

Clause No. 46 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.

46
APPROVAL TO EXPROPRIATE
ROAD WIDENING OF LESLIE STREET PROJECT 84180
TOWN OF AURORA

Committee of the Whole recommends adoption of the recommendation contained in the following report dated August 21, 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 widening and reconstruction of Leslie Street, within the Town of Aurora:

No.	Owner	Municipal Address	Legal Description	Interest Required
1	The Governing Council of the Salvation Army in Canada	15338 Leslie Street	Part 3, Plan 65R34503	Temporary Easement
2	Chak Wai Cheng and Ka Wai Kathy Cheng	15306 Leslie Street	Part 6, Plan 65R34503	Temporary Easement
3	1754260 Ontario Limited	15286 Leslie Street	Part 7, Plan 65R34503	Temporary Easement
4	Imperial Oil Limited	1472 Wellington Street	Part 9, Plan 65R34503	Temporary Easement
5	The State Farm Mutual Automobile Insurance Company	24 State Farm Way	Part 18 & 19, Plan 65R34509	Temporary Easement

6	Elina Developers Inc.	15195 Leslie Street	Part 1, Plan 65R34619	Fee Simple
			Part 1, Plan 65R34487	
7	721312 Ontario Inc.	1625/1675 St. John's Sideroad	Part 1, Plan 65R34494	Fee Simple
			Parts 2 & 3, Plan 65R34494	Temporary Easements
8	2352107 Ontario Inc.	1588 St. John's Sideroad	Part 1, Plan 65R34491	Fee Simple
			Part 2, Plan 65R34491	Temporary Easement
The temporary easements are required for the purposes of relocating existing services and utilities, grading and access during the 2-year road contractor warranty period after construction, and will commence on registration of the plan and expire on December 30, 2018.				

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 road widening of Leslie Street, in the Town of Aurora (*Attachment I*).

3. BACKGROUND

In October 2013, Council authorized initiating proceedings to expropriate the lands required for the Leslie Street project

The widening and reconstruction of Leslie Street is scheduled to commence in the summer of 2015. On October 17, 2013, Council authorized an application for approval to expropriate 20 properties. Seven of these properties are owned by developers on the west side of Leslie Street, and were removed from subsequent expropriation proceedings as it is expected the requirements will be obtained through dedication. Two of the properties are owned by the same developer on the east side of Leslie Street, and have not been served with the notice of application to expropriate yet due to continued negotiations with this developer. Two properties have been removed from subsequent expropriation proceedings, as the requirement has been reduced.

Staff is moving forward with expropriation of eight properties in two separate groups. The first group involved the fee simple and permanent easement interests required to start preliminary construction work. Those interests have been dealt with in a previous Council report.

The second group is the temporary easement interests, plus three properties that were not included in the previous report. The Notice of Application to Expropriate was served to the temporary interest owners and two of the fee simple owners on July 22, 2014.

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. One of the owners who was served notice requested a hearing. This owner is not included in the recommendations of this report. In addition, the results of the hearing(s) will be the subject of a future report to Council.

In May 2014, Council authorized initiating proceedings to expropriate additional land required for the Leslie Street project

On May 15, 2014, Council authorized an application for approval to expropriate fee interests from an additional owner, Elina Developers Inc. The Notice of Application to Expropriate was served to this owner following Council authorization.

Upon receipt of the Notice of Application to Expropriate, this 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. This owner did not request a Hearing of Necessity.

Staff now seeks approval to expropriate the temporary interests and three remaining fee simple interests

Staff will continue negotiations to secure properties amicably. It is necessary to complete expropriation of the temporary interests and three of the remaining properties in order to secure access to the lands in time for construction to commence.

4. ANALYSIS AND OPTIONS

Registration of an expropriation plan will secure access to the lands and ensure 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.

Draft expropriation plans have been prepared for the subject properties. It is anticipated the plans will be registered no later than December 10, 2014. Accordingly, the Region will have access to the property no later than March 2015, enabling construction to proceed on time.

Environmental due diligence investigation is currently underway. Based on discussions with the owners and preliminary investigation results, no contamination issues are anticipated.

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 are allocated in the approved 2014 Capital Budget for the Transportation and Community Planning Department.

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 reconstruction of Leslie Street in the Towns of Aurora and Newmarket will provide upgraded capacity to improve traffic operations and meet expected growth in the area.

The inclusion of sidewalks and multi-use paths, between Don Hillock Drive and Wellington Street will promote better pedestrian accessibility and connectivity within the surrounding community.

