

Clause 19 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.

19

Approval to Expropriate
 Bayview Avenue – Elgin Mills Road to Stouffville Road
 Town of Richmond Hill

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, as approving authority, approve the expropriation of the following land for the widening and reconstruction of Bayview Avenue in the Town of Richmond Hill.

No.	Owner	Municipal Address	Legal Description	Interest Required
1.	Devon Lane Construction Ltd.	Not applicable	Parts 1, 2, 4, 5, 7, 8, 10, 11, 13, and 14, Plan 65R33991	Fee Simple
			Parts 3, 6, 9, 12, and 15, Plan 65R33991	Temporary Easement

The temporary easement will commence upon registration of the expropriation plan and expire on November 30, 2018, and is required for the purpose of entering on the land 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 permanent takings, (3) staging and storage of materials and equipment, (4) geotechnical testing, borehole testing, and other investigative works, (5) removal, relocation and/or installation of signage, (6) hard and soft landscaping, paving, grading and

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No.	Owner	Municipal Address	Legal Description	Interest Required
reshaping the lands to the limit of the reconstruction of Bayview Avenue.				

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 land required for the widening of Bayview Avenue, between Elgin Mills Road and Stouffville Road in the Town of Richmond Hill, as shown in Attachment 1.

3. Background

An Environmental Assessment for the reconstruction of Bayview Avenue from Elgin Mills Road to Stouffville Road was completed in 2008

Bayview Avenue from Elgin Mills Road to Stouffville Road will be urbanized and widened from two to four lanes. The project includes intersection improvements, and the construction of a new channel on the east side of Bayview Avenue that will protect a colony of cold-water fish, brook trout in particular, established in the existing storm water ditch on the east side of Bayview Avenue.

A sustainable cold water fishery has evolved since the late 1960’s due to the presence of an artesian spring near Bayview and 19th Avenue. The cold water fishery has been colonized by fish moving up-river from a tributary of the Rouge River near Elgin Mills Road. The Toronto Region Conservation Authority has taken a strong interest in preserving this unique fishery, and the Region’s engineering design drawings call for a new channel to be created on the east side of Bayview Avenue. The Environmental Assessment study for the widening and reconstruction of Bayview Avenue was completed in 2008.

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This owner is a member of a developer group that agreed to transfer the lands to the Region

Pursuant to minutes of settlement dated July 18, 2012 and a memorandum of understanding dated July 19, 2012, Devon Lane Construction Ltd. ("**Devon Lane**") agreed to convey to the Region, at no cost, the lands required by the Region to widen Bayview Avenue and construct the cold-water fishery.

The lands have not been transferred to the Region

Devon Lane has not transferred the lands to the Region and on September 11, 2014, Council authorized an Application for Approval to Expropriate the lands.

The first Notice of Application to Expropriate was sent to Devon Lane on December 4, 2014. Devon Lane requested a Hearing of Necessity, and withdrew its request the day the Hearing of Necessity was scheduled to be heard.

Staff is actively negotiating the acquisition of this property, while protecting the Region's rights under the minutes of settlement. See private attachments. These attachments are presented in Private session because the subject matter relates to ongoing negotiations for the acquisition of the land.

Possession of the lands is required by October 2015 to facilitate utility relocations and construction staging

A draft expropriation plan is being prepared for the subject property. It is anticipated the plan will be registered no later than August 20, 2015 and that the Region will take possession of the lands by October 2015 which will allow utility relocations and construction staging activities to commence.

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



4. Analysis and Options

Environmental due diligence has been undertaken

A Phase One environmental investigation was conducted, involving searches of public records, and visual observation of the property. Legal Services was involved in the review of the phase one environmental site assessment. No significant issues were identified and as a result, no further environmental investigation is warranted.

Negotiations to acquire the lands have not been successful

To date, Devon Lane has not conveyed the lands to the Region. It is necessary to expropriate the lands in order to secure their possession by October 2015 to meet the Region's construction schedule for the widening of Bayview Avenue, including the construction of the new channel to protect the cold-water fishery.

Link to key Council-approved plans

From Vision to Results: 2015 to 2019 Strategic Plan

Priority Area – Manage Environmentally Sustainable Growth

Managing traffic congestion

The acquisition of these lands will contribute toward the completion and implementation of the Transportation Master Plan, by increasing the number of road lane kilometres new and rehabilitated.

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

Once construction is complete, the widening and reconstruction of Bayview Avenue, in the Town of Richmond Hill, will provide upgraded capacity to improve traffic operations for the travelling public and will meet the expected growth in this

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area, as well as improved active transportation opportunities through the construction of a sidewalk and a multi-use path in this part of the overall project.

7. Conclusion

The widening and reconstruction of Bayview Avenue from Elgin Mills Road to Stouffville Road required the acquisition of various interests. Council authorized the application for approval to expropriate this particular property in September 2014. A Hearing of Necessity was requested and subsequently withdrawn for this property.

