

Clause 25 in Report No. 11 of Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on June 23, 2016.

25  
Expropriation of Land  
15195 Leslie Street  
Town of Aurora

Committee of the Whole recommends adoption of the following recommendation contained in the report dated from the Commissioner of Corporate Services:

1. Council authorize an application for approval to expropriate the following land within the Town of Aurora for road widening and ancillary purposes.

No.	Owner	Municipal Address	Legal Description	Interest Required
1.	Elina Developers Inc.	15195 Leslie Street Aurora	Part 1, Plan 65R35344	Permanent Easement
			Part 2 Plan 65R35344	Temporary Easement
<p>The permanent easement required is described as a limited interest in perpetuity being a permanent easement or rights in the nature of a permanent easement in, under, over, along and upon and for municipal purposes including, but not limited to, entering onto the lands with all vehicles, machinery, workmen and other material (i) to construct and maintain permanent municipal infrastructure, including a ditch; and (ii) for construction purposes which may include but are not limited to, (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.</p> <p>The temporary easement will run for a term of 24 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</p>				

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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.				

2. The Commissioner of Corporate Services be authorized to execute the Application for Approval to Expropriate Land and the Notice of Application for Approval to Expropriate Land (the "Notice") and to serve and publish the Notice, as required under the *Expropriations Act (the "Act")*.
3. The Commissioner of Corporate Services be authorized to forward to the Chief Inquiry Officer any request for an inquiry that is received and to represent the Region, as necessary, at an inquiry (Hearing of Necessity) held under the *Act*.
4. Council, as approving authority, approve the expropriation of this land provided there is no Hearing of Necessity requested in accordance with the *Act*.
5. Approval is deemed to be given effective 31 days following the publication of the Notice of Application for Approval to Expropriate Land and a Hearing of Necessity is not requested.
6. Where approval to expropriate the Land is given, the Commissioner of Corporate Services be authorized to register a plan of expropriation and execute and serve any notices required under the *Act*.
7. Where approval to expropriate the Land is given, Council authorize the introduction of the necessary bylaw to give effect to this recommendation.

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Report dated June 2, 2016 from the Commissioner of Corporate Services now follows:

1. Recommendations

It is recommended that:

1. Council authorize an application for approval to expropriate the following land within the Town of Aurora for road widening and ancillary purposes.

No.	Owner	Municipal Address	Legal Description	Interest Required
1.	Elina Developers Inc.	15195 Leslie Street Aurora	Part 1, Plan 65R35344	Permanent Easement
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2. The Commissioner of Corporate Services be authorized to execute the Application for Approval to Expropriate Land and the Notice of Application for Approval to Expropriate Land (the “Notice”) and to serve and publish the Notice, as required under the *Expropriations Act (the “Act”)*.
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7. Where approval to expropriate the Land is given, Council authorize the introduction of the necessary bylaw to give effect to this recommendation.

## 2. Purpose

This report seeks Council approval for an application to expropriate permanent and temporary drainage and grading easements required in connection with the road widening of Leslie Street, in the Town of Aurora.

## 3. Background

An Environmental Assessment was completed in 2011

The Environmental Assessment (EA) recommended that Leslie Street be reconstructed as a four-lane urban cross-section, between Wellington Street, Aurora, and Mulock Drive, Newmarket.

The fee simple interests at 15195 Leslie Street were acquired in 2015

An eight metre strip along this property's frontage was acquired for road widening in 2013 and 2014 through two expropriations.

Previous stages of the detailed engineering design indicated that the east side of Leslie Street, between Don Hillock Drive and Wellington Street, should be urbanized to provide the boulevard space to construct a sidewalk and multi-use path.

Further detailed design indicates a need for drainage and grading easements will be required until the property at 15195 Leslie Street is developed

During the initial discussion with the owner in 2013, it was anticipated that this property would be developed within the next couple of years. With the owner deferring the development of this property, there is now a requirement to complete additional grading and install a sewer ditch and inlet to capture the drainage from the property towards the Region's right-of-way.

