

Clause No. 11 in Report No. 8 of Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on April 23, 2015.

11

Compensation for Expropriation
Intersection of Keele Street and Lloydtown/Aurora Road
Township of King

Committee of the Whole recommends adoption of the following recommendations contained in the report dated February 25, 2015 from the Commissioner of Corporate Services:

1. Recommendation

It is recommended that:

1. Council authorize the Commissioner of Corporate Services to make an offer of compensation to the owner of the following lands in the Township of King, which were acquired in accordance with the *Expropriations Act* (the "Act").

No.	Owner	Municipal Address	Legal Description	Interest Required
1.	Harrison, Joyce Wallace, Doreen Muloin, Dawn	2280 Lloydtown/Aurora Road King	Part 6, Plan 65R34860	Fee Simple
			Part 7, Plan 65R34860	Temporary Easement
			Part 7, Plan 65R34861	Fee Simple
The temporary easements will commence on July 1, 2015 and expire on December 31, 2016 and are required for the purpose of entering on the lands with all vehicles, machinery, workmen, and other material to provide for hard and soft landscaping, grading and reshaping of the lands to the limit of the Keele Street and Lloydtown/Aurora Road intersection improvements and works ancillary thereto.				

2. Purpose

This report seeks Council approval to serve offers of compensation under section 25 of the *Act* to owners whose lands have been expropriated for the Keele Street and Lloydtown/Aurora Road intersection improvement project, in the Township of King. The location of this property is shown in Attachment 1.

3. Background

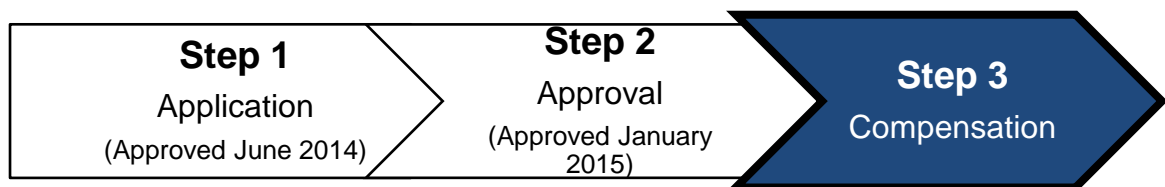
The Region has approved the construction of a roundabout at the intersection of Keele Street and Lloydtown/Aurora Road

The existing intersection at Keele Street and Lloydtown/Aurora Road is unsignalized. The Region undertook planning and design work. The study recommended the intersection be improved by constructing a roundabout at this location. The project is a Schedule A+ project and is considered to be pre-approved under the Environmental Assessment process.

Council approved the expropriation of land for this property, required for the roundabout project in January 2015

The expropriation of land was necessary to ensure the construction schedule was not compromised. Council approved the expropriation of this land on January 22, 2015. It is necessary to serve offers of compensation for this property in order to secure access to accommodate utility relocations and meet the construction schedule. The construction is expected to start in July 2015.

This is the third step in the Council approval process for property expropriation, as indicated in the graphics below.



The Region acquired title to the land when the expropriation plan was registered on February 12, 2015.

The Region acquired title to the road widening easement and land on February 12, 2015 when the expropriation plan was registered. The *Act* requires the

Region to serve offers of compensation within three months of registration of the plan. These offers are based on an appraisal of the market value and other impacts.

4. Analysis and Options

An independent appraisal report has established the values which form the basis of the offers

An independent consultant was commissioned to provide an estimate of compensation. The appraisal estimated the market value for the lands expropriated and considered any injurious affection (the loss of value to the lands retained by the owner). An arborist provided an estimate of loss of fencing, trees and other items in the expropriated area.

Section 25 of the *Act* requires the Region to make two offers of compensation to an owner. The first offer is an offer of full compensation for the market value of the lands expropriated and any damages for lost improvements and injurious affection. If the owner accepts the offer, then the owner, with a few exceptions, accepts the offer in full satisfaction of any claims the owner may have with respect to the expropriation. The second offer is an offer to pay the owner the market value of the lands expropriated and does not include an offer to pay any other damages such as damages for lost improvements or injurious affection. If an owner accepts the second offer the owner may make a future claim for additional compensation in accordance with the *Act*.

Possession of expropriated lands is anticipated for May 2015, after the offers have been served

The Region acquired title to the land when the expropriation plan was registered at the Land Registry Office. Although ownership is now in the name of the Region, possession is yet to be obtained. In accordance with the *Act*, notices of expropriation and possession were served upon the owners, with possession anticipated for May 28, 2015. In accordance with the *Act*, it is necessary to make offers of compensation to owners in order to obtain possession of the expropriated lands.

There are provisions in the *Expropriations Act* to resolve the compensation, if the owners do not agree to a full and final settlement upon receipt of the offer made under Section 25 of the *Expropriations Act*.

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

Section 25 of the *Expropriations Act* provides that the Region shall serve offers of compensation on owners within three months of registration of the expropriation plan. The compensation payable to the owners is based on an independently commissioned appraisal.

