

Clause No. 25 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.

**25**  
**APPROVAL TO EXPROPRIATE**  
**ROAD WIDENING OF LESLIE STREET PROJECTS 84180 & 84190**  
**TOWN OF AURORA AND TOWN OF NEWMARKET**

**Committee of the Whole recommends adoption of the recommendations contained in the following report dated June 6, 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 and the Town of Newmarket:

<b>No.</b>	<b>Owner</b>	<b>Municipal Address</b>	<b>Legal Description</b>	<b>Interest Required</b>
1	The Governing Council of the Salvation Army in Canada	15338 Leslie Street, Aurora	Part 38, Plan 65R34503	Permanent Easement
			Part 4, Plan 65R34503	Fee Simple
2	Cheng, Chak Wai Cheng, Ka Wai Kathy	15306 Leslie Street, Aurora	Part 5, Plan 65R34503	Fee Simple
3	1754260 Ontario Limited	15286 Leslie Street, Aurora	Part 8, Plan 65R34503	Fee Simple
4	Whitwell Developments Limited	83 Commerce Drive, Aurora	Parts 17 and 18, Plan 65R34503	Fee Simple
5	State Farm Mutual Automobile Insurance Company	24 State Farm Way, Aurora	Parts 16 and 17, Plan 65R34509	Fee Simple

6	Cairo, Darlene Alice Harriet	16625 Leslie Street, Newmarket	Part 1, Plan 65R34489	Fee Simple
The permanent easement is required for the purpose of installing and maintaining drainage culverts.				

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 Leslie Street, in both the Town of Aurora (*Attachment 1*) and the Town of Newmarket (*Attachment 2*).

## 3. BACKGROUND

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

On October 17, 2013, Council authorized an application for approval to expropriate a total of 20 properties to reconstruct Leslie Street.

Staff determined that it was still necessary to acquire the fee simple interest in the six properties that are the subject of this report by 2015 in order to commence pre-construction work, including the relocation of utilities near the intersection of Leslie Street and Wellington Street. Accordingly, Notices of Application to Expropriate were served on the owners of the six properties in this report. No Hearing of Necessity requests have been received.

Notice of Application to Expropriate was not served on the remaining owners, as it was anticipated that the notices would be served closer to the date of construction between 2019 and 2023.

On May 15, 2014, Council committed to advance the reconstruction of Leslie Street from St. John’s Sideroad north to Mulock Drive, to allow construction to begin in 2015. Accordingly, Notice of Application to Expropriate for the remaining interests will be served in June, as required, and a further report will be brought forward in January to ask

for approval to expropriate those interests, provided that the Region does not receive any Hearing of Necessity requests.

Staff has not yet secured any properties and will continue negotiations. Although Council authorized an application for approval to expropriate lands from certain developers, it is expected that these developers will transfer the lands required for nominal consideration.

It is necessary to expropriate the six properties identified in this report in order to secure access to the lands in time for pre-construction activities 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 six properties. It is anticipated the plan will be registered no later than September 25, 2014. Accordingly, the Region will have access to the property 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 have been 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 Leslie Street, in the Towns of Aurora and Newmarket, will provide upgraded capacity to improve traffic operations for the travelling public and will meet the expected growth in this area.

