

Land for Neault Road Widening

ISSUE

The City of Saskatoon (the “City”) has Agreements for Sale with four different landowners for the purpose of widening and altering Neault Road and adjacent intersections. Two of those landowners have failed to provide the closing documents required to close the transaction. An Expropriation Bylaw is proposed to bring the transaction to a close.

RECOMMENDATION

That the Standing Policy Committee on Finance recommend to City Council that:

1. City Council approve the expropriation of those portions of LSD 9 03-37-06-3 Ext 44 (Parcel No. 203411270) and Blk/Par A-Plan 102267772 Ext 1 (Parcel No. 203746686) shown as roadway on the Plan of Survey registered in the Information Services Corporation of Saskatchewan as Plan No. 102418499, for the purpose of widening and altering Neault Road and adjacent intersections;
2. The City Clerk be authorized to prepare all required notices under seal of the City in accordance with *The Municipal Expropriation Act*;
3. City Council consider Bylaw No. 9991, *The Expropriation Bylaw, 2024*; and
4. City Council deposit with the City Clerk a plan of the land to be taken, the specifications of the work to be done and a list of names of the assessed and registered owners of the land.

BACKGROUND

At various of its Regular Business Meetings, City Council approved the purchase of portions of four different parcels for the purpose of widening and altering Neault Road and adjacent intersections:

- [March 28, 2022 – Parcel 136114006 from Hardeep Sidhu and Parcel 136114130 from William John Kinash](#)
- [August 29, 2022 – Parcel 203746686 from Khalsa School Inc.](#)
- [January 25, 2023 – Parcel 203411270 from 102049787 Saskatchewan Ltd.](#)

The Agreements for Sale with these various parties must all close together because the roadway modification is all part of the same Plan of Survey and the subdivision pursuant to that Plan must register all at once. The closing date as per the terms of the Agreements for Sale was January 30, 2024. The City has received the required closing documents from Hardeep Sidhu and William John Kinash, but not from Khalsa School Inc., nor 102049787 Saskatchewan Ltd.

DISCUSSION/ANALYSIS

The Administration has followed up many times with its contact for Khalsa School Inc. and 102049787 Saskatchewan Ltd. and with their legal counsel but has received no substantive response. There has been no indication that the closing documents are forthcoming, even though months have elapsed since they were obligated to provide those documents under the terms of the Agreements for Sale. There is an urgency to close the matter because the sellers who have done what they were supposed to under the Agreements, Hardeep Sidhu and William John Kinash, are not getting paid and cannot close because of Khalsa School Inc.'s and 102049787 Saskatchewan Ltd.'s failure to provide the required closing documents. These documents are needed in order to register the sale with Information Services Corporation ("ISC"), the provincial land registry.

This is an unusual situation. When the City has a signed Agreement for Sale the exchange of documents to close the sale usually flows seamlessly. Unfortunately, that has not been the case here. The City will pay the compensation agreed to in the Agreements for Sale to all property owners upon registration of the documents at ISC. Expropriation was determined to be the most efficient and effective method to bring the matter to a close. Passing an Expropriation Bylaw will allow the City to register the sale at ISC without further documents from the landowners. A copy of Plan No. 102418499, with the portions to be expropriated highlighted in yellow, is attached to this report as Appendix 2.

Expropriation falls within the parameters of *The Municipal Expropriation Act*. Under that Act, if City Council desires to acquire the land for a proper municipal purpose and cannot acquire the land by agreement with the owner, a Council may pass a bylaw to expropriate the property. In this case, the purpose of acquiring the land is for road widening and alteration, and while there are written agreements in place covering the land in question, the City has nonetheless been unable to conclude the transaction because the two owners in question have failed to abide by the signed terms of the Agreements for Sale.

FINANCIAL IMPLICATIONS

There should not be any financial implications as the parties already have written agreements in place setting out the compensation to be paid for the land in question.

OTHER IMPLICATIONS

There are no other privacy, legal, social, or environmental implications identified.

NEXT STEPS

If the proposed Bylaw is passed, the Administration would take the necessary steps pursuant to *The Municipal Expropriation Act* to finalize the expropriation, register the required documents in ISC to close the matter, and pay all of the sellers the amounts as agreed in the Agreements for Sale.

APPENDICES

1. Bylaw No. 9991, *The Expropriation Bylaw, 2024*
2. Copy of Plan No. 102418499 with expropriated areas highlighted in yellow.

REPORT APPROVAL

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