#### 4. Analysis and Options

Expropriation ensures possession of required lands to accommodate timely delivery of infrastructure

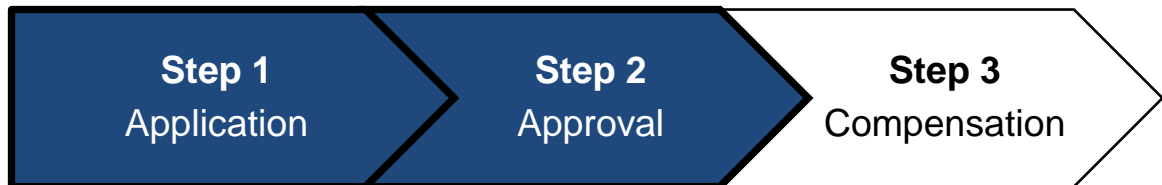
Negotiations with this owner continue, but have not yet resulted in an executed agreement.

Staff will continue to negotiate an agreement of purchase and sale for the required interests concurrently with the expropriation process, until an expropriation plan has been registered.

Approval by Council is required at various stages of the expropriation process

Approval by Council is required at three stages in the expropriation process. These include the request to Council to authorize an application for approval to expropriate the Lands, the expropriation of the Lands, and the offer of compensation made to the former owner of the Lands for the losses suffered as a consequence of the expropriation.

The first and second steps in the Council approval process have been combined for this report, as indicated in the graphic below. The third step will be the subject of a future report to Council, in the event the expropriations proceed. Possession of the Lands cannot be obtained until this third step has been completed and the owners served an offer of compensation.



A property owner has a right to request a Hearing of Necessity upon receipt of notice of the intent to expropriate

Upon obtaining approval of this report by Council, notice of the intent to expropriate will be served upon the owner of the Land. There is also a statutory obligation to publish the notice. Receipt of the notice will trigger the owner's right to request a Hearing of Necessity.

If an owner requests a Hearing of Necessity and it proceeds, then subsequent to the Hearing, an Inquiry Officer will provide a report stating his or her opinion as to whether the taking is fair, sound and reasonably necessary, including an explanation for its findings. Staff will report to Council on the findings and reasoning of the Inquiry Officer, along with further recommendations as to whether or not expropriation of the lands should proceed.

Registration of an expropriation plan will secure ownership of the Land by the Region

If no Hearing of Necessity is requested, an expropriation plan will be registered at the Land Registry Office. This is anticipated to be in December, 2016.

Registration of the expropriation plan is a key step in the expropriation process. It is at this point that ownership of the Land is transferred to the Region. However, further steps are required in order to obtain possession, or the right to access, the Land.

Following the registration of the expropriation plan, the notice of expropriation and possession will be served upon the owner. Under the *Act*, possession of the Land is to take place no sooner than three months after registration of the expropriation plan. In addition, an offer of compensation must be served on the owner in order for obtain possession.

Environmental due diligence has been initiated and will be completed once the Region acquires ownership of the Land

Phase One and Phase Two environmental site assessments have been completed, with the exception of groundwater sampling as part of the Phase Two environmental site assessment. No environmental concerns have been identified to date. Groundwater sampling will be completed once ownership of the lands is obtained.

Link to key Council-approved plans

The proposed acquisition for the Leslie Street project in the Town of Aurora supports the objectives of Vision 2051, the Regional Official Plan and the 2015 to 2019 Strategic Plan.

One of the goal areas of Vision 2051 is Interconnected Systems for Mobility, which the project addresses by contributing to a transportation network that links people to jobs. As well, the Leslie Street project supports one of the objectives of the Regional Official Plan, which is to ensure streets support all modes of transportation. Lastly, an objective identified in the Strategic Plan is the focus on networks and systems that connect people, goods and services.

## 5. Financial Implications

The funds required to complete the property acquisition for this project are allocated in the approved 2016 Capital Budget for Transportation Services, Capital Delivery – Roads.

## 6. Local Municipal Impact

The reconstruction of Leslie Street in the Towns of Aurora and Newmarket will provide upgraded capacity to improve traffic operations and meet expected growth in the area.

The inclusion of a sidewalk and multi-use path, between Don Hillock Drive and Wellington Street, will promote better pedestrian accessibility and connectivity within the surrounding community.

## 7. Conclusion

This report seeks from Council approval to expropriate permanent and temporary easements at 15195 Leslie Street in the Town of Aurora. It is necessary to initiate the expropriation process for this requirement to ensure the project is not delayed for 2017 construction. Staff continue to negotiate for the acquisition of the required property and expropriation proceedings will be abandoned in the event that negotiations are successful.

For more information on this report, please contact Michael Shatil, Director, Property Services Branch at ext. 71684.

The Senior Management Group has reviewed this report.

