

Clause No. 42 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.

42
APPROVAL TO EXPROPRIATE
WIDENING AND RECONSTRUCTION OF ST. JOHN'S SIDEROAD
PROJECT 97100, TOWN OF AURORA

Committee of the Whole recommends adoption of the recommendations contained in the following report dated August 18, 2014 from the Acting Commissioner of Corporate Services:

1. RECOMMENDATIONS

It is recommended that:

1. Council, as approving authority, approve the expropriation of the following lands for the widening and reconstruction of St. John's Sideroad, within the Town of Aurora:

No.	Owner	Municipal Address	Legal Description	Interest Required
1	CP Reit Ontario Properties Limited	15900 Bayview Avenue	Part 1, Plan 65R34919	Fee Simple
2	RCG Aurora North GP Inc.	800 St. John's Sideroad	Part 1, Plan 65R34927	Temporary Easement
			Part 2, Plan 65R34927	Fee Simple
			Part 3, Plan 65R34927	Permanent Easement
			Part 4, Plan 65R34927	Fee Simple
3	Mattamy (Aurora) Limited	1280 St. John's Sideroad	Part 1, Plan 65R34939	Temporary Easement
			Part 2, Plan 65R34939	Fee Simple
			Part 4, Plan 65R34939	Fee Simple
			Part 10, Plan 65R34939	Fee Simple

No.	Owner	Municipal Address	Legal Description	Interest Required
		938 St. John's Sideroad	Part 5, Plan 65R34927	Permanent Easement
4	2316411 Ontario Inc.	929 St. John's Sideroad	Part 15, Plan 65R34927	Fee Simple
			Part 16, Plan 65R34927	Fee Simple
			Part 17, Plan 65R34927	Temporary Easement
5	2352107 Ontario Inc.	1588 St John's Sideroad	Part 1, Plan 65R34920	Fee Simple
			Part 2, Plan 65R34920	Fee Simple
			Part 3, Plan 65R34920	Fee Simple
			Part 4, Plan 65R34920	Fee Simple
6	721312 Ontario Inc.	1625 & 1675 St. John's Sideroad	Part 5, Plan 65R34920	Fee Simple
			Part 6, Plan 65R34920	Fee Simple
		1675 St. John's Sideroad	Part 1, Plan 65R34921	Fee Simple
			Part 2, Plan 65R34921	Fee Simple
7	Daniels CCW Corp.	S/E Corner of Bayview Avenue & St. John's Sideroad	Part 13, Plan 65R34927	Temporary Easement
			Part 14, Plan 65R34927	Fee Simple
8	Luvian Homes (Aurora) Limited	1001 St. John's Sideroad	Part 2, Plan 65R34925	Fee Simple
			Part 3, Plan 65R34925	Fee Simple
			Part 4, Plan 65R34925	Temporary Easement
9	Northern Thoroughbred Equine Production Ltd.	1756 St. John's Sideroad	Part 3, Plan 65R34921	Fee Simple
			Part 4, Plan 65R34921	Fee Simple
10	TACC Developments (Aurora) Inc.	1335 St. John's Sideroad	Part 5, Plan 65R34925	Fee Simple
			Part 6, Plan 65R34925	Fee Simple

No.	Owner	Municipal Address	Legal Description	Interest Required
			Part 7, Plan 65R34925	Fee Simple
			Part 3, Plan 65R34926	Fee Simple
			Part 4, Plan 65R34926	Fee Simple
			Part 5, Plan 65R34926	Fee Simple
			Part 6, Plan 65R34926	Fee Simple
			Part 5, Plan 65R34939	Fee Simple
			Part 6, Plan 65R34939	Fee Simple
			Part 7, Plan 65R34939	Temporary Easement
			Part 8, Plan 65R34939	Fee Simple
			Part 9, Plan 65R34939	Fee Simple
<p>The temporary easements will run for a term of 60 months commencing upon registration of the expropriation plan 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 reconstruction of St. John's Sideroad during construction and the maintenance period.</p> <p>The permanent easements are required for the purpose of entering the lands with all vehicles, machinery, workmen and other material to construct and maintain sewer outlets and headwalls.</p>				

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 to expropriate property interests required for the widening and reconstruction of St. John's Sideroad from Bayview Avenue to Highway 404, in the Town of Aurora (*Attachment 1*).

3. BACKGROUND

In June 2014 Council authorized initiating proceedings to expropriate lands required for the widening and reconstruction of St. John's Sideroad

The widening and reconstruction of St. John's Sideroad from Bayview Avenue to Highway 404 is scheduled to commence in June 2016. On June 26, 2014, Council authorized an application for approval to expropriate a total of 10 properties, including 32 fee simple interests, two permanent easements, and six temporary easements. The Notice of Application to Expropriate was served to owners following Council authorization.

Upon receipt of the Notice of Application to Expropriate, each owner had 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 reasonable. None of the owners who were served notice requested a hearing.

Staff is actively negotiating with the land owners. It is necessary to take this next step in expropriation in order to secure access to the lands in time for construction to commence.

4. ANALYSIS AND OPTIONS

Registration of an expropriation plan will ensure access to the lands so that construction can proceed

Under the *Act*, registration of an expropriation plan vests lands in the expropriating authority. Subject to the Region taking certain procedural steps, the Region will obtain possession of the lands approximately three months after the registration of the plan of expropriation.

