

Clause No. 15 in Report No 6 of the Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on March 27, 2014.

15
APPLICATION FOR APPROVAL TO EXPROPRIATE
RECONSTRUCTION OF LESLIE STREET PROJECT 97150
TOWN OF RICHMOND HILL

Committee of the Whole recommends adoption of the recommendation contained in the following report dated March 3, 2014 from the Commissioner of Corporate Services:

1. RECOMMENDATIONS

It is recommended that:

1. Council rescind the application for approval to expropriate the following lands within the Town of Richmond Hill:

No.	Owner	Municipal Address	Legal Description	Interest Required
1	Bethesda Investments Limited	1600 Bethesda Sideroad	Part 3 on Plan 65R34213	Temporary Easement
A temporary easement required for the purpose of constructing a wildlife crossing under Leslie Street commencing January 1, 2017 and expiring December 31, 2021.				

2. Council authorize an application for approval to expropriate the following lands within the Town of Richmond Hill:

No.	Owner	Municipal Address	Legal Description	Interest Required
1	Bethesda Investments Limited	1600 Bethesda Sideroad	Part 3 on Plan 65R34213	Permanent Easement
The permanent easement is required to construct and protect a permanent drainage feature, and to provide permanent access to a structure for wildlife crossing.				

3. 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”).

4. 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*.
5. Council authorize the introduction of the necessary bylaws to give effect to these recommendations.

2. PURPOSE

This report seeks Council approval to:

- (a) rescind the authority given by Council at its meeting of October 17, 2013, to expropriate a temporary easement in the lands for the reconstruction of Leslie Street (*Attachment 1*)
- (b) authorize an application to expropriate a permanent easement in the lands.

Since October 2013, there have been changes in the engineering requirements for the reconstruction of Leslie Street, which now require the Region to obtain a permanent easement in the lands.

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

3. BACKGROUND

An Environmental Assessment for the reconstruction of Leslie Street from Bethesda Sideroad to Bloomington Road was completed in 2008

The Environmental Assessment (EA) recommended that Leslie Street be reconstructed as a two lane rural cross-section between Bethesda Sideroad and Bloomington Road. It includes a jog elimination at the Bethesda Sideroad and Leslie Street intersection, and a realignment of Leslie Street, around Haynes Lake, to address operational improvements.

4. ANALYSIS AND OPTIONS

On October 17, 2013, Council authorized an application to expropriate a temporary easement in the lands. Since that date, the detailed design to reconstruct Leslie Street has progressed and in order to facilitate the design, the Region will require access to the lands

in order to install drainage features (rip-rap) on the lands and to maintain a wildlife corridor (tunnel) located under Leslie Street. Accordingly, staff has determined that it is necessary to obtain a permanent easement in the lands and that it is no longer necessary to obtain the temporary easement authorized by Council. Notice of the application for approval to expropriate the temporary easement has not been served on the owner of the lands.

Negotiations are proceeding to acquire the necessary properties prior to construction

Property acquisitions, utility relocations and permits need to be secured well in advance of construction, therefore, it is recommended to start the expropriation process now. Property negotiations to acquire the necessary lands commenced in 2012. Staff continue to negotiate agreements of purchase and sale for the required interests.

Amending the interest to be expropriated from a temporary to a permanent easement is necessary

A wildlife corridor (tunnel) is planned to connect a vegetated natural drainage area to Haynes Lake, which currently floods in the spring. Leslie Street in this area has often been closed due to flooding. The new Leslie Street road will be elevated, thereby, alleviating the flooding issue. Permanent drainage features and a wildlife corridor connection are important considerations to both the Region and TRCA.

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 that the expropriation process proceed in tandem.

As a permanent easement in the subject lands is now required, it is necessary for Council, as approving authority, to authorize an application for approval to expropriate a permanent easement in the subject lands. 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.

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

6. LOCAL MUNICIPAL IMPACT

The reconstruction of Leslie Street, in the community of Richmond Hill, will provide upgraded capacity to improve traffic operations and safety for the travelling public.

