

Clause 30 in Report No. 12 of Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on September 21, 2017.

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Acquisition of Land

Rutherford Road from Westburne Drive to Peter Rupert Avenue
City of Vaughan

Committee of the Whole recommends adoption of the following recommendations contained in the report dated August 23, 2017 from the Commissioner of Corporate Services:

1. Council authorize the acquisition of the lands pursuant to section 30 of the Expropriations Act (the "Act") required for the widening and reconstruction of Rutherford Road in the City of Vaughan, as set out in Attachment 1.
2. The Commissioner of Corporate Services be authorized to execute all necessary documents to complete the transaction.

Report dated August 23, 2017 from the Commissioner of Corporate Services now follows:

1. Recommendations

It is recommended that:

1. Council authorize the acquisition of the lands pursuant to section 30 of the *Expropriations Act* (the "Act") required for the widening and reconstruction of Rutherford Road in the City of Vaughan, as set out in Attachment 1.
2. The Commissioner of Corporate Services be authorized to execute all necessary documents to complete the transaction.

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2. Purpose

This report seeks Council approval to acquire land for the widening and reconstruction of Rutherford Road, from Westburne Drive to Peter Rupert Avenue, in the City of Vaughan. A map identifying the lands is shown in Attachment 2.

Private Attachment 1 to this report will be considered in private session because it relates to the acquisition of land by the Region.

3. Background and Previous Council Direction

The Environmental Assessment for improvements to Rutherford Road was completed in mid-2016

The Environmental Assessment (EA) study for improvements to Rutherford Road/Carrville Road from Jane Street to Yonge Street was completed in mid-2016. The EA included a proposed widening of Rutherford road to six lanes to accommodate HOV/transit priority lanes, sidewalks/cycle tracks on both sides, transit bus pads/shelters, and a landscaped median where sufficient space is available.

The preferred design also included a grade separation at the Barrie GO Rail/Rutherford Road intersection located between Westburne Drive and Peter Rupert Avenue.

The subject lands are required to accommodate the grade separation at the Barrie GO Rail/Rutherford Road intersection to be constructed by Metrolinx

The subject land requirement is part of a larger project for the widening and reconstruction of Rutherford Road from Jane Street to Bathurst Street. The Region and Metrolinx have agreed in principle that Metrolinx will undertake the grade separation and the required improvements to Rutherford Road, from Westburne Drive to Peter Rupert Avenue, as outlined in the approved EA. The acquisition of the subject property is being pursued in advance of other lands associated with the project, to meet the land requirement timeline for the Metrolinx construction schedule.

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Council authorized the initiation of the expropriation process for the subject lands in January 2017

In [January 2017](#), Council authorized an Application for Approval to Expropriate and an Approval to Expropriate the subject lands. On February 21, 2017, the Notice of Application for Approval to Expropriate was served upon the owners. The owners did not request a Hearing of Necessity. The Region and owners subsequently negotiated an agreement for the Region to acquire the lands rather than continue with the expropriation process.

4. Analysis and Implications

Owners have agreed to transfer land for an advanced payment while negotiations for final settlement are ongoing

An agreement pursuant to section 30 of the *Act* has been negotiated with the property owners. Section 30 of the *Act* provides for the owners to transfer the land requirements based on compensation determined by the Region, while protecting the owner's rights to seek additional compensation in the future. The advanced compensation provided with the section 30 agreement is based on an independent appraisal report. Negotiations to settle final compensation are ongoing.

Environmental due diligence is underway

A Contamination Overview Study was completed and identified Areas of Potential Environmental Concern. A Phase One Environmental Study has been completed for the subject lands and a Phase Two Environmental Study is recommended. In the event further environmental impacts are identified, staff will consult with Legal Services to take the necessary steps to minimize the Region's exposure to environmental risk and liability and may report to Council with recommendations.

5. Financial Considerations

The funding for this property acquisition is included in the 2017 Capital Budget for Transportation Services.

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6. Local Municipal Impact

The widening and reconstruction of Rutherford Road will provide upgraded capacity to improve traffic operations for the travelling public and support the growth within this area, as established by “Places to Grow” and reflected in the York Region Official Plan.

7. Conclusion

The widening and reconstruction of Rutherford Road from Westburne Drive to Peter Rupert Avenue, in the City of Vaughan requires the acquisition of land interests from the subject property owners. Metrolinx has agreed in principal to construct the grade separation works at the Barrie GO Rail/Rutherford Road intersection. This land acquisition is being advanced to accommodate the Metrolinx construction schedule.

Staff has negotiated an agreement pursuant to section 30 of the *Act*, whereby the owners have agreed to transfer the land requirements, while protecting their rights to determine final compensation at a later date.

Staff will continue to negotiate a final settlement with the property owners.

For more information on this report, please contact Michael Shatil, Director, Property Services at 1-877-464-9675 ext. 71684.

The Senior Management Group has reviewed this report.

