

Clause No. 38 in Report No. 13 of the Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on September 11, 2014.

38

APPLICATION FOR APPROVAL TO EXPROPRIATE WIDENING AND RECONSTRUCTION OF BAYVIEW AVENUE PROJECT 80680 TOWN OF RICHMOND HILL

Committee of the Whole recommends adoption of the recommendations contained in the following report dated August 21, 2014 from the Acting Commissioner of Corporate Services:

1. RECOMMENDATIONS

It is recommended that:

1. Council authorize an application for approval to expropriate the following lands for the widening and reconstruction of Bayview Avenue, within 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
<p>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 reshaping the lands to the limit of the reconstruction of Bayview Avenue.</p>				

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 required for the widening and reconstruction of Bayview Avenue, in the Town of Richmond Hill (*Attachment 1*).

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

3. BACKGROUND

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

The Environmental Assessment (EA) for the widening and reconstruction of Bayview Avenue was approved by the Ministry of the Environment in 2008. The EA recommended Bayview Avenue be reconstructed to a four lane urban cross-section between Elgin Mills Road and Glen Meadow Lane, and to a four lane rural cross-section between Glen Meadow Lane and Stouffville Road. The existing ditches on Bayview Avenue, south of 19th Avenue convey artesian waters and are populated by Brook Trout fish and other species thereby constituting a cold water fishery. To make room for the expanded road, the EA recommended all of the widening and reconstruction work be done on the east side of the current roadway, in order to minimize impacts to the roadside ditch/cold water fishery on the west side of the road, as well as the relocation of the existing cold water fishery into a more protected stream environment. As such, additional property requirements were identified beyond the standard 36 metre right-of-way for the cold water fishery relocation on the east side of the road.

4. ANALYSIS AND OPTIONS

Negotiations are proceeding to acquire the necessary properties with a view to relocating the cold water fishery, commencing in 2015

This property is owned by a land developer who is part of the North Leslie Residential Landowners Group, with whom Minutes of Settlement, dated June 18, 2012 were executed to resolve certain appeals to the 2010 Regional Official Plan. The Minutes of Settlement included conveyance of lands, including the subject land to the Region. The owner has not yet conveyed this land, which is required for construction of the cold water fishery in the spring of 2015.

Initiating expropriation proceedings will ensure the construction schedule will not be compromised if the land acquisition is delayed

It is anticipated that the owner will convey the land, free of all cost and encumbrances to the Region as provided in the Minutes of Settlement of the Regional Official Plan - 2010 appeal. In order to ensure timely acquisition of the land, it is recommended the expropriation process proceed in tandem.

The first step in the process requires Council, as approving authority to authorize an application for approval to expropriate. Subsequently, notice may be served on owners of the subject land. Receipt of this notice will trigger an owner's right to request a Hearing of Necessity. There is also a statutory obligation to publish the notice.

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 key strategic transportation needs.

5. FINANCIAL IMPLICATIONS

The funds required to complete the property acquisition for this project have been included in the approved 2014 Capital Budget for the Transportation and Community Planning Department.

6. LOCAL MUNICIPAL IMPACT

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 area.

