

# **THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS**

## **STAFF REPORT**

**DATE:** November 17, 2020

**TO:** Committee of the Whole

**FROM:** Ken T. Kelly, Chief Administrative Officer

**SUBJECT:** Expropriation of lands along the Unopened portion of Menzie Street

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### **RECOMMENDATION:**

**THAT** Committee of the Whole recommend that Council adopt a bylaw to delegate authority to the CAO to apply for expropriation of lands PIN 050940042, PIN 050940045 and PIN 050940046 known as lots 1,2,3,4,15,16,17 and 18 of McLean Section of Plan 6262 in the Municipality of Mississippi Mills, Lanark County;

**AND THAT** Committee of the Whole recommend that Council receive the attached application for approval to expropriate the lands PIN 050940042, PIN 050940045 and PIN 050940046 known as lots 1,2,3,4,15,16,17 and 18 of McLean Section of Plan 6262 in the Municipality of Mississippi Mills, Lanark County;

**AND THAT** Committee of the Whole recommend that Council approve \$40,000-\$50,000 for professional fee expenses related to the expropriation of PIN 050940042, PIN 050940045 and PIN 050940046 known as lots 1,2,3,4,15,16,17 and 18 of McLean Section of Plan 6262 in the Municipality of Mississippi Mills, Lanark County to be funded from reserves in 2020 and repaid back to reserves from the proceeds from the sale of land.

### **BACKGROUND:**

The Municipality has been reviewing the lands that it owns for the purposes of reducing the amount of land under management, as means to generate revenue and promote development.

During this review we have identified a number of parcels that are in close proximity to one another along the unopened road allowance for Menzie Street between Adelaide St and Augusta St. The map in Figure 1 below depicts the area as well as the parcels that are owned and not owned by the Municipality. There are three parcels with the following Property Identification Numbers and size:

- PIN 050940042 – 28,029 sq ft or .643 of an acre
- PIN 050940045 – 6,189 sq ft or .142 of an acre

- PIN 050940046 – 18,287 sq ft or .42 of an acre

Combined these parcels have a total acreage of about 1.475 of an acre.

**Figure 1 – Map of land parcels**



The Municipality believes that lands identified in Figure 1 as Title/Ownership unclear are owned by deceased persons. Efforts have been made to identify ownership and we believe that the owners are deceased and interest in the properties has not been transferred. The location of these lots adjacent to properties owned by the Municipality makes them important to the future development potential of the site.

## DISCUSSION:

The consolidation of land into parcels that will allow the land to be developed in an efficient and low-cost manner is supported by the Province. As a large block with ready access to municipal servicing this rectangular block would have a high potential interest within the development community. The clearest path to address the unclear title/ownership of these parcels of land is for the Municipality to proceed with an expropriation of the land. The complete process is outlined below:

1. An expropriation is initiated by an application to expropriate made by the “expropriating authority” to the “approving authority”.
2. The municipal corporation is the “expropriating authority”; Council is the “approving authority.” What this means is that in essence the Municipality must seek approval from itself.

- (a) Council must pass a resolution instructing the Corporation of the Municipality of Mississippi Mills to proceed with an expropriation, and authorize the Chief Administrative Officer to execute all notices and documents necessary to complete the expropriation;
  - (b) An application to expropriate must be prepared by the Corporation and filed with Council.
- 3. Once the application has been filed with Council, Notice of an Application to Expropriate must be served on each registered owner of the property. All owners are deceased. The Notice of Application must also be published for 3 consecutive weeks in a local newspaper.
- 4. In order to publish the notices a plan of expropriation prepared by a surveyor must be prepared.
- 5. If the expropriation is approved by Council (after the 30 day notice period), the expropriating authority (i.e. the municipal corporation) must register an expropriation survey plan on title to the property within 3 months of Council's decision.
- 6. Registration of the expropriation plan immediately vests title and ownership to the property in the municipality.

#### Determining Value and Compensation Payable

- 7. An owner whose property is expropriated is entitled to compensation. The Act recognizes the following types of compensation, which may or may not be payable depending on the circumstances:
  - (a) The market value of the land, including interest;
  - (b) Damages attributable to disturbance to the owner;
  - (c) Damages for injurious affection;
  - (d) Any special difficulties incurred by the owner to relocate; and
  - (e) Costs.
- 8. Market value reflects the amount that the land might be expected to realize if sold in the open market by a willing seller to a willing buyer. This figure is determined using the services of a qualified appraiser.

9. In determining market value, the Act prohibits any account being taken of the special use or development for which the land is being expropriated. Therefore, if you intend to package the land up for a development, this is not something that the appraiser can consider in market value – it is the value only of the land as it sits.
10. This situation is unique in that there is no registered owner or estate that the Municipality can pay.
11. The Act provides that where the value is less than \$1,000, the expropriating authority can pay the compensation into court. If the appraiser finds that the value of any of the three parcels is greater than \$1,000, the Municipality can make an application to the court to allow it to pay the value into court to satisfy the requirements of the Act.
12. If through this process a legitimate heir comes forward, the money paid into court would be available if they can satisfy the Court that they have a right to compensation.

