set out in Appendix “A” of Report PLAIR18-001, be passed;
- g) That a by-law be passed authorizing the Administrative Staff Committee to approve the acquisition of properties, if settlements can be reached with any of the 7 Greenwood Road property owners, as set out in Appendix “B” of Report PLAIR18-001; and
- h) That upon completion of a transaction and obtaining vacant possession of any of the 7 Greenwood Road properties as listed in Recommendation (a), the buildings on the property be demolished.

Budget and Financial Implications

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

Background

It is recommended that Council approve the initiation of expropriation of the lands municipally known as 226, 232, 234, 240, 246, 250, and 252 Greenwood Road to facilitate full utilization and improved operations of the Airport’s Main Runway 0927 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. It is also recommended that Council approve delegated authority to the Administrative Staff Committee to acquire the subject lands, if feasible, prior to Council’s final approval to expropriate.

Submitted by,

Jeffrey Humble, MCIP, RPP
Director, Planning and Development
Services

Patricia Lester
City Solicitor and Director of Legal
Services

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Attachment:

Appendix “A” – Initiation of Expropriation Proceedings By-law
Appendix “B” – Authorization for the Administrative Staff Committee to approve the acquisition of Greenwood Road properties By-law

Appendix “A”



The Corporation of the City of Peterborough

By-Law Number 18-XXX

Being a By-law to approve the Initiation of Expropriation Proceedings for seven properties on Greenwood Road.

Whereas The Corporation of the City of Peterborough (the “City of Peterborough”) requires lands described in Schedule “A” hereto for the purposes of facilitating the full utilization and improved operation of the Peterborough Airport’s Main Runway 0927;

And Whereas Sections 10(1) and 70 of the **Municipal Act, 2001, S.O. 2001, c.25**, as amended (the “**Municipal Act, 2001**”) confers on the City of Peterborough jurisdiction to provide services , including airports;

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 March 19, 2018 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 lands described in Schedule “A” and that the Application be executed by the City Solicitor and Director of 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 of 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 19th day of March, 2018.

Daryl Bennett, Mayor

John Kennedy, City Clerk

Schedule "A"

Fee Simple: All right, title and interest in the lands described as follows:

- i. 226 Greenwood Road
Part Lot 18-19 Con 17 Otonabee as in R666087; T/W R666087 Except the Easement therein secondly described; Otonabee-South Monaghan (being all of PIN 28145-0073 (LT));
- ii. 232 Greenwood Road
PT LT 18-19 CON 17 Otonabee as in R701027; T/W R701027 Except the Easement therein secondly described; Otonabee-South Monaghan (being all of PIN 28145-0075 (LT));
- iii. 234 Greenwood Road
PT LT 18-19 CON 17 Otonabee as in R594637; T/W R594637 Except the Easement therein secondly described; Otonabee-South Monaghan (being all of PIN 28145-0076 (LT));
- iv. 240 Greenwood Road
PT LT 18 CON 17 Otonabee as in R281869; T/W R281869 Except the Easement therein secondly described; Otonabee-South Monaghan (being all of PIN 28145-0078 (LT));
- v. 246 Greenwood Road
PT LT 18 CON 17 Otonabee as in R283610; T/W R283610 Except the Easement therein secondly described; Otonabee-South Monaghan (being all of PIN 28145-0080 (LT));
- vi. 250 Greenwood Road
PT LT 18 CON 17 Otonabee as in R544440; T/W R544440; Except the Easement therein secondly described; Otonabee-South Monaghan (being all of PIN 28145-0081 (LT)); and
- vii. 252 Greenwood Road
PT LT 18 CON 17 Otonabee as in R459518; T/W R459518; Otonabee-South Monaghan (being all of PIN 28145-0082 (LT)).

Appendix “B”



The Corporation of the City of Peterborough

By-Law Number 18-XXX

Being a By-law to authorize the Administrative Staff Committee to approve the acquisition of properties municipally known as 226, 232, 234, 240, 246, 250, and 252 Greenwood Road to facilitate full utilization of the Airport's Main Runway 0927.

Whereas The Corporation of the City of Peterborough deems it expedient to acquire the lands hereinafter described, such lands are required to facilitate full utilization of the Airport's Main Runway 0927;

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

1. That a by-law be passed authorizing the Administrative Staff Committee to approve the acquisition of the following properties:
 - i. 226 Greenwood Road
Part Lot 18-19 Con 17 Otonabee as in R666087; T/W R666087 Except the Easement therein secondly described; Otonabee-South Monaghan (being all of PIN 28145-0073 (LT));
 - ii. 232 Greenwood Road
PT LT 18-19 CON 17 Otonabee as in R701027; T/W R701027 Except the Easement therein secondly described; Otonabee-South Monaghan (being all of PIN 28145-0075 (LT));
 - iii. 234 Greenwood Road
PT LT 18-19 CON 17 Otonabee as in R594637; T/W R594637 Except the Easement therein secondly described; Otonabee-South Monaghan (being all of PIN 28145-0076 (LT));

- iv. 240 Greenwood Road
PT LT 18 CON 17 Otonabee as in R281869; T/W R281869 Except the Easement therein secondly described; Otonabee-South Monaghan (being all of PIN 28145-0078 (LT));
 - v. 246 Greenwood Road
PT LT 18 CON 17 Otonabee as in R283610; T/W R283610 Except the Easement therein secondly described; Otonabee-South Monaghan (being all of PIN 28145-0080 (LT));
 - vi. 250 Greenwood Road
PT LT 18 CON 17 Otonabee as in R544440; T/W R544440; Except the Easement therein secondly described; Otonabee-South Monaghan (being all of PIN 28145-0081 (LT)); and
 - vii. 252 Greenwood Road
PT LT 18 CON 17 Otonabee as in R459518; T/W R459518; Otonabee-South Monaghan (being all of PIN 28145-0082 (LT)).
2. That the City Solicitor and Director of Legal Services be authorized and directed to execute all documentation necessary to acquire the lands set out above.

By-law read a first, second and third time this 19th day of March, 2018.

Daryl Bennett, Mayor

John Kennedy, City Clerk