

Clause 17 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 June 25, 2015.

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Application for Approval to Expropriate
Davis Drive at Bathurst Street
Town of Newmarket and Township of King

Committee of the Whole recommends adoption of the recommendation contained in the report dated May 6, 2015 from the Commissioner of Corporate Services:

1. Recommendations

It is recommended that:

1. Council authorize an application for approval to expropriate the lands set out in Attachment 1, for intersection improvements at Davis Drive and Bathurst Street, in the Town of Newmarket and Township of King.
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 requests for an inquiry that are received and to represent the Region, as necessary, at an inquiry under the *Act*.
4. Council authorize the introduction of the necessary bylaws to give effect to these recommendations.

2. Purpose

This report seeks Council approval for an application for approval to expropriate property interests required for intersection improvements at Davis Drive and

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Bathurst Street in the Town of Newmarket and Township of King. The location of the properties is shown in Attachment 2.

3. Background

The Region is planning to reconstruct the intersection at Davis Drive and Bathurst Street in the Town of Newmarket and Township of King

The improvements to the intersection at Davis Drive and Bathurst Street include construction of a curb and gutter, bicycle lanes and dual left turn lanes. The urbanization of this intersection is required to meet the traffic demands of the active development within the subject area.

Utility relocates are scheduled to commence in early spring of 2016 with construction scheduled to commence in early spring of 2017. Property is required prior to utility relocation.

This project is isolated to the Davis Drive – Bathurst Street intersection.

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

The preferred approach to obtaining land is to negotiate a transaction with the property owner. The Region has commenced the negotiation process in an attempt to acquire the lands amicably, however, various events may affect the timing of negotiations, such as limited timelines to obtain land to meet construction scheduling, or owners who are reluctant to settle their issues prior to completion of the project. In this regard, expropriation is deemed a necessary approach to ensure possession of lands in order to facilitate the needs of the project.

Expropriation is a legislated process which defines the rights of the property owner and obligations of the authority.

This is the first step in the Council approval process for property expropriation as indicated in the graphic below.

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4. Analysis and Options

Staff is negotiating amicable acquisitions, however, initiating the expropriation process will secure timely access to the lands

Staff is negotiating the purchase of the subject requirements in an effort to secure possession and complete the property acquisition for intersection improvements.

It is recommended the expropriation process proceed concurrently with ongoing negotiations. This will provide certainty of possession for construction.

Owners have the right to request a Hearing of Necessity upon receipt of a Notice of Application for Approval to Expropriate

The first step in the expropriation process is to serve owners with notice of intent to expropriate, following Council approval. Upon receipt of the Notice of Application for Approval to Expropriate, each owner has the right within 30 days of receipt to request an inquiry (Hearing of Necessity) as to whether the taking of the lands by the Region is fair, sound and reasonable.

If an owner requests an inquiry and the Hearing of Necessity proceeds, then subsequent to the inquiry, an inquiry officer will provide a report with an opinion as to whether the taking is fair, sound and reasonable, including explanation for the officer's findings.

Future reports will be presented to Council as the expropriation process proceeds

In the event of a Hearing of Necessity, staff will report to Council as to the findings and reasoning of the inquiry officer, along with further recommendations as to whether or not expropriation of the lands should proceed. If there is no Hearing of Necessity, the future report to Council will address only the expropriation.

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After the expropriation, the Region is required under Section 25 of the *Act* to serve an offer of compensation within three months of registration of the expropriation plan. The offer will be based on appraisals of market value and other damages, and possession cannot be secured until the offer of compensation has been served.

The amount of this offer will be reported to Council once the appraisal report has been completed, before the offer has been served upon the owner and possession of the land is secured.

Environmental due diligence is being undertaken

A contamination overview study has been conducted for this corridor to identify potential environmental concerns. The results of the study indicate that the overall environmental risk is low to moderate for the property acquisitions that will be required for the project. During the design phase, phase one environmental site assessments will be completed at the two properties. Depending on the results of this work, further soil and/or groundwater sampling may be required to determine the presence of environmental impacts. As a result, staff cannot determine the potential risk of environmental impacts with any certainty at this time because the environmental condition of these lands will not be confirmed before the Region takes title to the lands.

Link to key Council-approved plans

From Vision to Results: 2015 to 2019 Strategic Plan

Priority Area- Strengthen the Region's economy

Focusing on networks and systems that connect people, goods and services

The acquisition of these lands will contribute toward the completion and implementation of the Transportation Master Plan.

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.

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6. Local Municipal Impact

Once construction is complete, intersection improvements at Davis Drive and Bathurst Street will improve traffic operations for the travelling public and meet growth in this area.

7. Conclusion

This report seeks Council approval to expropriate property interests required for intersection improvements at Davis Drive and Bathurst Street. To facilitate the project schedule, it is necessary to initiate the expropriation process. Staff will continue to negotiate for the acquisition of the required property and expropriation proceedings will be abandoned in the event negotiations are successful.

