



Clause No. 7 in Report No. 2 of Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on January 22, 2015.

Approval to Expropriate  
Keele Street and Lloydtown/Aurora Road  
Township of King

**Committee of the Whole recommends adoption of the following recommendation contained in the report dated December 19, 2014 from the Commissioner of Corporate Services:**

1. Recommendations

It is recommended that:

1. Council, as approving authority, approve the expropriation of the following lands, for the Keele Street and Lloydtown/Aurora Road intersection improvement, in the Township of King.

No.	Owner	Municipal Address	Legal Description	Interest Required
1	Harrison, Joyce Wallace, Doreen Muloin, Dawn	2280 Lloydtown/Aurora Road	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. 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 *Expropriations Act*, to expropriate the one remaining property interest required for the Keele Street and Lloydtown/Aurora Road intersection roundabout in the Township of King, as shown in Attachment 1.

## 3. Background

The construction of a roundabout at the intersection of Keele Street and Lloydtown/Aurora Road in the Township of King, was first approved in the 2011 Roads 10 Year Capital Plan

A need for improvements at this intersection was identified to relieve traffic congestion and improve all aspects of the intersection. Region and Township of King staff are supportive of the preferred solution to construct a roundabout at this location, as noted in Report 7 of the Transportation Services Committee, Council meeting of September 20, 2012. The project is classified as Class Environmental Assessment Schedule A+, hence considered approved to proceed to project implementation. There were five parcels of land that were identified as being required for construction.

In June 2014, Council authorized the application for approval to expropriate portions of land from five properties required for the roundabout

On June 26, 2014, Council authorized an application for approval to expropriate interests from the five property owners. Following the Council approval, the Notice of Application for Approval to Expropriate was served to owners. Staff has since negotiated the acquisition of lands from one owner, so expropriation proceedings were no longer required for that property. After expropriation plans were registered, staff negotiated Minutes of Settlement with a second owner and the Region has obtained possession of these lands.

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It was necessary to continue with the expropriation process for the remaining three properties which possession by the Region had not been secured.

Expropriation proceeded for the remaining properties except this one property as its owners requested a Hearing of Necessity, which was then withdrawn

Each owner had 30 days from the date the owner was served the Notice of Application for Approval to Expropriate Land to request an inquiry (Hearing of Necessity) as to whether the taking of the lands by the Region is fair, sound and reasonably necessary. One of the owners requested a Hearing of Necessity, which has since been withdrawn and the affected property is the subject of this report.

Staff negotiated the acquisition of one of the properties and Council authorized the expropriation of three of properties in September 2014. In addition to the agreement of purchase and sale, staff has since negotiated two compensation settlements for this project, which should be concluded before the January 22, 2015 Council meeting. This leaves only two property compensation settlements outstanding on this project, but only one parcel needs to still be acquired for construction. The expropriation process is proceeding accordingly with this report to Council.

The Region has acquired four of the five properties required for the roundabout

The construction of a roundabout at this location requires the acquisition of portions of land from five properties. The Region acquired one of the properties by an agreement of purchase and sale and is obtaining three of the properties by a previous approval to expropriate. The fifth and outstanding property is the subject of this report. Staff is endeavouring to negotiate the acquisition of the subject property. It was necessary to start the expropriation process concurrently with negotiations in order to acquire the remaining land to meet the construction timeline, which is scheduled to commence in the third quarter of 2015. Possession of all lands is required by June 2015.

#### 4. Analysis and Options

Approval to Expropriate will secure access to the lands by June 2015 to ensure that construction can proceed

A draft expropriation plan has been prepared for the subject property. It is anticipated the plan will be registered in February 2015. Upon registration of the expropriation plan, notice of the expropriation and possession will be served upon the owners. The appraisal for this property is anticipated to be completed in the second quarter of 2015, which will support offers of compensation to be made in anticipation of June 2015 possession.

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

Negotiations are proceeding to purchase the necessary property, or in the event of expropriation to reach a settlement

Property negotiations to acquire the necessary land are ongoing. One of the five properties required for this project was withdrawn from the expropriation process as staff had negotiated acquisition of the lands. Staff has also negotiated a settlement with the owners of two of the expropriated properties, and continue to negotiate with the remaining two owners, one of which is the subject of this report.

Staff will continue to negotiate a purchase of the required interest until an expropriation plan has been registered. In the event an agreement is completed prior to the expropriation plan being registered, the property will be removed from the expropriation process. Upon registration of the expropriation plan, staff will endeavour to negotiate compensation settlements with expropriated owners. A report is being presented to Council on the same date as this report for the remaining unsettled property that was approved for expropriation by Council on September 11, 2014.

A future report to Council will be presented to seek approval to compensate owners in accordance with the *Act*

Upon receiving Council approval of the recommendations of this report, an expropriation plan will be registered. This is an imperative step in the expropriation process. The Region acquires title to the land when the expropriation plan is registered at the Land Registry Office. 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

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commissioned appraisals and will be presented to Council for approval in March 2015, in order that offers of compensation can be served, and possession can be secured in order for construction to commence by June 2015.

The amount of compensation is to be based on independent appraisals. Staff review appraisal reports to ensure that the opinions of the appraiser are well supported.

Environmental due diligence has been undertaken

The environmental investigations, involving searches of public records, as well as physical soil and groundwater testing 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 were 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 these lands will assist the Region in meeting its key transportation needs.

## 5. Financial Implications

As the Region will acquire title to the properties after Council approves the expropriation in 2015, 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.