7. CONCLUSION

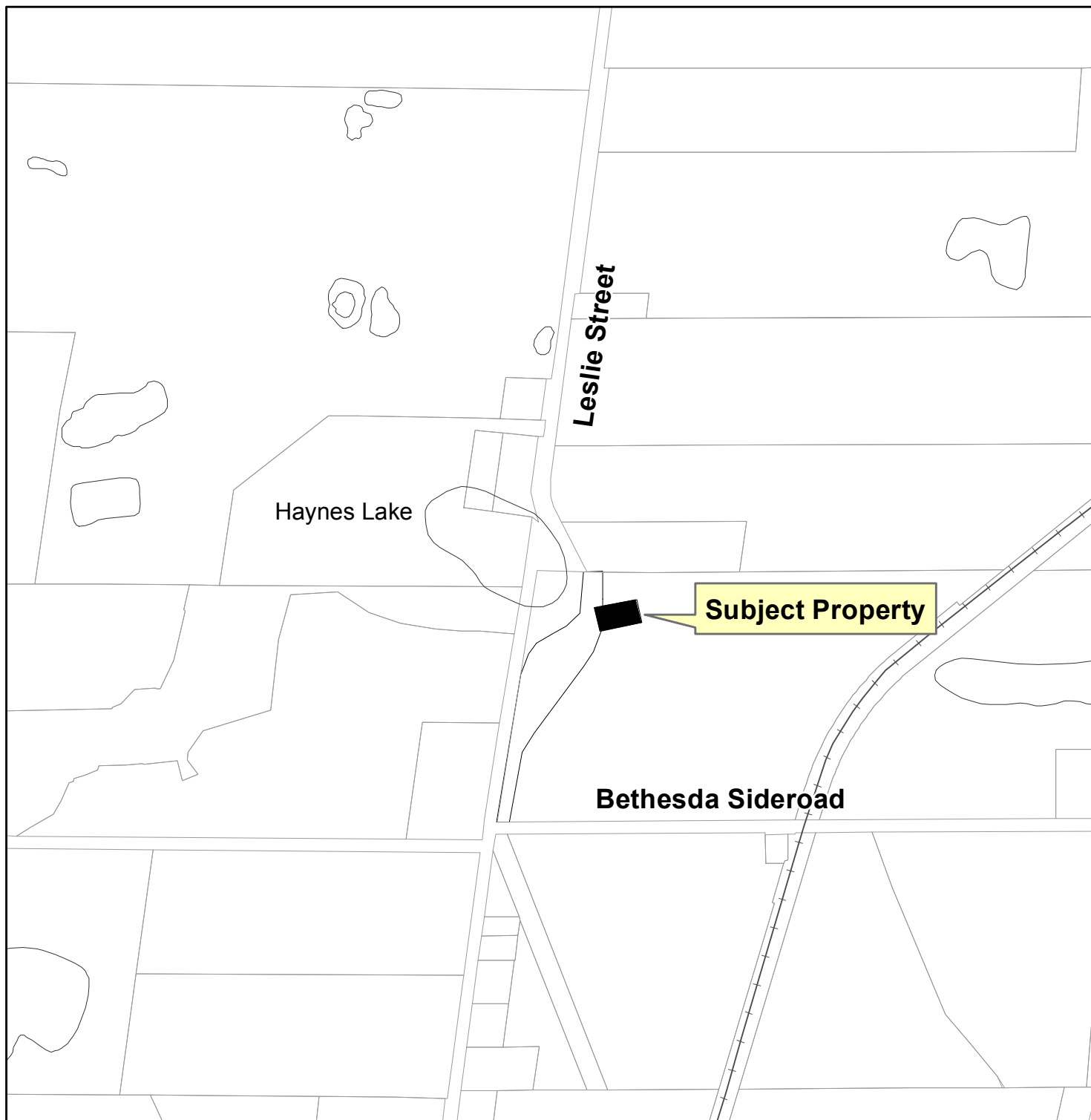
This report seeks Council approval to expropriate a permanent easement from the owner where Council previously approved the expropriation of a temporary easement, as a result of modifications to the design. To ensure the project is not delayed, it is necessary to re-initiate the expropriation process for this requirement. Staff will continue to negotiate for the acquisition of the required property and expropriation proceedings will be abandoned in the event that 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

Application for Approval to Expropriate
Reconstruction of Leslie Street Project 97150
Town of Richmond Hill



Legend

-  Subject Property
-  Railway Tracks



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Property Services Branch
Corporate Services Department
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