August 23, 2017

Attachments (2)

Private Attachments (1)

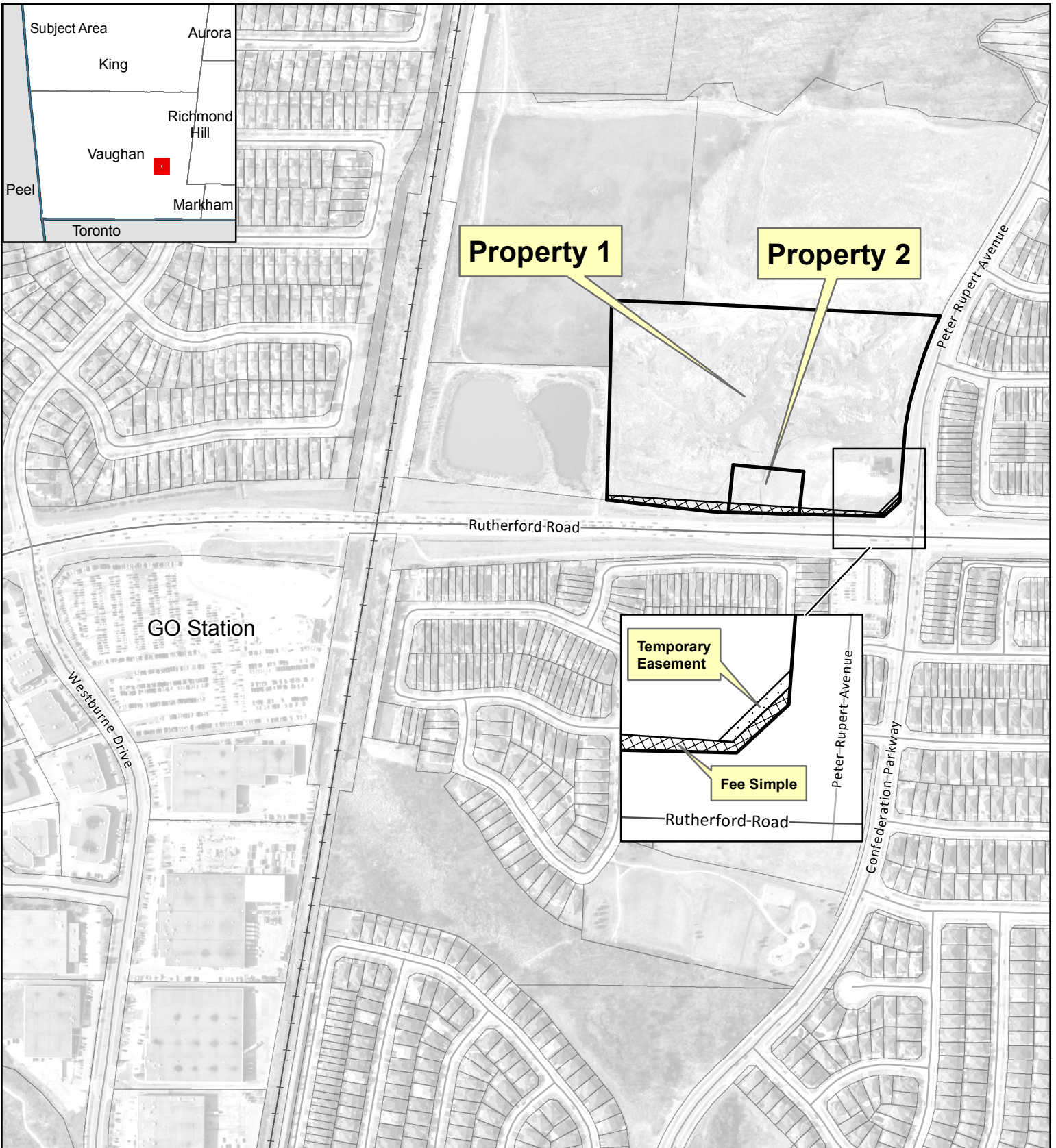
eDOCS# 7841389

Accessible formats or communication supports are available upon request

**Property Schedule
Acquisition of Land
Rutherford Road from Westburne Drive to Peter Rupert Avenue
City of Vaughan**

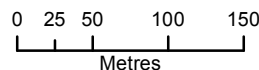
No.	Owner	Municipal Address	Legal Description	Interest Required
1.	Block 18 Properties Inc.	74 Peter Rupert Avenue	Parts 9, 10, 14, 15, 16, 19, 21, Plan 65R36863	Fee Simple
			Parts 3, 4, 6, 7, 18, 20, Plan 65R36863	Temporary Easement
2.	Block 18 (Rutherford) Inc.	1820 Rutherford Road	Part 12, 22, Plan 65R36863	Fee Simple

The temporary easement will run for a term of 60 months, commencing on the date of registration of the easement, and is required for the purpose of entering on the lands with all vehicles, machinery, workmen and other material for construction purposes, which may include (1) relocation of existing services and utilities, (2) work that supports the construction of municipal infrastructure within the Region's right-of-way, (3) staging and storage of materials and equipment, (4) geo-tech testing, borehole testing, and other investigative works, (5) removal, relocation, and/or installation of signage, (6) landscaping, paving, grading and reshaping the lands to the limit of the reconstruction, (7) the installation and removal of temporary infrastructure related to the construction, and (8) works ancillary to any of the foregoing.



Location Plan

Acquisition of Land
 Rutherford Road from Westburne Drive to
 Peter Rupert Avenue
 City of Vaughan
 September 7, 2017



Legend

- Subject Property
- Fee Simple
- Temporary Easement
- Parcel
- Road
- Railway

Produced by:
 The Regional Municipality of York
 Property Services, Corporate Services
 August 2017

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