The benefit of the expropriation process is that the title to the lands will vest with the Municipality and if there are any heirs or interests that arise later they will be addressed through the legal process or the LPAT.

#### **FINANCIAL IMPLICATIONS:**

The cost to the Municipality will include:

1. survey and registration of the plan of expropriation,
2. appraisal for the three parcels of land,
3. payment into court of the appraised value, and
4. legal fees for the expropriation.

The estimated cost of the above items is \$40,000-\$50,000.00. These expenses are expected to be incurred in 2020. It is recommended that the expenses be funded from reserves and then repaid back to reserves from the proceeds of the sale of land.

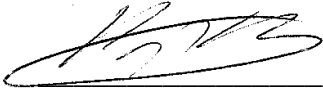
It is estimated that the addition of the three parcels will contribute to the value of the entire set of Municipality owned lands in this area and also result in development that will have higher taxation value.

#### **SUMMARY:**

The Municipality intends to sell surplus lands abutting these three parcels of land that have no ownership. As a consolidated parcel of land this area will have a higher value and more options for development. The expropriation process provides a mechanism to address the interests of anyone that comes forward to claim an interest and still allow the overall process to move forward. The cost is estimated at between \$40,000-

\$50,000 and the value of the parcel is estimated to be higher than the cost of the process. The potential for this parcel to be developed in the near future is high given the demand for new housing and the recent completion of housing developments in the immediate vicinity.

Respectfully submitted by,

A handwritten signature in black ink, appearing to read 'Ken Kelly', is written over a horizontal line.

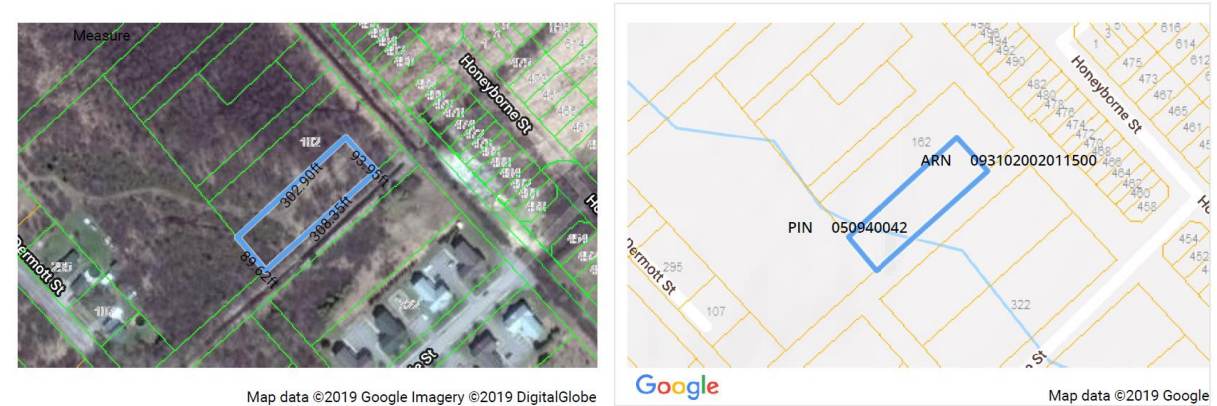
Ken Kelly, CAO

ATTACHMENTS:

1. Appendix A – Parcel Identification Numbers and information
2. Bylaw to Delegate Authority to CAO to proceed with process
3. Application to Expropriate

Appendix A – Parcel Identification Numbers and information

PIN 050940042  
Site & Structure



Lot Size

Area: 28,029.20 ft² (0.643 ac)    Perimeter: 793.96 ft

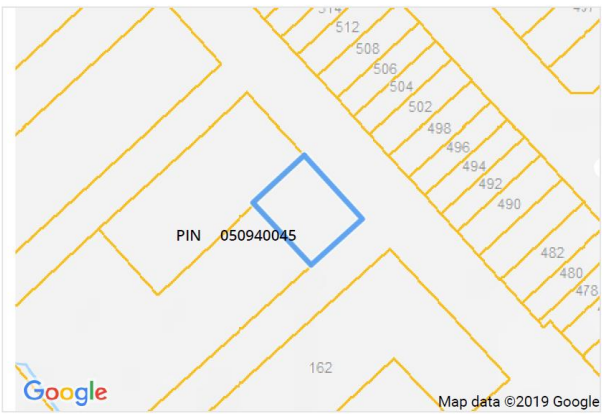
PIN 050940046  
Site & Structure



Lot Size

Area: 18,287.87 ft² (0.420 ac)    Perimeter: 590.55 ft

PIN 050940045  
Site & Structure



Lot Size

Area: 6,189.24 ft<sup>2</sup> (0.142 ac)      Perimeter: 314.96 ft

THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS

BY-LAW NO. 20-xxx

A BY-LAW TO DELEGATE AUTHORITY

NOW THEREFORE BE IT RESOLVED THAT:

