

Clause 15 in Report No. 10 of Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on May 21, 2015.

15

Application for Approval to Expropriate
Major Mackenzie Drive – Canadian Pacific Railway Crossing
to Islington Avenue, City of Vaughan

Committee of the Whole recommends adoption of the following recommendations contained in the report dated April 1, 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 the widening and reconstruction of Major Mackenzie Drive, between the Canadian Pacific Railway Crossing and Islington Avenue, in the City of Vaughan.
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 held 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 to expropriate property interests from eight property owners required for the widening and reconstruction of Major Mackenzie Drive from Barons Street, approximately five hundred metres

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west of the Canadian Pacific Railway Crossing (CPR) to Islington Avenue, in the City of Vaughan. The location of the properties are shown in Attachments 2 and 3.

Under the Act, Council, as approving authority, must approve any application prior to the initiation of any proceedings.

3. Background

The Region is planning to reconstruct Major Mackenzie Drive for the CPR crossing to Islington Avenue in the City of Vaughan

The Western Vaughan Individual Environmental Assessment (IEA) built on results of studies and subsequent approved plans that affect the future infrastructure growth in the area. The western portion of the City of Vaughan is undergoing a transformation with respect to land use and transportation. There is rapid urbanization within this portion of the City with the northward expansion of the residential/commercial land base. A number of planning studies were conducted in the area including the Ministry of Transportation's Highway 427 Extension Study and the Region's Transportation Master Plan Study. With the early need related to the planned extension of Highway 427 to Major Mackenzie Drive the IEA identified the immediate need for the widening and reconstruction of Major Mackenzie Drive. Some of the lands required for this project have already been dedicated to the Region through the development process.

Major Mackenzie Drive from the CPR crossing to Islington Avenue will include a "jog" elimination and a grade separation to improve this east-west thoroughfare 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, 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. In addition, improvements will include a jog elimination at Major Mackenzie Drive and Highway 27. A bridge extending westerly across the Humber River will be constructed to where it rejoins the existing alignment east of the CPR crossing where a grade separation will be constructed at the CPR crossing.

The grade separation and jog elimination with the construction of a bridge across the Humber River will require substantial land acquisition from owners in the area. The Region has been working closely with the Ministry of Transportation to

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ensure effective use of land and seamless coordination of information and design construction.

Roadway Construction is anticipated to start in the Summer of 2016

Possession of the lands is required by the end of 2015 for utility relocation to begin in winter 2016 and roadway construction to start in the summer of 2016. Securing the property through the expropriation process will provide certainty that construction can proceed as scheduled. This is the first step in the Council approval process for property expropriation as indicated in the graphic below.



4. Analysis and Options

Staff will be negotiating with property owners throughout the expropriation process

Staff has commenced discussions with property owners as it pertains to the property requirements. An independent property appraiser has been procured to provide individual market value appraisals to be used during amicable negotiations. Amicable negotiations will continue concurrent to the expropriation process.

Initiating the expropriation process will secure access to the lands to accommodate timely delivery of infrastructure

In an effort to secure possession and complete the property acquisition for this corridor, it is recommended that the expropriation process proceed concurrently with ongoing negotiations.

The preferred approach to obtaining land is to negotiate a transaction with the property owner. However, in many cases various events affect the timing of negotiations, such as owners who prefer to settle their issues at the completion of the project. In this regard, expropriation is deemed a necessary

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approach to ensure possession of lands in order to facilitate the needs of a project.

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

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 reasonably necessary.

If an owner requests an inquiry and the Hearing of Necessity proceeds, then subsequent to the inquiry, an inquiry officer will provide a report providing an opinion as to whether the taking is fair, sound and reasonably necessary, including an 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 report to Council will address only the expropriation.

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 reports have been completed, before the offers are served on the owners and possession of the lands is secured.

Environmental due diligence is being undertaken

A Contamination Overview Study was completed for the limits of this project. Subsequently two of the listed properties were subject to Phase 1 Environmental Site Assessments. Those same two properties were further identified as needing a Phase II Environmental Site Assessment. Staff is continuing to work with these

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owners to get access to the lands to complete the required environmental investigations. The review of the environmental reports and identification of properties needing further environmental investigation has been carried out in consultation with Legal Services.

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.

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 the Canadian Pacific Railway Crossing and Islington Avenue will provide upgraded capacity to improve traffic operations for the travelling public and meet the expected growth in this area.

7. Conclusion

This report seeks Council approval to commence the expropriation of property interests required for the widening and reconstruction of Major Mackenzie Drive from the Canadian Pacific Railway crossing (CPR) to Islington Avenue, in order to implement road widening and reconstruction. To ensure the timely acquisition of the required lands to meet construction timelines, it is necessary to initiate the expropriation process.