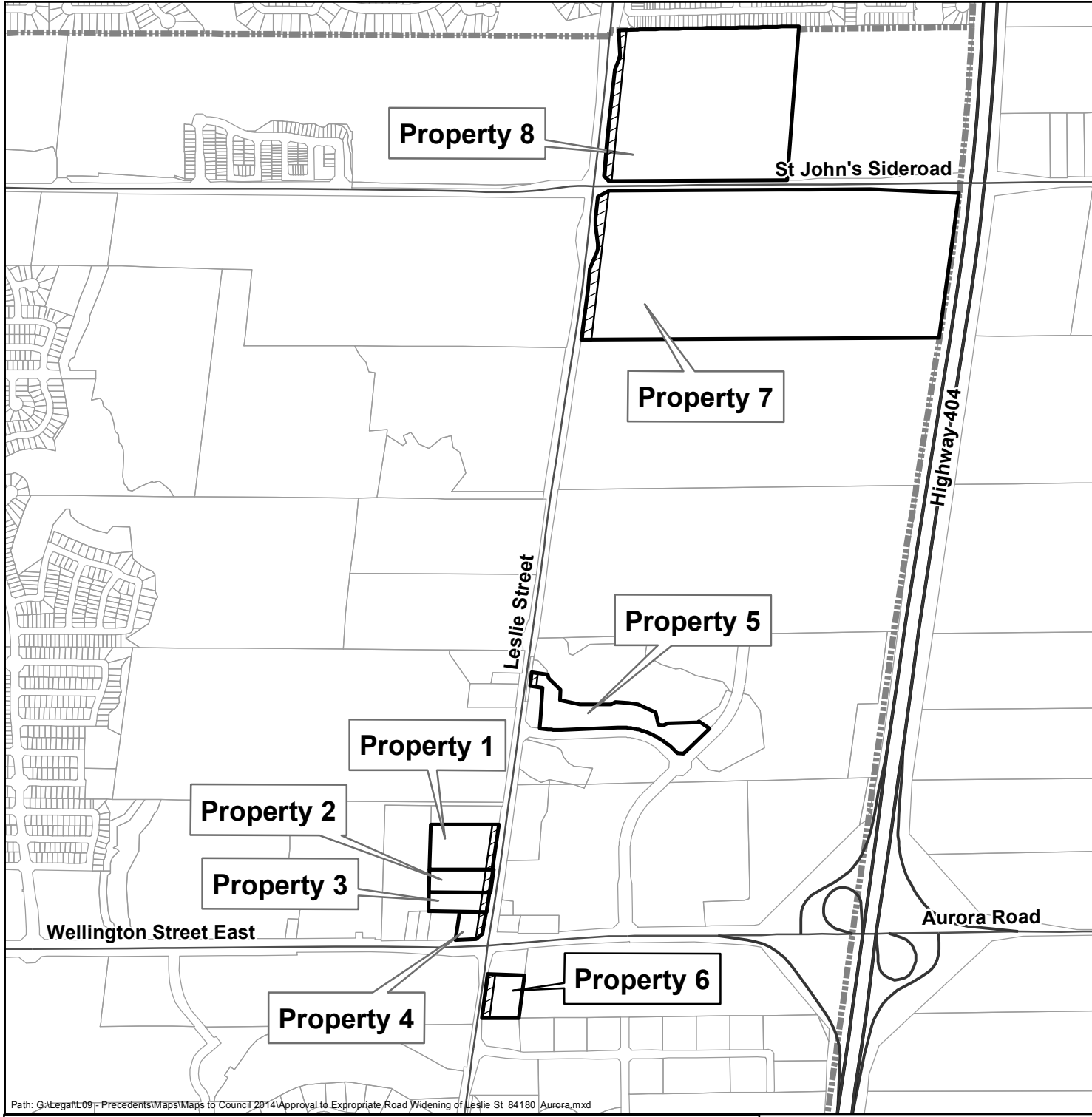
7. CONCLUSION

The widening and reconstruction of Leslie Street will require the acquisition of these property interests. In order to ensure timely possession of the lands to commence construction, it is recommended that Council approve the expropriation of these interests. Staff will continue negotiations and expropriation proceedings will be abandoned 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.

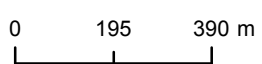
Attachment (1)



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




LOCATION PLAN

Approval to Expropriate
Road Widening of Leslie Street Project 84180
Town of Aurora



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Property Services Branch
Corporate Services Department
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Legend

-  Interest Required
-  Subject Properties
-  Parcel
-  Road
-  Railway