This report pertains to the approval to proceed to register an expropriation plan, and to serve notice of expropriation and possession upon the owner. Registration of the expropriation plan, following this report, will transfer title to the Region. This is the next step toward possession of the lands required to commence the reconstruction of Bayview Avenue between Elgin Mills Road and Stouffville Road.

It is recommended that Council approve the expropriation of part of this property. A report to Council will be presented by September 2015, requesting the authority to serve the property owner with an offer of compensation, which will in turn, correspond to the Region obtaining possession of the lands.

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

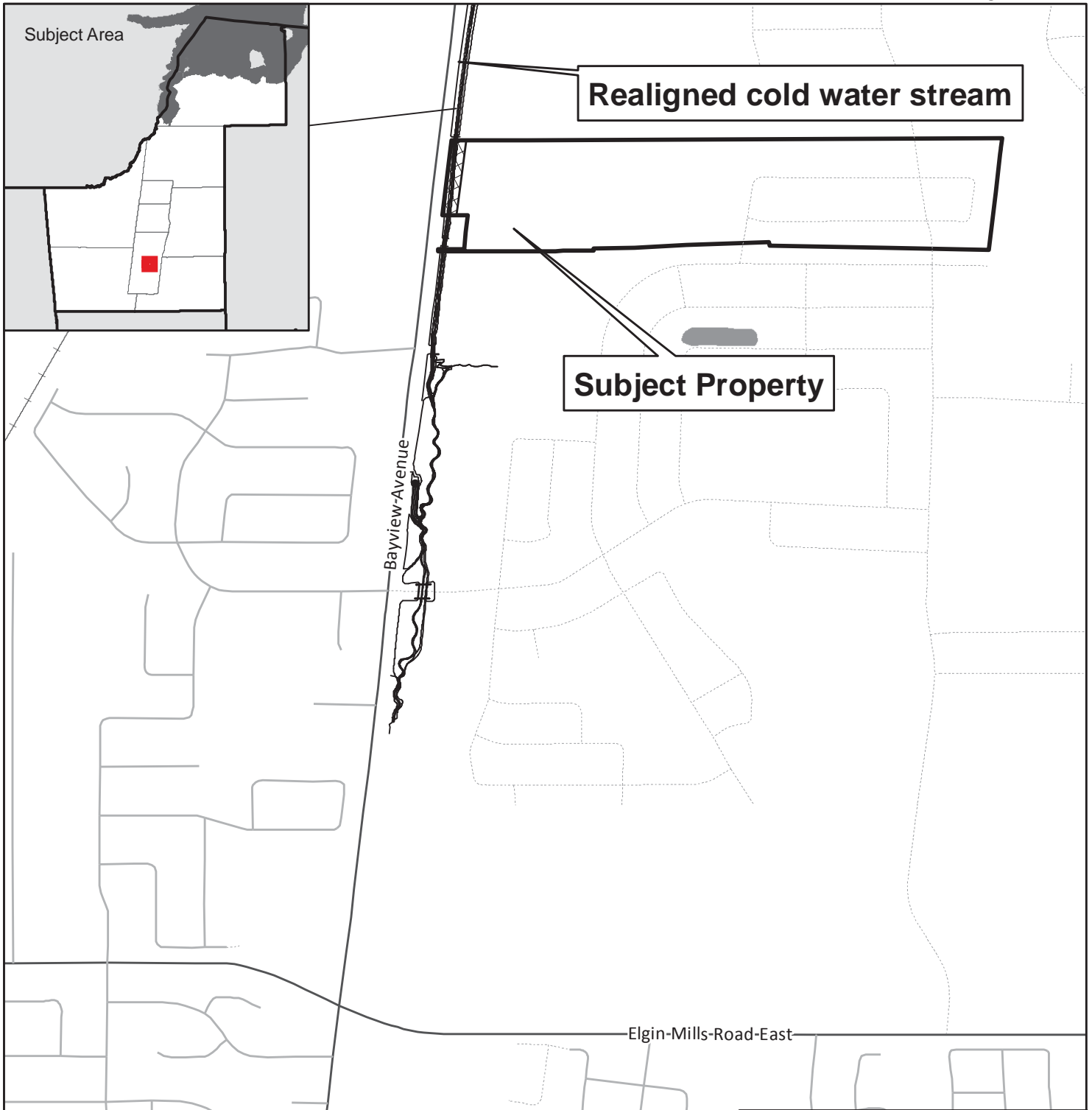
The Senior Management Group has reviewed this report.

May 6, 2015

Attachments (1) Private Attachments(2)

eDOCS #6132745

Accessible formats or communication supports are available upon request








LOCATION PLAN

Approval to Expropriate
 Bayview Avenue - Elgin Mills Road to Stouffville Road
 Town of Richmond Hill

Produced by:
 The Regional Municipality of York
 Property Services, Corporate Service
 May 2015
 Data Sources:
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Legend

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