

Clause 20 in Report No. 12 of Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on June 25, 2015.

20

Approval to Expropriate
Leslie Street - Bloomington Road to Bethesda Sideroad
Town of Richmond Hill

Committee of the Whole recommends adoption of the recommendation contained in the report dated May 6, 2015 from the Commissioner of Corporate Services:

1. Recommendations

It is recommended that:

1. Council, as approving authority, approve the expropriation of the following land for the widening and reconstruction of Leslie Street, in the Town of Richmond Hill.

No.	Owner	Municipal Address	Legal Description	Interest Required
1.	Bethesda Investments Limited	1600 Bethesda Sideroad Richmond Hill	Parts 1 and 2, Plan 65R34213	Fee Simple
			Part 3, Plan 65R34213	Permanent Easement
The permanent easement is required for the purpose of constructing and maintaining a wildlife corridor and permanent drainage feature.				

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, in accordance with the *Act*, to expropriate land required for the widening and reconstruction of Leslie Street, from Bloomington Road to Bethesda Sideroad in the Town of Richmond Hill, as shown in Attachment 1.

3. Background

The Region received approval to reconstruct Leslie Street from Bloomington Road to Bethesda Sideroad in the Town of Richmond Hill in 2008

In 2008, an Environmental Assessment study approved the reconstruction of Leslie Street as a two-lane rural cross-section between Bethesda Sideroad and Bloomington Road. The improvements to Leslie Street from Bloomington Road to Bethesda Sideroad include reconstructing the two-lane road to Regional standards, elevating the road at Haynes Lake and eliminating a jog at the Leslie Street and Bethesda Sideroad intersection. The project provides a wildlife passage and enhancements to the natural environment.

Possession of the lands is required by December 2015 to facilitate utility relocations and construction staging

A draft expropriation plan is being prepared for the subject property. It is anticipated the plan will be registered no later than August 20, 2015. Upon registration of the expropriation plan, notice of expropriation and possession will be served upon the owner. The appraisal for this property is anticipated to be completed by the fourth quarter of 2015. This will support offers of compensation to be made before possession by December 2015, which will allow utility relocations and construction staging activities to commence.

The Region can take possession on the date set out in the notice of possession, a minimum of three months after service of the notice, but only after statutory offers of compensation have been made.

In October 2013, Council authorized the initiation of the expropriation process for nine properties

On October 17, 2013, Council authorized an Application for Approval to Expropriate interests from a total of nine property owners. Eight of the properties

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have been acquired by agreement, expropriation or minutes of settlement. The original expropriation of the ninth property, the subject of this report, became invalid as the title had transferred to the Province of Ontario at the time that Council authorized the Application for Approval to Expropriate and approved the expropriation of the property.

The change in ownership required the Region to re-commence the expropriation process for one property

At the time Council authorized the Application for Approval to Expropriate and approved the expropriation of the property, the registered owner was identified as an Ontario corporation. However, the owner's corporate registration had been revoked and the property forfeited to the Province of Ontario. The Region does not have jurisdiction to expropriate property owned by the Province. The owner's corporate registration was reinstated in January 2015, and it recovered its property from the Province. Accordingly, the expropriation process has re-commenced.

Council re-authorized the expropriation of this remaining property on March 26, 2015

The commencement of expropriation was re-authorized by Council on March 26, 2015. The first Notice of Application to Expropriate was sent to the owner on April 2, 2015. A request for a Hearing of Necessity was not received, and as such we able to proceed with the expropriation process.

This is the second step in the Council approval process for property expropriation, as indicated on the graphic below.



4. Analysis and Options

A future report to Council will be presented to seek approval to compensate the owner in accordance with the *Act*

For all expropriated properties, offers of compensation are made to property owners in accordance with section 25 of the *Act*. These offers will be based on independently commissioned appraisals and will be presented to Council for approval when the appraisal reports are completed, in order that offers of compensation can be served in accordance with the *Act*, and possession secured for construction to commence.

Environmental due diligence has been undertaken

A Phase 1 environmental site assessment, involving searches of public records and a visual observation of the property, was carried out to determine if there were activities on-site or on surrounding properties, which could have resulted in environmental impacts. As a result of this work, a limited Phase 2 environmental site assessment to investigate soil conditions was recommended. Access was not granted to the property for this work. A limited soil investigation was completed adjacent to the site in the roadway and did not identify any concerns, other than the presence of road salt impacts. However, there remains the potential for soil impacts to be present at this location. The review of the environmental reports has been carried out in consultation with Legal Services staff, who have no significant concerns with the environmental due diligence that has been completed.

Link to key Council-approved plans

From Vision to Results: 2015 to 2019 Strategic Plan

Priority Area – Manage Environmentally Sustainable Growth

Managing traffic congestion

The acquisition of these lands will contribute toward the completion and implementation of the Transportation Master Plan, by increasing the number of road lane kilometres new and rehabilitated.

5. Financial Implications

The funding required to complete the property acquisition for this project has been included in the 2015 Capital Budget for Transportation Services, Capital Delivery – Roads.

6. Local Municipal Impact

After reconstruction is complete, the reconstruction of Leslie Street together with a jog elimination at Bethesda Sideroad, in the community of Richmond Hill, will improve traffic operations for the public.

