

Clause 13 in Report No. 14 of Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on September 24, 2015.

13

Approval to Expropriate
Major Mackenzie Drive - Canadian Pacific Railway Crossing
to Islington Avenue
City of Vaughan

Committee of the Whole recommends adoption of the recommendations contained in the following report dated June 15, 2015 from the Commissioner of Corporate Services:

1. Recommendations

It is recommended that:

1. Council, as approving authority, approve the expropriation of the lands, as set out in Attachment 1, for the widening and reconstruction of Major Mackenzie Drive, in the City of Vaughan.
2. The Commissioner of Corporate Services be authorized to execute and serve any notices required under the *Expropriations Act* (the "Act").
3. Council authorize the introduction of the necessary bylaw to give effect to these recommendations.

2. Purpose

This report seeks Council approval in accordance with the *Act*, to expropriate property interests required for the widening and reconstruction of Major Mackenzie Drive, from approximately five hundred metres west of the Canadian Pacific Railway crossing (CPR) to Islington Avenue, in the City of Vaughan. The location of the properties is shown in Attachments 2 and 3.

3. Background

The Region is reconstructing Major Mackenzie Drive from CPR to Islington Avenue to improve traffic flow and tie into Highway 427

Major Mackenzie Drive is an important east-west arterial road that provides connectivity across the Region. As part of the Western Vaughan Individual Environmental Assessment (IEA), approved by Council on February 17, 2011, Major Mackenzie Drive from Highway 400 to Highway 50 will be improved to six lanes, including Transit-HOV lanes and off-street cycling facilities.

This council report relates to a portion of the larger Environmental Assessment. The improvements from the CPR crossing to Islington Avenue will include the extension of Major Mackenzie Drive westerly from the south intersection on Highway 27 to where it rejoins the existing alignment of Major Mackenzie Drive east of the CPR crossing. The design involves a long span bridge crossing the Humber River and a grade separation of Major Mackenzie Drive at the CPR crossing. Major Mackenzie Drive will tie into the planned extension of Highway 427.

Possession of the lands is required by December 2015 to allow for utility relocations to begin

Utility relocations are the first construction related item to be scheduled. Privately owned lands are often required in order to complete the relocations within the new boulevards along the edge of the roadway. Transportation Services requires possession of all lands by December 2015 to meet construction timelines.

In May 2015, Council authorized the application for approval to expropriate the lands required for the project

On May 21, 2015, Council authorized an application for approval to expropriate the subject lands from eight property owners. On June 4, 2015, the Notice of Application for Approval to Expropriate was served upon the owners.

Upon receipt of the Notice of Application to Expropriate, each owner had the right within 30 days of receipt, to request an inquiry (Hearing of Necessity) as to whether the taking of the land by the Region is fair, sound and reasonable. One owner has requested a Hearing of Necessity and is therefore not included in the recommendations of this report. The result of the hearing will be the subject of a future report to Council.

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The seven owners that are the subject of this report did not request a Hearing of Necessity and as such, the Region is able to proceed to the next phase of expropriation which is the approval to expropriate.

This is Step 2 in the Council approval process for property expropriation, as indicated in the following graphic.



4. Analysis and Options

Approval to Expropriate will secure access to the lands by December 2015 to ensure that construction can proceed

Draft expropriation plans are being prepared for the subject properties. It is anticipated the plans will be registered no later than September 25, 2015. Upon registration of the expropriation plans, notices of the expropriation and possession will be served upon the owners. The appraisals for these properties are anticipated to be completed during the fall of 2015, which will support offers of compensation to be made before possession can be taken by December 2015.

The Region can take possession on the date set out in the notice of possession, a minimum of three months after service of the notices, but only after statutory offers of compensation have been made. Following possession, the Region will be able to enter the lands for construction purposes.

Negotiations are ongoing to purchase the properties, or in the event of expropriation, reach a settlement

Property negotiations to acquire these properties are ongoing. Staff will continue to negotiate purchases of the properties until expropriation plans have been registered. In the event an agreement is completed prior to the expropriation plan being registered for any of these properties, that property will be removed from the expropriation process. Upon registration of the expropriation plan, staff will endeavour to negotiate a compensation settlement with expropriated owners.

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A future report to Council will be presented to seek approval to compensate the owners in accordance with the *Act*

For all expropriated properties, offers of compensation are made to property owners in accordance with section 25 of the *Act*. These offers will be based on independently commissioned appraisals. A report will be presented to Council for approval by November, 2015, to approve service of offers of compensation. Service of the offers will secure possession for construction to commence.