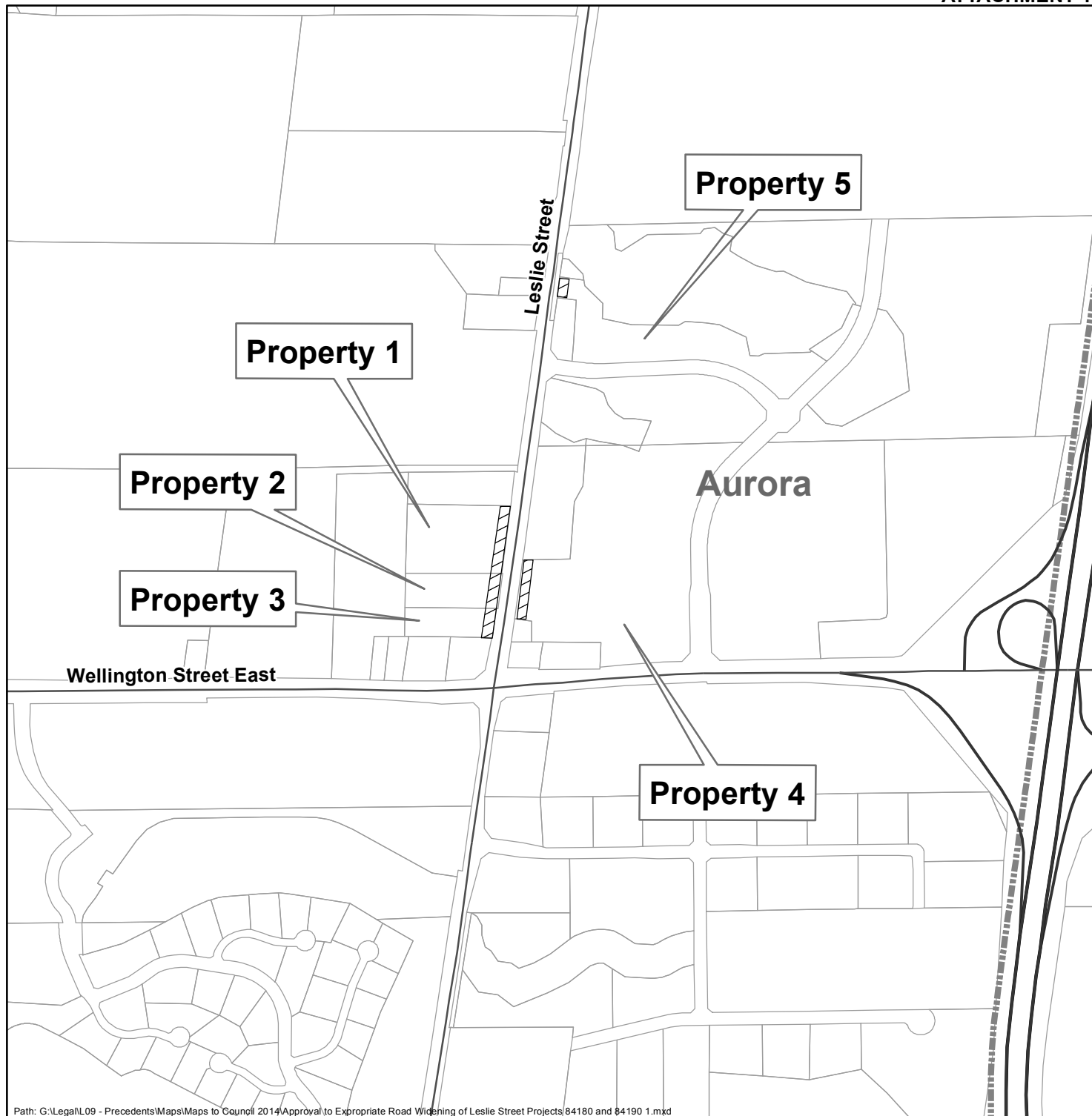
## **7. CONCLUSION**

The widening and reconstruction of Leslie Street will require the acquisition of six property interests at this time. To date, staff has not successfully concluded negotiations on any properties. 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.

