

Clause No. 26 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.

26

APPLICATION FOR 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 June 6, 2014 from the 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 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
		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
			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 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 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 St. John’s Sideroad from Bayview Avenue to Highway 404, in the Town of Aurora (*Attachment 1*).

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

3. BACKGROUND

The Environmental Assessment has been approved for the widening and reconstruction of St. John’s Sideroad from Bayview Avenue to Highway 404

The Region completed an addendum to the Class Environmental Assessment report in 2012 to address the need for additional capacity along St. John’s Sideroad, between Bayview Avenue and Leslie Street, as a result of the proposed development in the 2C Secondary Plan area in the Town of Aurora.

The 2C Secondary Plan area is bounded by Wellington Street to the south, the Aurora and Newmarket town boundary (approximately 480 meters north of St. John’s Sideroad) to the north, Bayview Avenue to the west and Highway 404 to the east.

The study recommended St. John’s Sideroad, between Bayview Avenue and Leslie Street, be widened from a two-lane rural cross-section to a four-lane urban cross-section, including on-street cycling facilities, sidewalk, multi-use path and full illumination.

The study also recommended that St. John’s Sideroad between Leslie Street and Woodbine Avenue be maintained as a two-lane rural cross-section with the inclusion of paved shoulders.

The detailed design assignment for St. John's Sideroad was initiated in 2013, and the design has progressed beyond the 30% design level

In 2013, the detailed design assignment for St. John's Sideroad from Bayview Avenue to Highway 404 was awarded to SNC Lavalin Inc. The design has progressed beyond the 30% design level and the property requirements have been identified.

4. ANALYSIS AND OPTIONS

Negotiations are proceeding to acquire the necessary properties with a view to construction commencing in 2016.

The project will require the acquisition of ten properties from owners along St. John's Sideroad, principally for road improvement and utility relocation purposes. Certain easements are also required to accommodate access, maintenance and construction, which are scheduled to commence in 2016.

Property negotiations to acquire the necessary lands commenced in August 2013 and no settlements have been reached throughout the St. John's Sideroad corridor. Staff will continue to negotiate agreements of purchase and sale for the required interests until an expropriation plan has been registered.

Although construction is scheduled for 2016 in the current 2014 – 10 Year Roads Construction Program, active development is now occurring. Staff is working to complete preconstruction activities so construction timing can be advanced, as the build-out of area development proceeds, either through the annual update of the Roads Capital Budget, or through a Prepaid Development Charge Credit Agreement.

Initiating expropriation proceedings will ensure the construction schedule will not be compromised if land acquisitions are delayed

It is anticipated that negotiations will be successfully concluded on many outstanding properties. These agreements will be presented to Council for approval in due course. In order to ensure timely acquisition of the lands, 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 lands. 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.

An environmental overview study was completed and environmental site assessment is currently underway on properties that have been identified with potential for contaminants.

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 2014 Capital Budget for Transportation and Community Planning Department, Roads Branch.

6. LOCAL MUNICIPAL IMPACT

The widening and reconstruction of St. John's Sideroad in the community of Aurora will provide upgraded capacity to improve traffic operations for the travelling public and will meet the expected growth in this area.

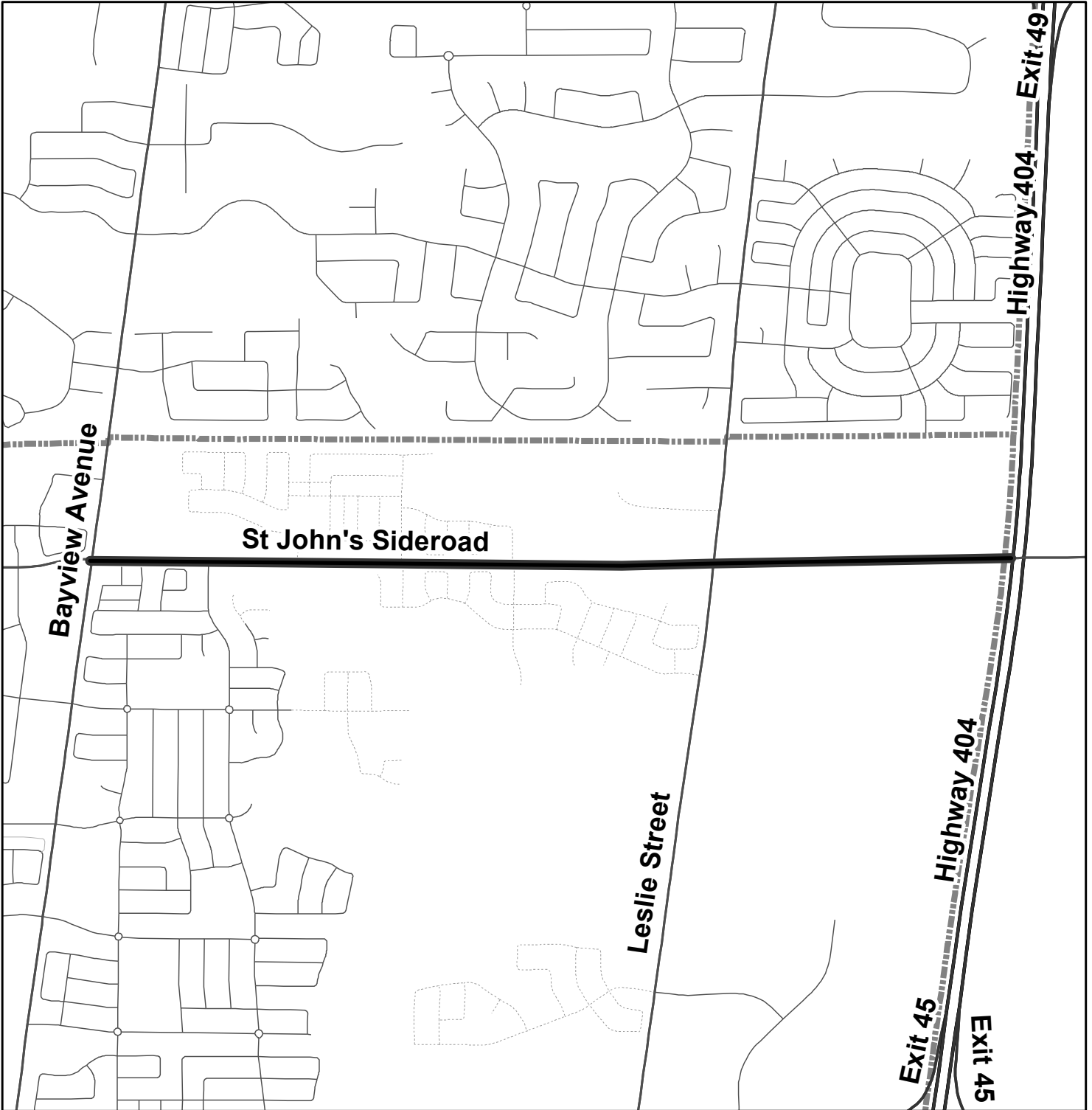
7. CONCLUSION

This report seeks Council approval to expropriate ten properties from owners along St. John's Sideroad, in order to implement road improvements and utility relocation. To ensure the project is not delayed, it is necessary to initiate the expropriation process. Staff will continue to 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)



LOCATION PLAN

Application for Approval to Expropriate
 Reconstruction of St John's Sideroad Project 97100
 Town of Aurora



Legend

 Subject Lands



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 Property Services Branch
 Corporate Services Department
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