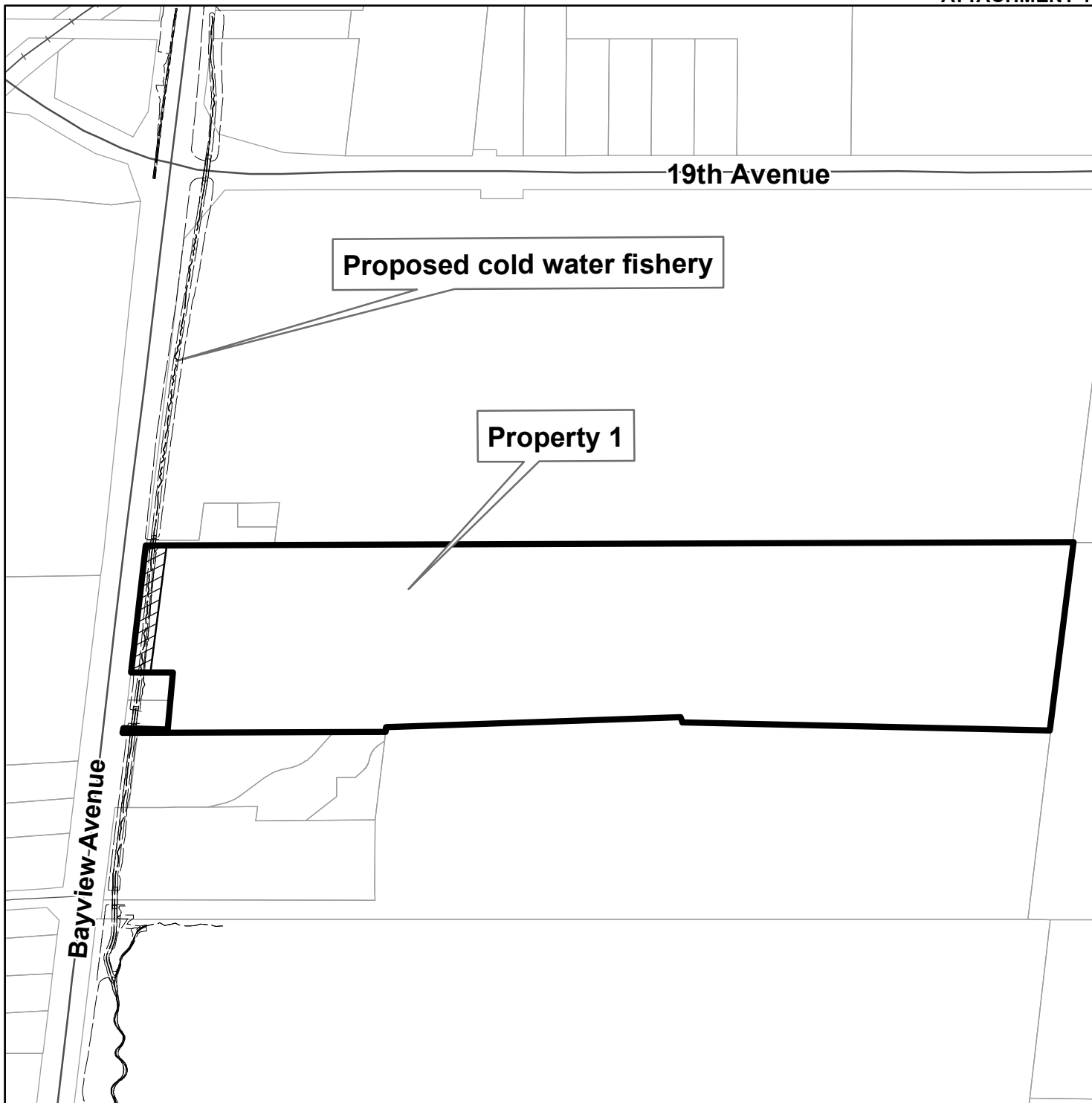
7. CONCLUSION

This report seeks Council approval to expropriate fee simple and temporary easement interests from one property along Bayview Avenue in order to implement road and fishery relocation improvements. To ensure the project is not delayed, it is necessary to initiate the expropriation process. Staff will continue to work towards the acquisition of the required property and expropriation proceedings will be abandoned if the lands are conveyed to the Region.

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.

Attachment (1)



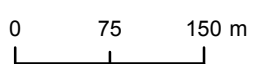
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LOCATION PLAN






Application for Approval to Expropriate
 Widening and Reconstruction of Bayview Avenue
 Project 80680
 Town of Richmond Hill



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 Property Services Branch
 Corporate Services Department
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Legend

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