For more information on this report, please contact Jennifer Hughson, Acting Manager, Property Services Branch at ext. 71427.

The Senior Management Group has reviewed this report.

May 6, 2015

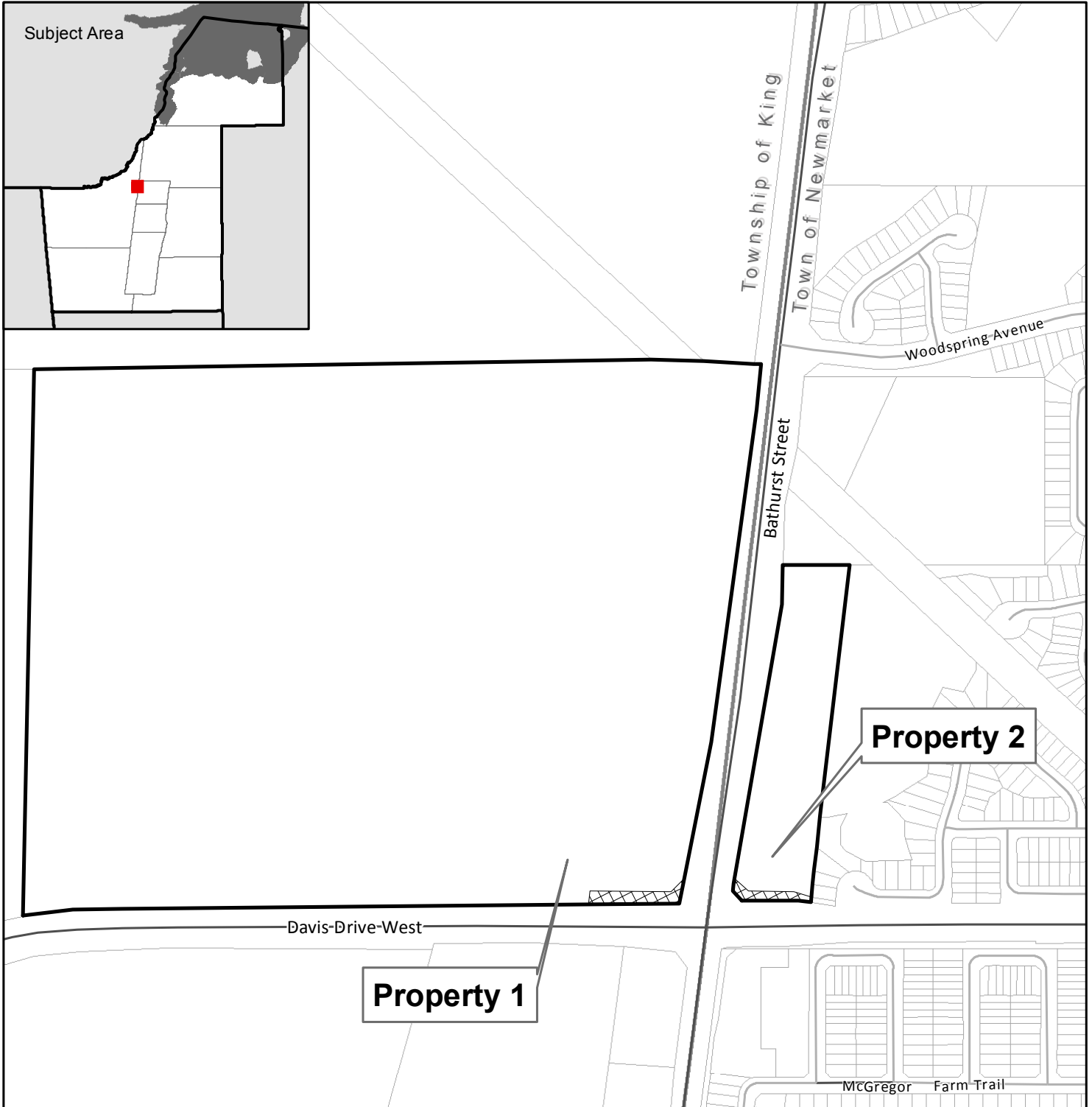
Attachments (2)

eDOCS #6132635

Accessible formats or communication supports are available upon request

**Property Schedule
Application for Approval to Expropriate
Davis Drive at Bathurst Street
Town of Newmarket and Township of King**

No.	Owner	Municipal Address	Legal Description	Interest Required
1.	Devon Estates Limited	N/A	Part 1, Plan 65R35670	Fee Simple
2.	2201506 Ontario Limited	17680 Bathurst Street, Township of King	Part 1, Plan 65R35669	Fee Simple



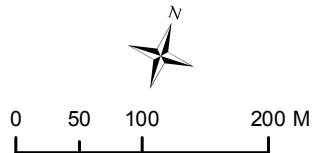
LOCATION PLAN

Application for Approval to Expropriate
 Davis Drive at Bathurst Street
 Town of Newmarket and Township of King






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

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Legend

-  Subject Properties
-  Interest Required
-  Parcel
-  Road
-  Municipal Boundary