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Staff will continue to negotiate acquisitions of these required properties. The expropriation proceedings will be abandoned for those properties where amicable 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.

April 1, 2015

Attachments (3)

eDOCS #6076264

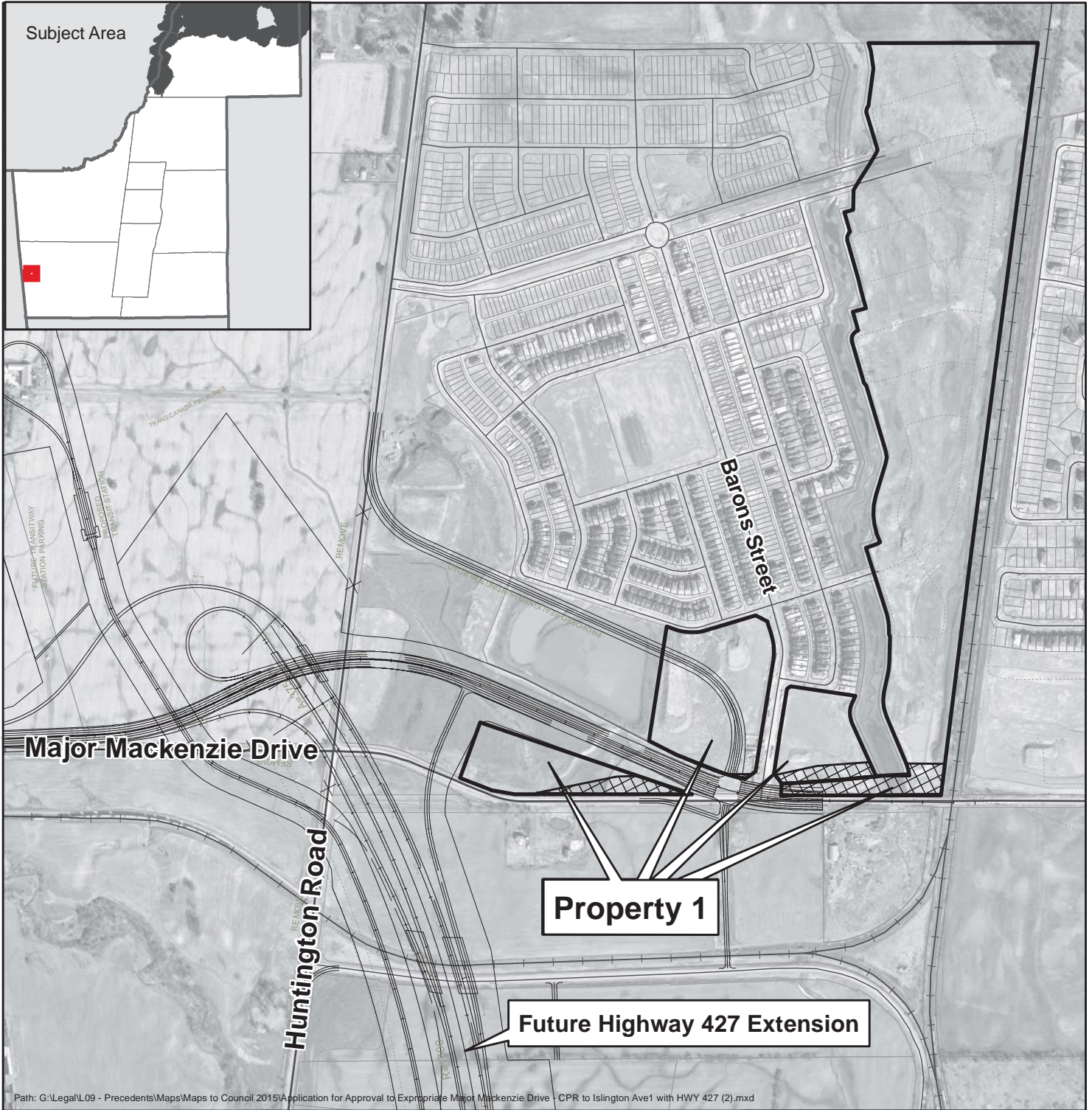
Accessible formats or communication supports are available upon request