6. Local Municipal Impact

Once construction is complete, the intersection roundabout project at Keele Street and Lloydtown/Aurora Road, in the Township of King will provide upgraded capacity to improve traffic flow for the travelling public in this area.

7. Conclusion

On February 12, 2015, an expropriation plan was registered with respect to certain lands required for the Keele Street and Lloydtown/Aurora Road project. The *Act* requires that offers of compensation for expropriated lands be served on each of the expropriated owners in order to obtain possession. The proposed offer is based on estimates provided by an independently commissioned appraiser. It is recommended that the offer set out in this report be served in accordance with the *Act*.

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

Compensation for Expropriation
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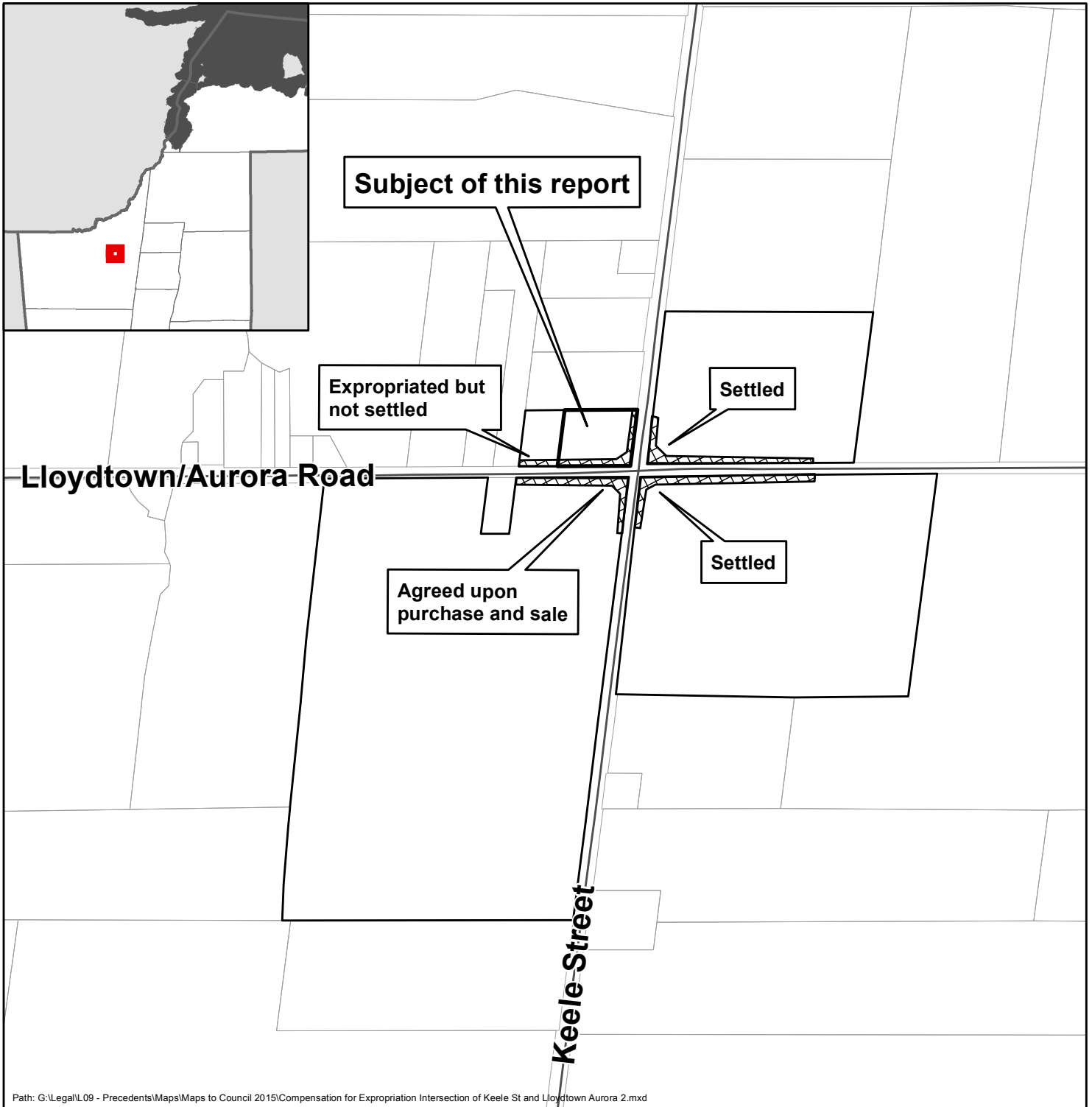
The Senior Management Group has reviewed this report.

February 25, 2015

Attachments (1)

eDOCS #6033988

Accessible formats or communication supports are available upon request



Path: G:\Legal\L09 - Precedents\Maps\Maps to Council 2015\Compensation for Expropriation Intersection of Keele St and Lloydtown Aurora 2.mxd

LOCATION PLAN




Compensation for Expropriation
 Intersection of Keele Street and Lloydtown/Aurora Road
 Township of King



Produced by:
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 Corporate Services Department
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Legend

-  Interest Required
-  Subject Property
-  Parcel
-  Road