Environmental due diligence is being undertaken

A Contamination Overview Study was completed for the limits of this project which involved a review of publicly available records related to environmental matters. Based on the results of this work, Phase 1 Environmental Site Assessments were completed at two sites to further investigate potential environmental impacts associated with activities on-site or on surrounding properties. The results of this work identified the need to complete a Phase II Environmental Site Assessment to investigate soil and groundwater conditions at these two locations related in part to the presence of a former waste disposal (landfill) site. Staff is continuing to work with these owners to access the lands in order to complete the required environmental investigations. At this time, the actual environmental condition of these two properties is not known. The review of environmental reports and identification of properties requiring further environmental investigation was carried out in consultation with Legal Services staff.

Link to Key Council-approved Plans

The proposed acquisition for the Major Mackenzie Drive project supports the objectives of Vision 2051, the Regional Official Plan and the 2015 to 2019 Strategic Plan.

The project addresses a key goal of Vision 2051: Interconnected Systems for Mobility. A network of complete streets supports the efficient movement of goods, providing an interconnected network for mobility that links people to jobs.

As well, the Major Mackenzie Drive project supports one of the objectives of the Regional Official Plan which is to ensure streets support all modes of transportation including walking, cycling, transit, automobile use, and the efficient movement of goods.

Lastly, one of the Strategic Priority Areas of the 2015 to 2019 Strategic Plan is Strengthen the Region's Economy. Focusing on networks and systems that

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connect people, goods and services is one of the strategic objectives of this priority area that is supported by the proposed acquisition.

5. Financial Implications

The funding required to complete the property acquisition for this project has been included in the 2015 Capital Budget for Transportation Services, Capital Delivery – Roads.

6. Local Municipal Impact

The Western Vaughan IEA provided a series of road improvements to address traffic mobility in the western Vaughan area in collaboration with the City of Vaughan's growth plan in the area.

Once construction is complete, the widening and reconstruction of Major Mackenzie Drive, between CPR and Islington Avenue will provide upgraded capacity to improve traffic operations for the travelling public and meet the planned growth in this area.

7. Conclusion

The widening and reconstruction of Major Mackenzie Drive from CPR to Islington Avenue requires the acquisition of the subject properties. Council authorized the application for approval to expropriate on May 21, 2015. One property has been withheld pending resolution of a requested Hearing of Necessity.

This report pertains to the approval to proceed to register expropriation plans, and serve notices of expropriation and possession upon the owners. Registration of the expropriation plan transfers title to the Region, which is the next step toward possession of the lands required to commence the reconstruction of Major Mackenzie Drive in Vaughan.

In order to ensure timely possession of the lands to commence construction, it is recommended that Council approve the expropriation of the subject properties. A report to Council will be presented by November, requesting the authority to serve the property owners with offers of compensation. Service of the offers of compensation will correspond to the Region obtaining possession of the lands.

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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 15, 2015

Attachments (3)

