

Clause 14 in Report No. 6 of Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on March 26, 2015.

Approval to Expropriate
 Bayview Avenue – 19th Avenue to Stouffville Road
 Town of Richmond Hill

Committee of the Whole recommends adoption of the recommendations contained in the following report dated January 28, 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.	Barat, Abdul	752 19th Avenue Richmond Hill	Part 1 on Plan 65R34832, and Part 7 on Plan 65R34134, together with a right-of-way as in MA62281 as amended by RH48945 together with a right-of-way as in MA62282	Fee Simple (Full Buy-out)

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 and reconstruction of Bayview Avenue, from 19th Avenue to Stouffville Road in the Town of Richmond Hill, as shown in Attachment 1.

3. Background

The Environmental Assessment Study for the widening and reconstruction of Bayview Avenue from 19th Avenue to Stouffville Road was completed in 2008

Bayview Avenue from 19th Avenue to Stouffville Road will be urbanized and widened from two to four lanes. The project includes intersection improvements and protection of a cold water fishery channel habitat. The Environmental Assessment study for the widening and reconstruction of Bayview Avenue was completed in 2008.

Possession of the lands is required by August 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 April 17, 2015. Upon registration of the expropriation plan, notice of expropriation and possession will be served upon the owner. The appraisal for this property is anticipated to be completed in the second quarter of 2015. This will support offers of compensation to be made before possession by August 2015, which will allow utility relocations and construction staging activities to commence.

The Region can take possession on the date set out in the notice of possession, a minimum of three months after service of the notice, but only after statutory offers of compensation have been made.

In September 2013 and June 2014, Council authorized the initiation of the expropriation process for nine properties

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

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On September 26, 2013, Council authorized an application for approval to expropriate interests from nine property owners. Originally Council authorized an application for approval to expropriate a part of this property. As the design progressed, it was determined that a full buy-out was necessary. Council authorized an application for approval to expropriate the remainder of the property on June 26, 2014. Following each Council authorization, the Notice of Application for Approval to Expropriate was served on this owner. Each owner had 30 days from the date the owner was served with the Notice of Application for Approval to Expropriate to request an inquiry (Hearing of Necessity) as to whether the taking of the lands by the Region is fair, sound and reasonably necessary.

The owner of this property requested a Hearing of Necessity, but subsequently withdrew the request

Three of the owners who were served requested a hearing. Staff met with the owners to discuss their issues. The owner who is the subject of this report withdrew his request. The Region entered into a s.30 agreement with one of the requestors, who is now considered to have withdrawn its request. The other hearing request is still outstanding.

Staff is negotiating with property owners throughout the expropriation process

The expropriation process commenced when Council approved the applications for approval to expropriate. Concurrent with the expropriation, staff is negotiating with affected owners in an effort to acquire lands via agreements of purchase and sale. It is necessary to proceed with the expropriation of all properties concurrently with ongoing negotiations, in order to secure access to the lands in time for construction to commence.

4. Analysis and Options

A future report to Council will be presented to seek approval to compensate the owner 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 and will be presented to Council for approval when the appraisal reports are completed, in order that offers of compensation can be served in accordance with the *Act*, and possession secured for construction to commence.

Environmental due diligence has been undertaken

The environmental investigations, involving searches of public records, have been carried out to the extent deemed appropriate in consultation with Legal Services. The environmental reports for this property have been reviewed by staff and no issues identified.

Link to key Council-approved plans

From Vision to Results: 2011 to 2015 Strategic Plan

Priority Area – Continue to Deliver and Sustain Critical Infrastructure

Improve mobility for users on Regional transportation corridors

The acquisition of this land will assist the Region in meeting its transportation needs.

5. Financial Implications

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

6. Local Municipal Impact

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

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improvements to and relocation of the existing ditches will support a cold water fishery habitat.

7. Conclusion

The widening and reconstruction of Bayview Avenue from 19th Avenue to Stouffville Road required the acquisition of various interests from nine property owners. Council authorized the applications for approval to expropriate in September 2013 and June 2014. A Hearing of Necessity was requested and subsequently withdrawn for the property which is the subject of this report.

This report pertains to the approval to proceed to register an expropriation plan, and 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 widening and reconstruction of Bayview Avenue between 19th Avenue and Stouffville Road.

It is recommended that Council approve the expropriation of this entire property. A report to Council will be presented by June 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.