**Property Schedule
Application for 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.	N/A	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.	N/A	Parts 3 & 4, Plan 65R35531	Fee Simple
			Part 2, Plan 65R35531	Temporary Easement
3.	U-Pak Disposals Limited	N/A	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	N/A	Part 8, Plan 65R35528	Fee Simple
6.	1264584 Ontario Ltd.	9770 Highway 27 Vaughan	Part 9, Plan 65R35529	Fee Simple
			Part 10, Plan 65R35529	Temporary Easement
7.	Popela, Irene	9829 Highway 27 Vaughan	Parts 1 & 2, Plan 65R35524	Fee Simple
8.	United Castlepoint South Inc., Trustee	N/A	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>				



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LOCATION MAP



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

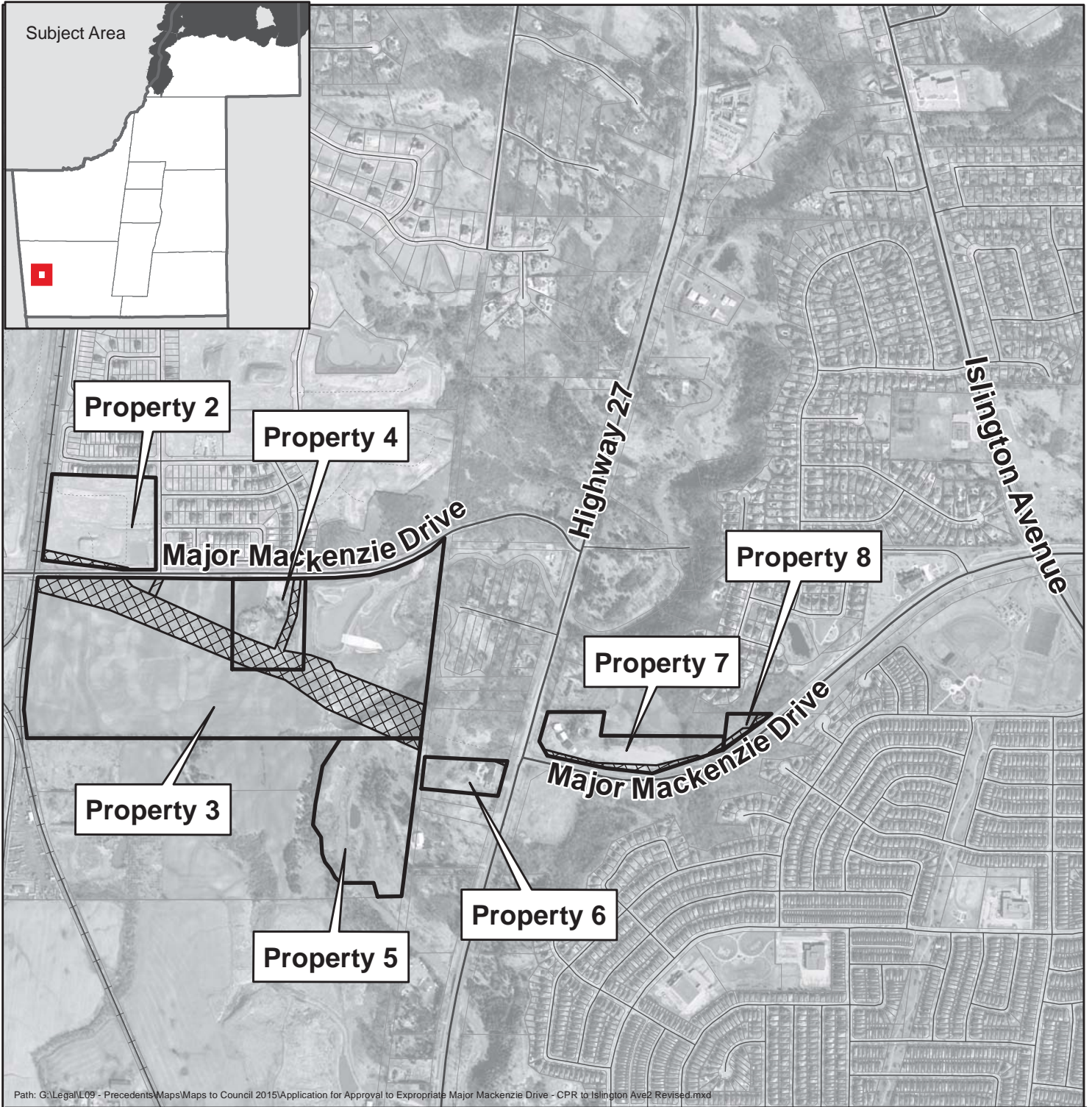


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Legend

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



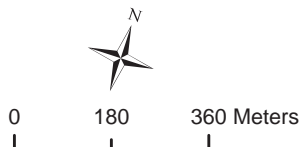
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LOCATION MAP

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



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