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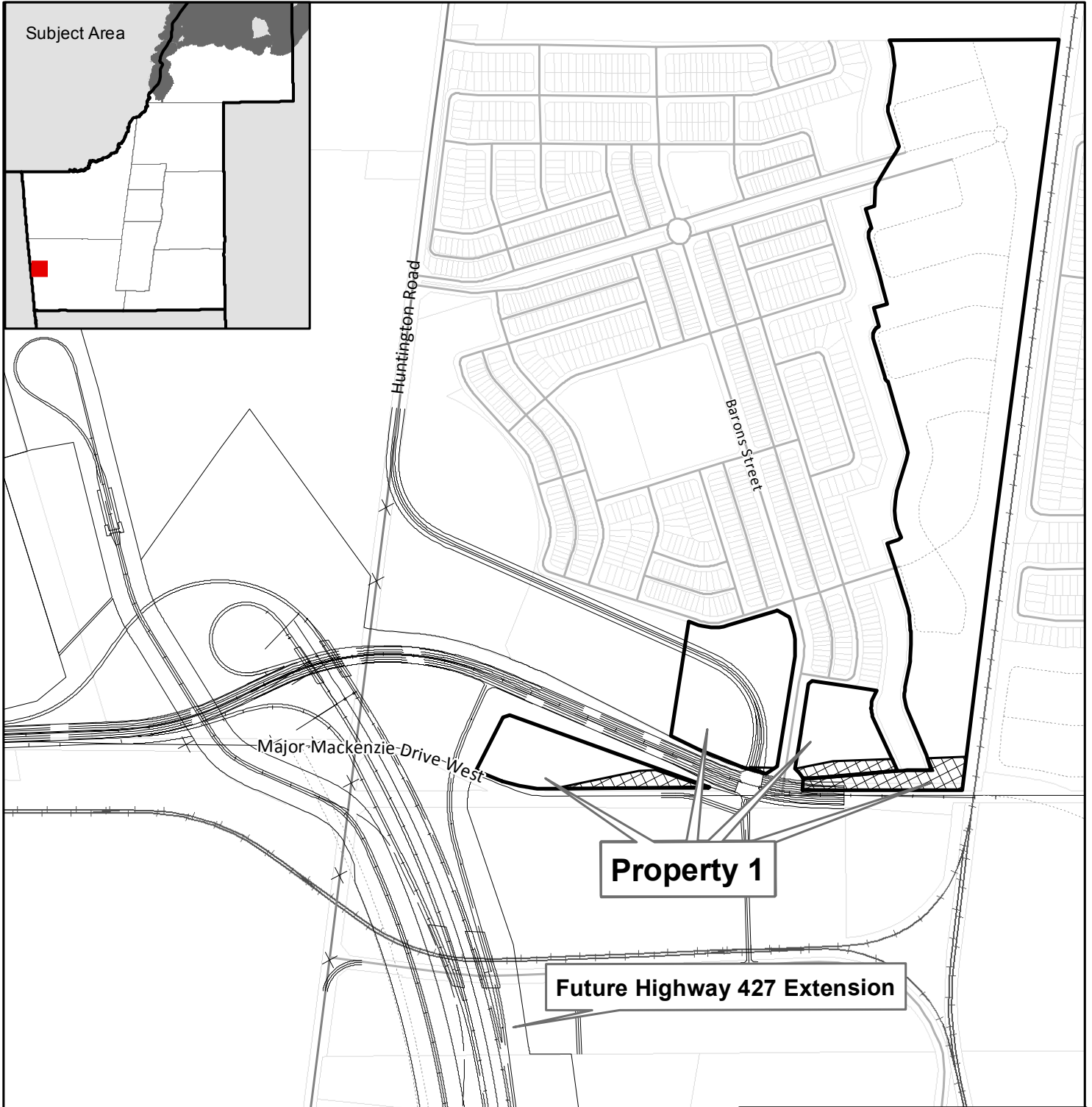
Accessible formats or communication supports are available upon request

**Property Schedule
Approval to Expropriate
Major Mackenzie Drive – Canadian Pacific Railway Crossing
to Islington Avenue
City of Vaughan**

No.	Owner	Municipal Address	Legal Description	Interest Required
1.	Nashville Major Developments Inc.	North side of Major Mackenzie Drive, west of CPR	Parts 4, 5 & 6, Plan 65R35530	Fee Simple
			Parts 2, 3, 13, 14 & 15, Plan 65R35564	
			Parts 1 & 3, Plan 65R35530	Temporary Easement
			Parts 1 & 12, Plan 65R35564	
2.	Kleindor Developments Inc.	North side of Major Mackenzie Drive, west of CPR	Parts 3 & 4, Plan 65R35531	Fee Simple
			Part 2, Plan 65R35531	Temporary Easement
3.	U-Pak Disposals Limited	South side of Major Mackenzie Drive, east of CPR	Parts 5, 6, 7, 8, 9, 10, 11, 12 & 13, Plan 65R35531	Fee Simple
			Parts 1, 2, 3, 4, 5, 6, & 7, Plan 65R35528	
			Parts 1, 2, 3, 4, 5, 6 & 7, Plan 65R35532	
4.	O'Connor, Timothy	6181 Major Mackenzie Drive Vaughan	Part 1, Plan 65R35527	Fee Simple
			Parts 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 & 18, Plan 65R35532	

Attachment 1

No.	Owner	Municipal Address	Legal Description	Interest Required
5.	Trustees for the Lawful Members of the Polish Army Veterans' Association of America, Post 114, Toronto	South side of Major Mackenzie Drive, west of Hwy 27	Part 8, Plan 65R35528	Fee Simple
6.	Popela, Irene	9829 Highway 27 Vaughan	Parts 1 & 2, Plan 65R35524	Fee Simple
7.	United Castlepoint South Inc., Trustee	North Side of Major Mackenzie Drive, east of Hwy 27	Part 3, Plan 65R35524	Fee Simple
Part 1, Plan 65R35522				
<p>The temporary easements will commence on May 1, 2016 and expire on December 31, 2020, and are 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) geotech 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>				