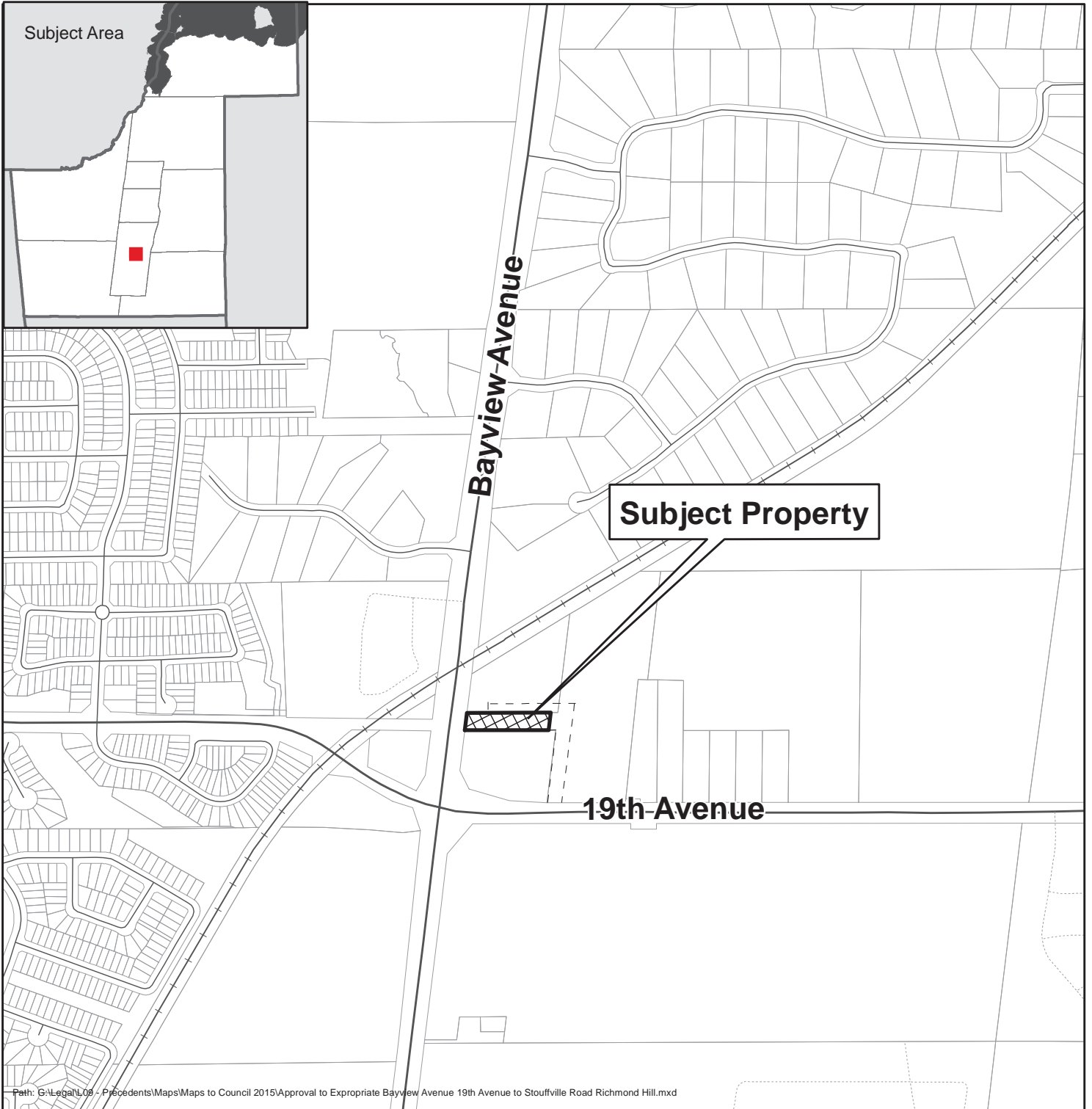
For more information on this report, please contact Jennifer Hughson, Acting Manager, Realty Services, Property Services Branch at ext. 71427.

The Senior Management Group has reviewed this report. January 28, 2015

Attachments (1)

eDOCS #5556790

Accessible formats or communication supports are available upon request



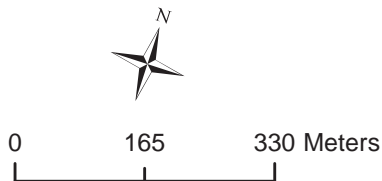
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LOCATION PLAN







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Legend

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