

**Subject: Approval of Proposed Expropriation of a Portion of NW  
1/4 2-89-9W4M (Secondary Egress Road Expropriation)****APPROVALS:****Annette Antoniak**\_\_\_\_\_  
Director\_\_\_\_\_  
Chief Administrative Officer**Recommended Motion:**

THAT the expropriation of the lands described in Attachment 1 (NW ¼ 2-89-9-W4M), dated October 24, 2019 be approved; and

THAT the Mayor and Chief Administrative Officer (CAO) be authorized to sign the Notice of Intention to Expropriate (NOITE) for the property; and

THAT the CAO be authorized to execute such further documents as required pursuant to the *Expropriation Act*.

**Summary:**

The lot legally described as NW ¼ Section 2, Township 89, Range 9, West of the 4<sup>th</sup> Meridian, containing 1.63 hectares (4.02 acres) more or less (Attachment 1) is required for the construction of the Secondary Egress Road (Saline Creek) Project (Attachment 2) that was approved by Council and has been ongoing since 2017. The RMWB's commitment to building a thoroughfare from Draper Road to Sapræe Creek is a key component in the construction of Emergency Egress Roads to mitigate the risk of future emergencies or disasters by improving traffic flow. The Secondary Egress Road is part of the 2018-2021 RMWB Strategic Plan. The construction is scheduled to start in 2020-2021.

Negotiations to secure the required 1.63 hectares of NW 1.4 Section 2, Township 89, Range 9, West of the 4<sup>th</sup> Meridian from the landowner, James Rogers, have proven unsuccessful. As this land acquisition is required for the Municipality to remain on schedule with construction of the Secondary Egress Road, the only course of action to proceed would be expropriation.

**Background:**

The expropriation process commences when Council approved the issue of a Notice of Intention to Expropriate. This notice is registered at Land Titles and is served to the

landowners and all those who have interest registered on title and all others who have interest in the land. The Notice of Intention is also published twice in a newspaper circulating in the municipality.

**Alternatives:**

There are no alternatives to this route due to limiting factors of topography and slope stability.

**Budget/Financial Implications:**

At least 30 days prior to the possession date, and not more than 90 days after the registration of the Certificate of Approval at Land Titles, a proposed payment based upon market value established by an appraisal, will be made to the owner and any other interest holder, such as a tenant or mortgage holder, whose interest has a market value. The proposed payment can be accepted by the party to whom it is made, and that party may, within one year, make an application to the Land Compensation Board seeking additional compensation. Recognizing that negotiations usually continue after the filing of the Certificate of Approval and payment of the proposed payment, such as applications may be resolved by agreement between the Municipality and the claimant or by the Board following a hearing.

**Rationale for Recommendation:**

Negotiations to secure the required 1.63 hectares of NW ¼ Section 2, Township 89, Range 9, West of the 4<sup>th</sup> Meridian, from the landowner, James Rogers, have proven unsuccessful. Land Administration has met multiple times with James Rogers over the past 12 months and have presented a formal offer to purchase executed by the Director of Planning and Development. We no longer have communication with Mr. Rogers. As this land is required for the Municipality to remain on schedule with construction of the Secondary Egress Road, the only course to proceed would be expropriation.

**Strategic Priorities:**

Responsible Government

**Attachments:**

- 1. Subject Area Map**
- 2. Map of Secondary Egress Road Acquisitions**