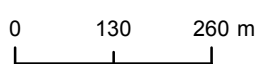
*Attachment (2)*



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




### LOCATION PLAN

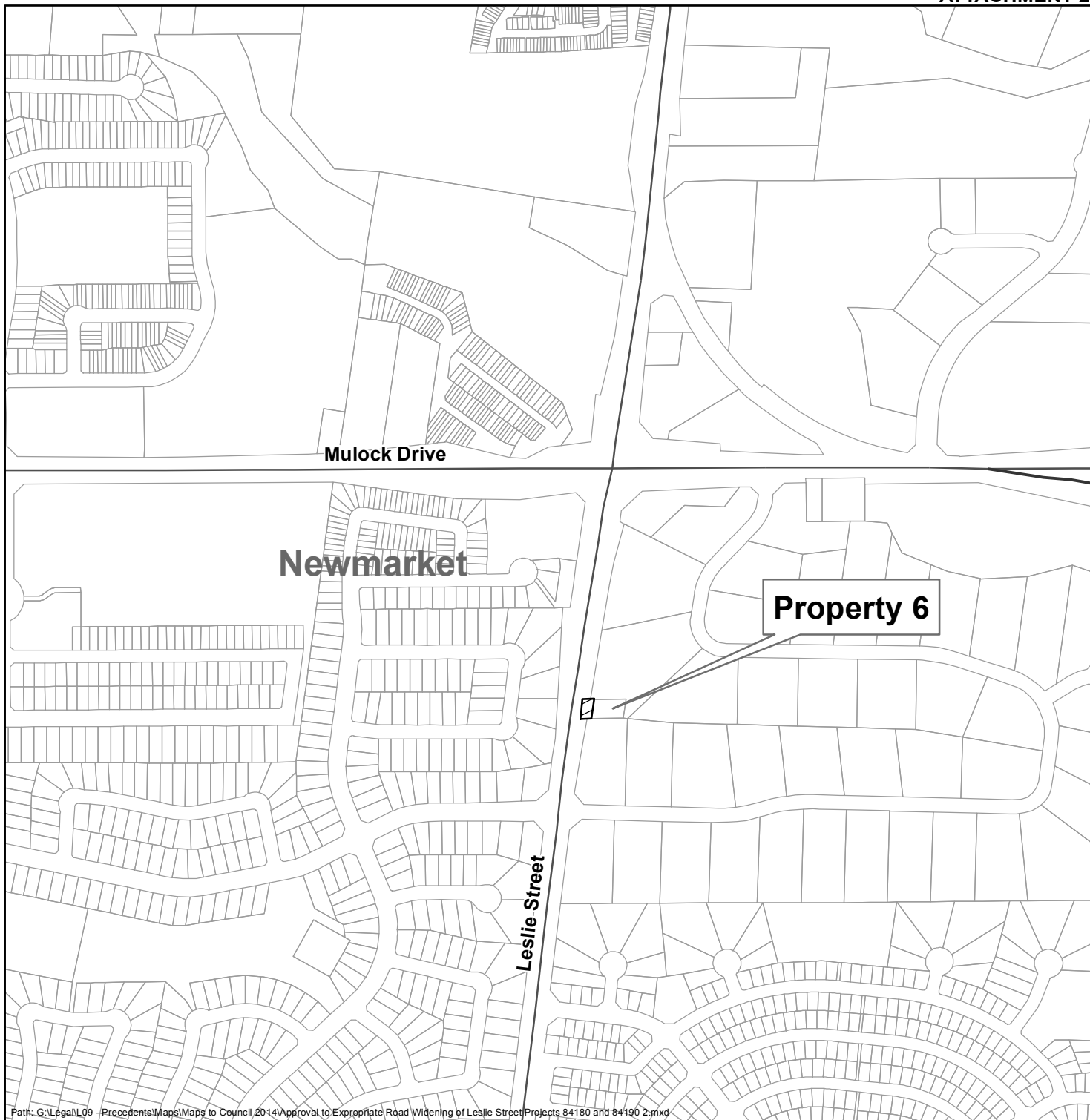
Approval to Expropriate  
 Road Widening of Leslie Street Projects 84180 & 84190  
 Town of Aurora and Town of Newmarket



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### Legend

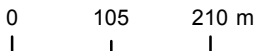
-  Aurora Interest Required
-  Subject Properties
-  Parcel
-  Road
-  Railway



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




### LOCATION PLAN

Approval to Expropriate  
 Road Widening of Leslie Street Projects 84180 & 84190  
 Town of Aurora and Town of Newmarket



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### Legend

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