Under section 25 of the *Act*, the Region is obligated to serve offers of compensation on owners within three months of registration of the expropriation plan. The appraisal required to support this offer is currently being prepared and the proposed offer will be the subject of a further report to Council.

## 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

The intersection improvement project at Keele Street and Lloydtown/Aurora Road required the acquisition of strips of land from five properties. Although staff has acquired title to four of the five properties via negotiation or expropriation, settlement of compensation has not been agreed to on two of the properties. A Hearing of Necessity was requested for the fifth property, which is the subject of this report. The owners have withdrawn their request for the Hearing.

This report pertains to the approval to proceed to register an expropriation plan, and serve notice of expropriation and possession upon the owners. The Region acquires title to the lands when the expropriation plan is registered at the Land Registry Office. Registration is the next step toward possession of the lands required to commence construction of the roundabout at the intersection of Keele Street and Lloydtown/Aurora Road, in the Township of King.

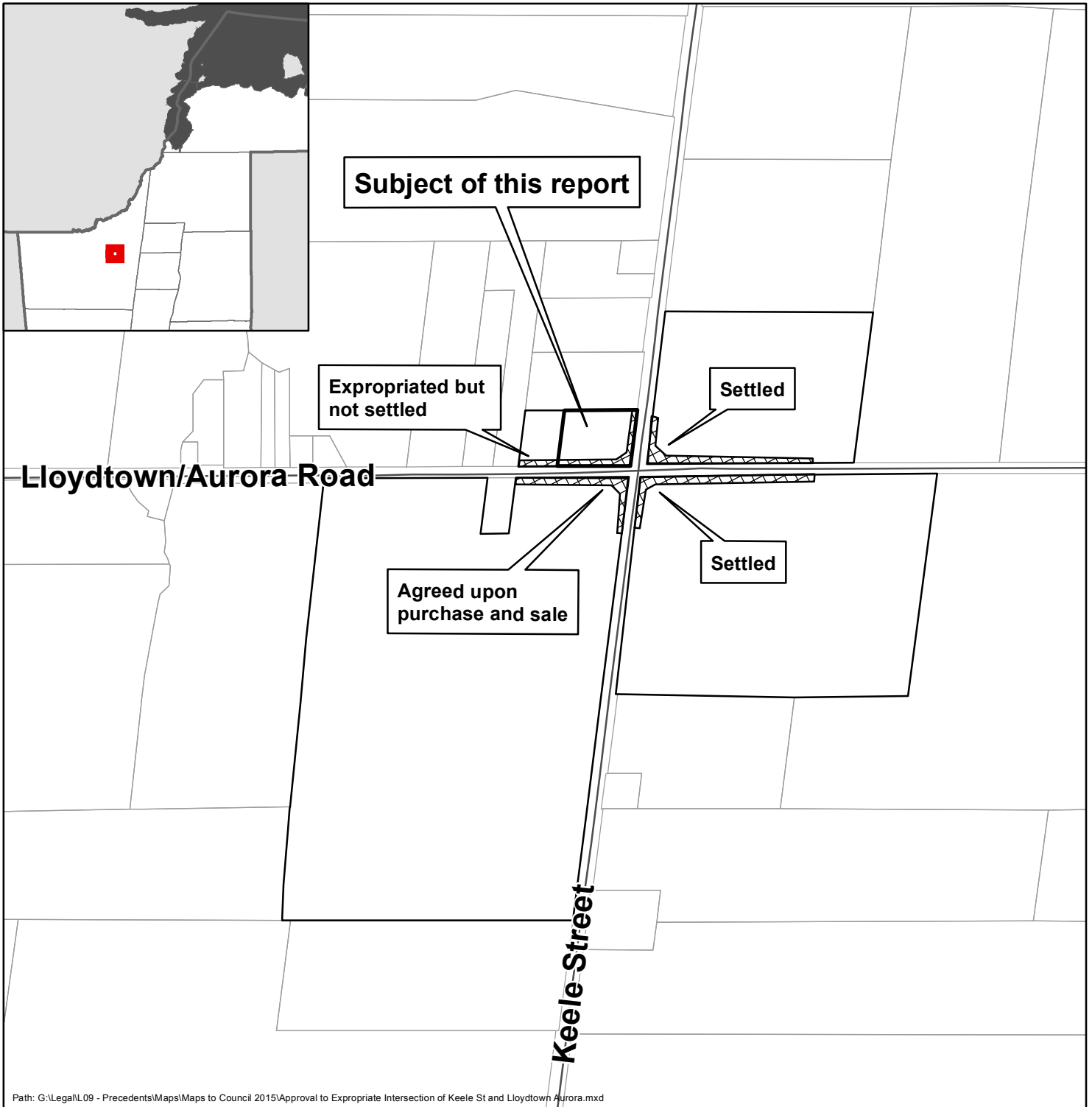
In order to ensure timely possession of the lands to commence construction, it is recommended that Council approve the expropriation of the interests required. A report to Council will be presented in March of 2015, requesting the authority to serve property owners with offers of compensation, which will in turn, correspond to the Region obtaining possession of the lands.

For more information on this report, please contact René Masad, Director, Property Services Branch at ext. 71684.

The Senior Management Group has reviewed this report.

Attachments (1)

Accessible formats or communication supports are available upon request



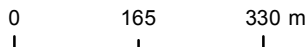
Path: G:\Legal\L09 - Precedents\Maps\Maps to Council 2015\Approval to Expropriate Intersection of Keele St and Lloydtown Aurora.mxd

**LOCATION PLAN**





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 Intersection of Keele Street and Lloydtown/Aurora Road  
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**Legend**

-  Interest Required
-  Subject Property
-  Parcel
-  Road