1. **We direct the Chief Administrative Officer to make an application for approval to expropriate and we delegate to the Chief Administrative Officer the authority to issue a Notice of Intent to Expropriate on behalf of the Corporation of the Municipality of Mississippi Mills the following lands located in the Municipality of Mississippi Mills, County of Lanark (the “Lands”):**
  - (a) **LT 15 SEC MCLEAN PL 6262 LANARK N RAMSAY; MUNICIPALITY OF MISSISSIPPI MILLS more particularly described as Part 3 on the draft Expropriation Plan attached as Appendix 1 hereto (the “Lands”);**
  - (b) **LT 16 SEC MCLEAN PL 6262 LANARK N RAMSAY; LT 17 SEC MCLEAN PL 6262 LANARK N RAMSAY; LT 18 SEC MCLEAN PL 6262 LANARK N RAMSAY; MUNICIPALITY OF MISSISSIPPI MILLS more particularly described as Part 2 on the draft Expropriation Plan attached as Appendix 1 hereto (the “Lands”); and**
  - (c) **LT 1 SEC MCLEAN PL 6262 LANARK N RAMSAY; LT 2 SEC MCLEAN PL 6262 LANARK RAMSAY; LT 3 SEC MCLEAN PL 6262 LANARK N RAMSAY; LT 4 SEC MCLEAN PL 6262 LANARK N RAMSAY; MUNICIPALITY OF MISSISSIPPI MILLS more particularly described as Part 1 on the draft Expropriation Plan attached as Appendix 1 hereto (the “Lands”).**
2. This By-law shall come into force and take effect on the day it is passed.

READ AND FINALLY PASSED on the \_\_\_\_ day of \_\_\_\_\_, 2020.

THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS

Per:

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Christa Lowry - Mayor

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Cynthia Moyle – Acting Clerk



***EXPROPRIATIONS ACT***  
**RSO 1990, Chapter E.26**

***APPLICATION FOR APPROVAL TO EXPROPRIATE LAND***

**TO:** The Council of The Corporation of the Municipality of Mississippi Mills  
(the “Approving Authority”)  
3131 Old Perth Rd Box 400  
Almonte, ON K0A 1A0

**IN THE MATTER OF** the proposed expropriation by The Corporation of the Municipality  
of Mississippi Mills (the “Expropriating Authority”) of lands legally described as:

- **LT 15 SEC MCLEAN PL 6262 LANARK N RAMSAY; MUNICIPALITY OF MISSISSIPPI MILLS;**
- **LT 16 SEC MCLEAN PL 6262 LANARK N RAMSAY; LT 17 SEC MCLEAN PL 6262 LANARK N RAMSAY; LT 18 SEC MCLEAN PL 6262 LANARK N RAMSAY; MUNICIPALITY OF MISSISSIPPI MILLS; and**
- **LT 1 SEC MCLEAN PL 6262 LANARK N RAMSAY; LT 2 SEC MCLEAN PL 6262 LANARK RAMSAY; LT 3 SEC MCLEAN PL 6262 LANARK N RAMSAY; LT 4 SEC MCLEAN PL 6262 LANARK N RAMSAY; MUNICIPALITY OF MISSISSIPPI MILLS**

**FOR THE PURPOSE OF** consolidating future development lands in the Municipality of Mississippi Mills;

**APPLICATIONS ARE HEREBY MADE** for approval to expropriate the following lands located in the Municipality of Mississippi Mills, Lanark County:

- (a) LT 15 SEC MCLEAN PL 6262 LANARK N RAMSAY; MUNICIPALITY OF MISSISSIPPI MILLS more particularly described as Part 3 on the draft Expropriation Plan attached as Appendix 1 hereto (the “Lands”);
- (b) LT 16 SEC MCLEAN PL 6262 LANARK N RAMSAY; LT 17 SEC MCLEAN PL 6262 LANARK N RAMSAY; LT 18 SEC MCLEAN PL 6262 LANARK N RAMSAY; MUNICIPALITY OF MISSISSIPPI MILLS more particularly described as Part 2 on the draft Expropriation Plan attached as Appendix 1 hereto (the “Lands”); and
- (c) LT 1 SEC MCLEAN PL 6262 LANARK N RAMSAY; LT 2 SEC MCLEAN PL 6262 LANARK RAMSAY; LT 3 SEC MCLEAN PL 6262 LANARK N RAMSAY; LT 4 SEC MCLEAN PL 6262 LANARK N RAMSAY; MUNICIPALITY OF MISSISSIPPI MILLS more particularly described as Part 1 on the draft Expropriation Plan attached as Appendix 1 hereto (the “Lands”);

**DATED** at Almonte, Ontario this \_\_\_\_\_ day of \_\_\_\_\_, 2020

**The Corporation of the Municipality of Mississippi Mills**

Per:

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Cynthia Moyle – Acting Clerk  
I have authority to bind the Corporation