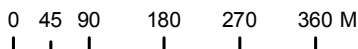
LOCATION PLAN

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 Major Mackenzie Drive - Canadian Pacific Railway Crossing
 to Islington Avenue, City of Vaughan






Produced by:
 The Regional Municipality of York
 Property Services, Corporate Services
 June 2015

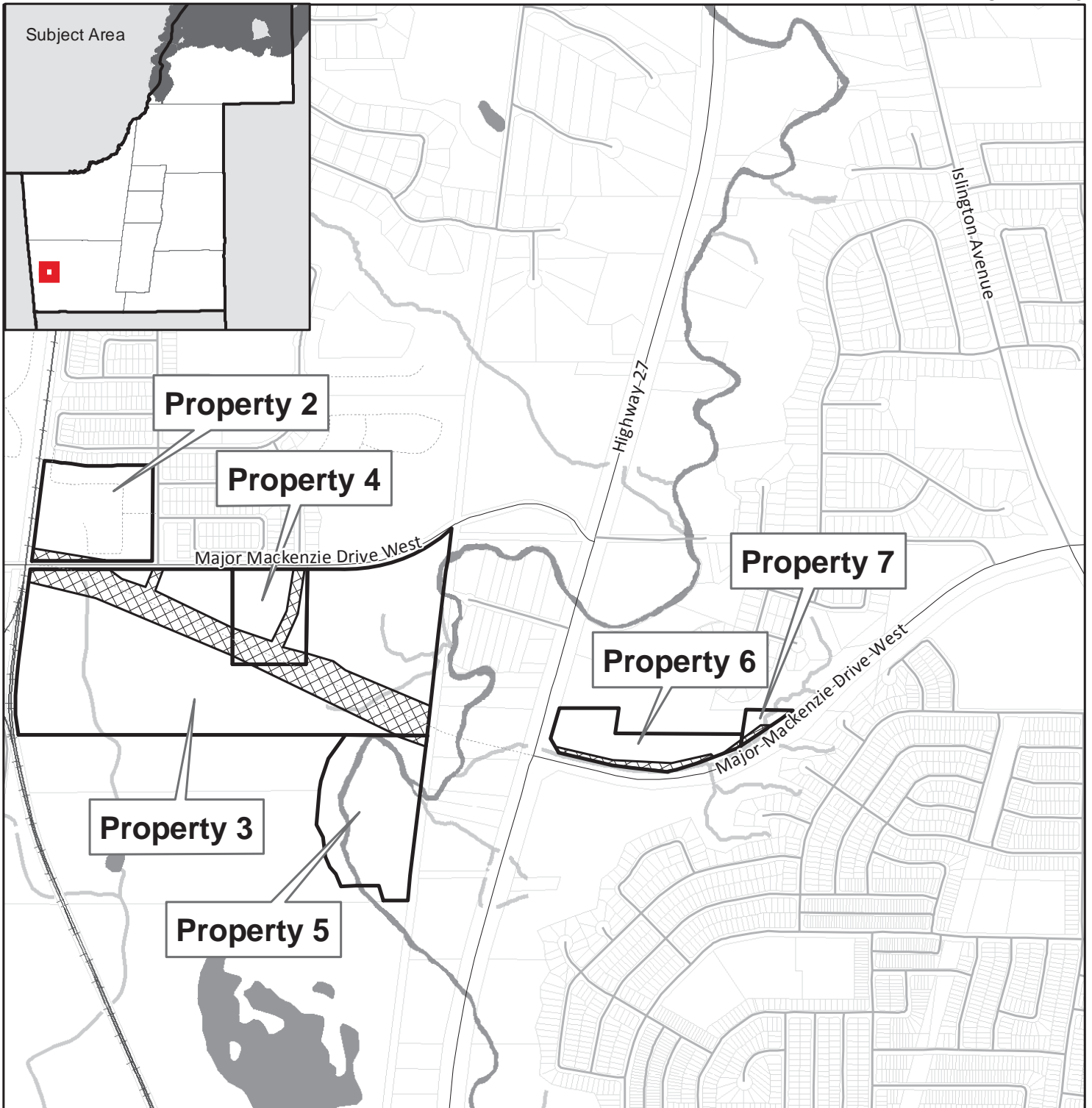
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Legend

-  Subject Property
-  Interest Required
-  Parcel
-  Road
-  Railway



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Legend

-  Subject Property
-  Interest Required
-  Parcel
-  Road
-  Canadian Pacific Railway
-  River
-  Lake