A draft expropriation plan has been prepared for the subject properties. It is anticipated the plan will be registered no later than December 3, 2014. Accordingly, the Region will have access to the property no later than March 2015 enabling construction to proceed on time.

The environmental due diligence reports for these properties have been reviewed by staff in consultation with Legal Services.

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 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, Roads Branch.

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 appraisals required to support these offers are currently being prepared and the proposed offers will be the subject of a further report to Council.

6. LOCAL MUNICIPAL IMPACT

The widening and reconstruction of St. John's Sideroad, from Bayview Avenue to Highway 404, in the Town of Aurora, will provide upgraded capacity to improve traffic operations for the travelling public and will meet the expected growth in this area.

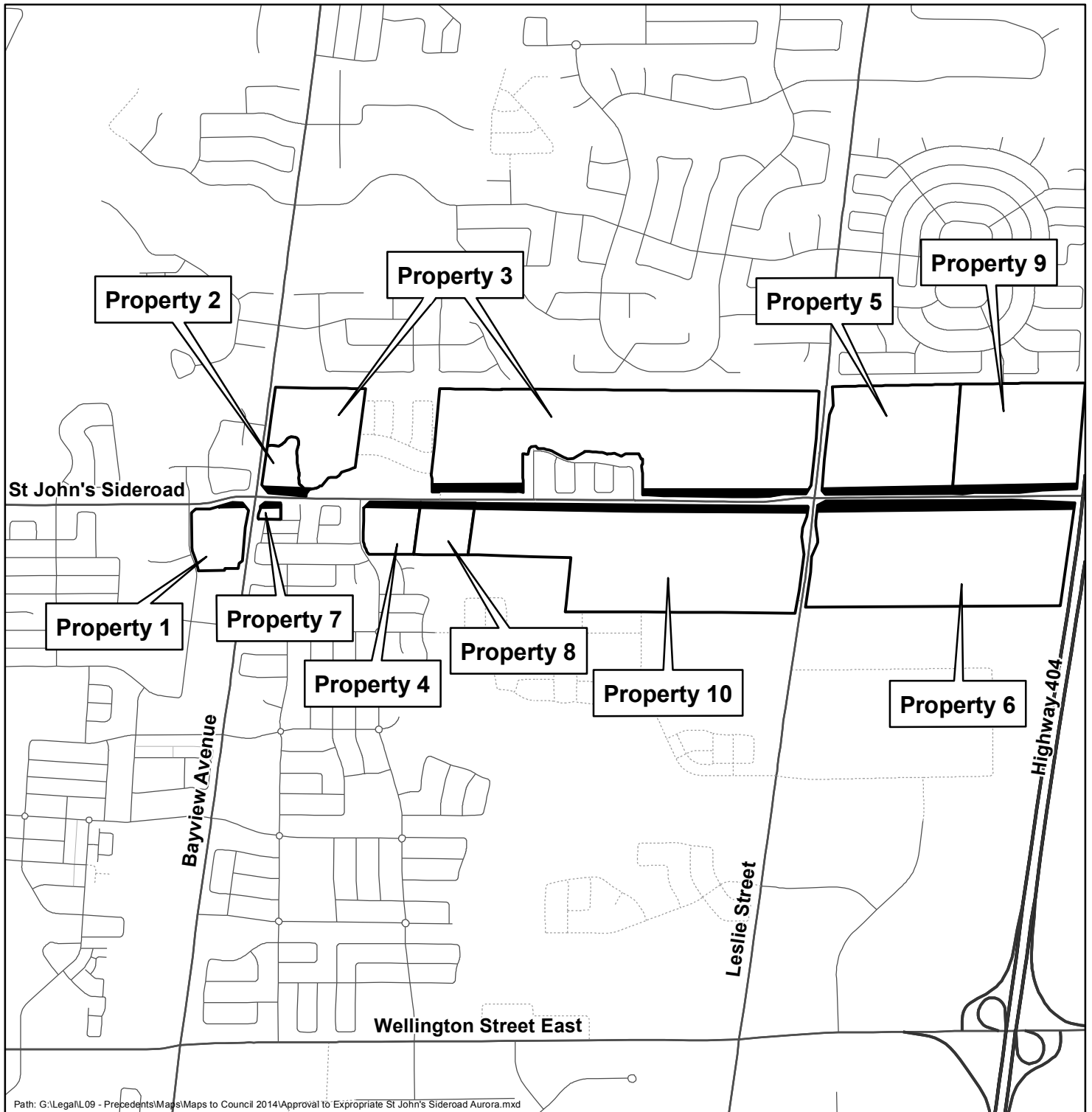
7. CONCLUSION

The widening and reconstruction of St. John's Sideroad, from Bayview Avenue to Highway 404, will require the expropriation of 40 interests from 10 properties. Staff are continuing to negotiate with the land owners. In order to ensure timely possession of the lands to commence construction, it is recommended that Council approve the expropriation of the interests required. Staff will negotiate for the acquisition of the required properties and expropriation proceedings will be abandoned in cases where negotiations are successful.

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)



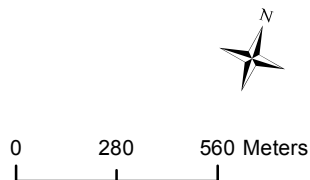
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LOCATION PLAN



Approval to Expropriate
 Widening and Reconstruction of St. John's Sideroad Project 97100
 Town of Aurora



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 Corporate Services Department
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Legend

-  Interest Required
-  Subject Properties