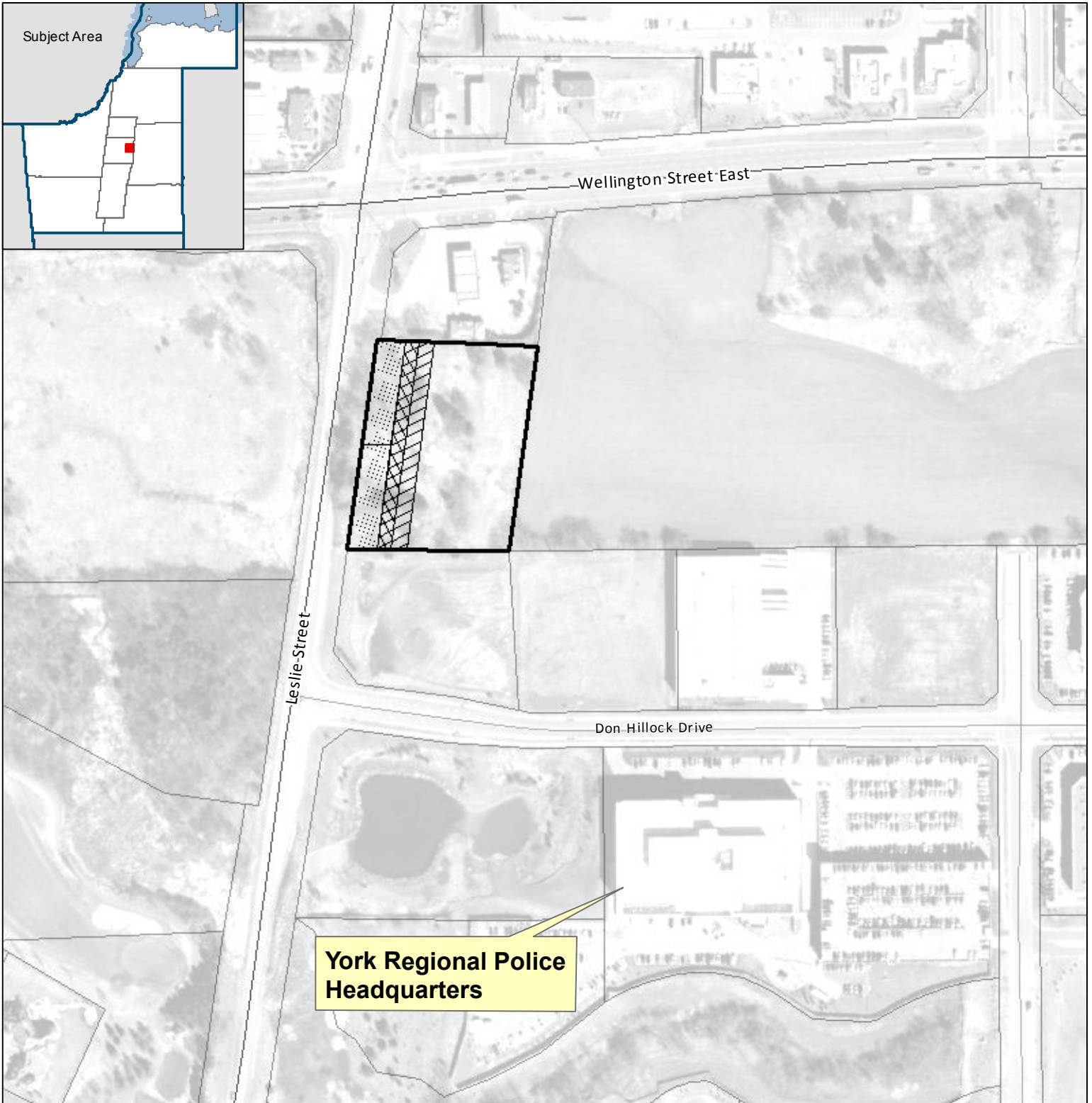
June 2, 2016

Attachments (1)

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Accessible formats or communication supports are available upon request



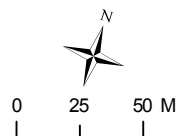
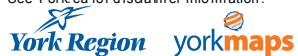


**Location Plan**







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 15195 Leslie Street  
 Town of Aurora

Produced by:  
 The Regional Municipality of York  
 Property Services, Corporate Services  
 April 2016

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**Legend**

-  Subject Property
-  Previously Expropriated
-  Permanent Easement
-  Temporary Easement
-  Parcel
-  Road