

Clause No. 20 in Report No. 12 of the Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on June 26, 2014.

20
APPROVAL TO EXPROPRIATE
WIDENING AND RECONSTRUCTION OF BAYVIEW AVENUE
PROJECTS 80670 AND 80680
TOWN OF RICHMOND HILL

Committee of the Whole recommends adoption of the recommendation contained in the following report dated June 4, 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 Bayview Avenue, within the Town of Richmond Hill:

No.	Owner	Municipal Address	Legal Description	Interest Required
1	230215 Investments Limited	Northeast quadrant at Bayview Avenue and Elgin Mills Road	Parts 1 on Plan 65R33989	Fee Simple
2	Primont Homes Inc.	Northwest quadrant at Bayview Avenue and 19 th Avenue	Part 2 on Plan 65R34134	Temporary Easement (reduced from fee originally authorized)
3	Chung, Lynford Anthony Chung, Phamelia Dolores	5 Glen Meadow Lane	Part 3 on Plan 65R34134	Temporary Easement (reduced from fee originally authorized)

No.	Owner	Municipal Address	Legal Description	Interest Required
4	Muench, Gottfried Muench, Beverley	Northeast quadrant at Bayview Avenue and 19 th Avenue	Part 5 on Plan 65R34134	Fee Simple
			Part 6 on Plan 65R34134	Temporary Easement
The temporary easements are required for the purpose of grading and construction and will run from registration to November 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 four property interests required for the widening and reconstruction of Bayview Avenue, in the Town of Richmond Hill (*Attachment 1*).

3. BACKGROUND

In September 2013, Council authorized initiating proceedings to expropriate lands required for the Bayview Avenue project

The widening and reconstruction of Bayview Avenue is scheduled to commence in 2015. On September 26, 2013, Council authorized an application for approval to expropriate a total of nine properties.

Notices of Application to Expropriate were served to owners following Council authorization. Two requests for a Hearing of Necessity were received. These properties are not included in this report and will be the subject of a future report to Council after the Inquiry Officer issues his or her report.

Due to more detailed design, the requirements on one property have increased from a partial taking to a full buy-out, and this property is the subject of a separate report to Council, seeking authority to expropriate.

Staff has secured one property and the transaction has closed. One property will be secured through dedication at no cost to the Region.

It is necessary to complete the expropriation of the remaining four properties in order to secure access to the lands in time for the commencement of construction.

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 September 25, 2014. Accordingly, the Region will have access to the properties no later than January 30, 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 are included in the 2014 Capital Budget, Capital Delivery – Roads, 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 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.

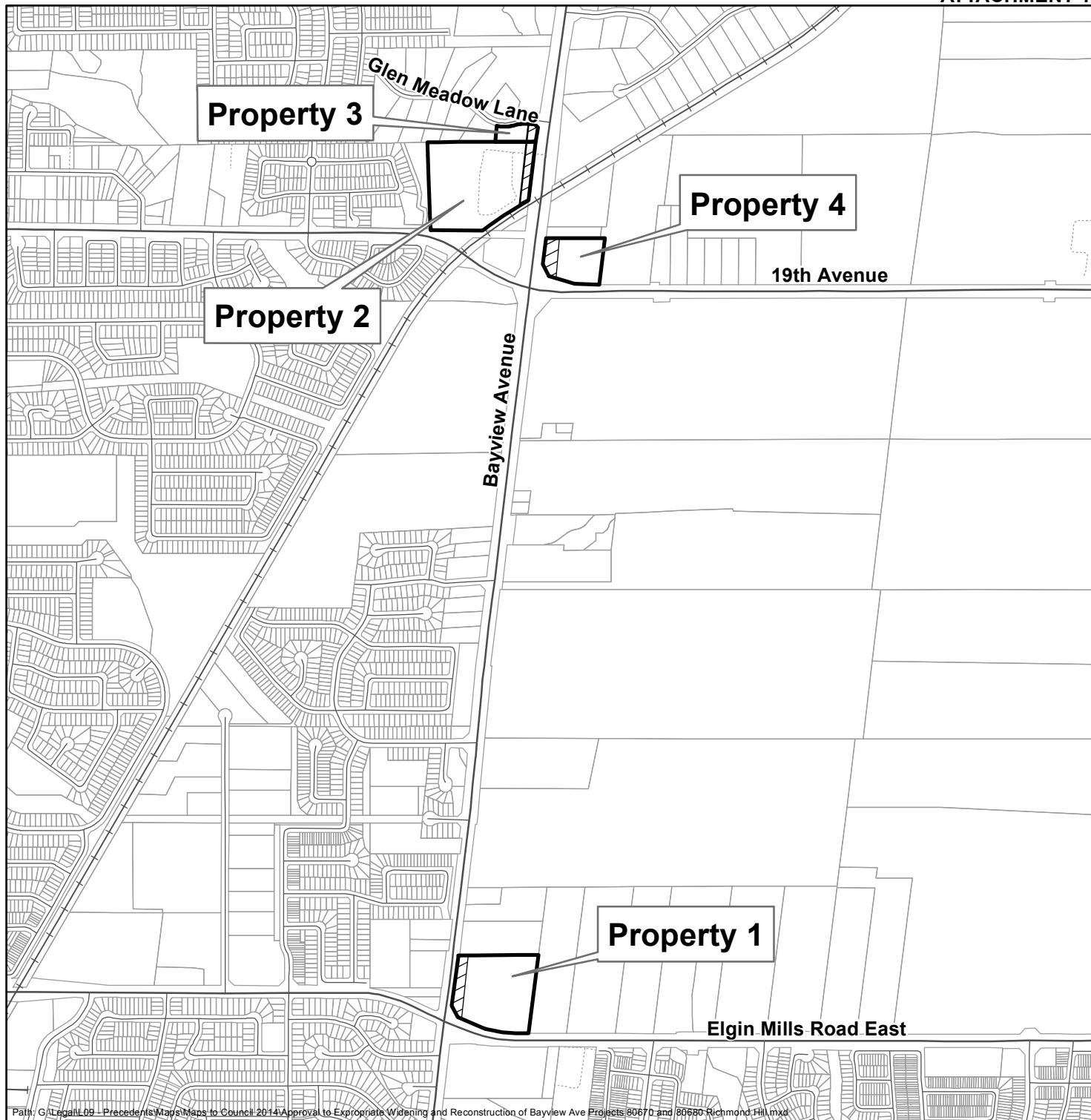
7. CONCLUSION

The widening and construction of Bayview Avenue will require the acquisition of four property interests. In order to ensure timely possession of the lands to commence construction, it is recommended that Council approve the expropriation of the balance 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)



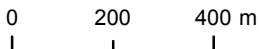
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LOCATION PLAN






Approval to Expropriate
Widening and Reconstruction of Bayview Avenue Projects
80670 & 80680, Town of Richmond Hill



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Property Services Branch
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Legend

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