Natural environmental features in the area will also be protected, restored and enhanced as a result of this project.

7. Conclusion

This report seeks Council approval to expropriate one property from an owner at the intersection of Leslie Street and Bethesda Sideroad in order to implement road and intersection improvements. It was necessary to re-initiate the expropriation process by the transfer of the owner's property to the Crown at the time of the 2013 authorization.

The reconstruction of Leslie Street from Bethesda Sideroad to Bloomington Road required the acquisition of various interests from nine property owners. Council authorized the applications for approval to expropriate in October 2013, and again in March 2015, for this property. A Hearing of Necessity was not requested.

This report pertains to the approval to proceed to register an expropriation plan, and serve notice of expropriation and possession upon the owner. Registration of the expropriation plan, following this report, will transfer title to the Region. This is the next step toward possession of the lands required to commence the reconstruction of Leslie Street between Bethesda Sideroad and Bloomington Road.

It is recommended that Council approve the expropriation of part of this property.

For more information on this report, please contact Jennifer Hughson, Acting Manager, Realty Services, Property Services Branch at ext. 71427.

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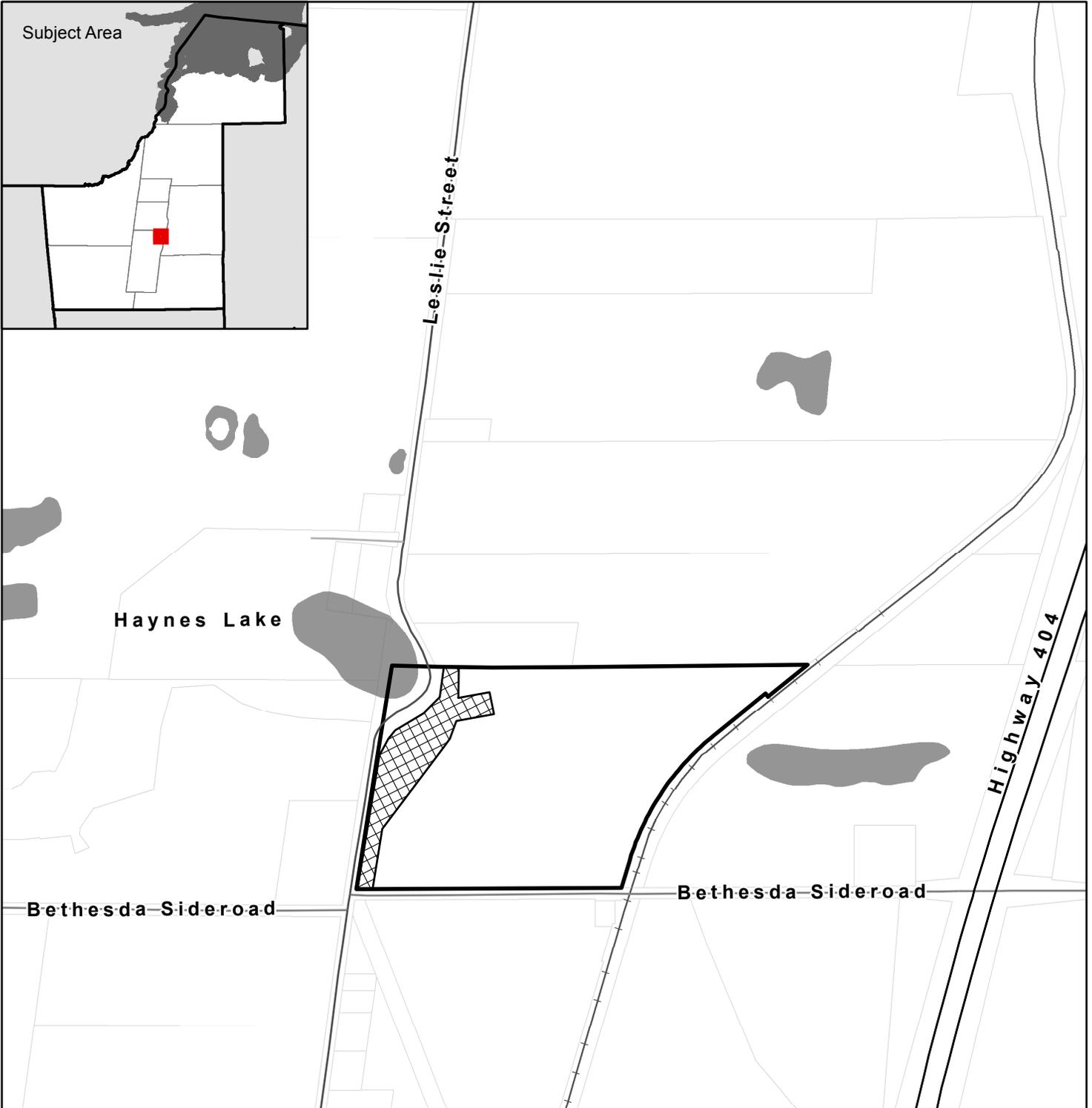
The Senior Management Group has reviewed this report.

May 6, 2015

Attachments (1)

eDOCS #6132758

Accessible formats or communication supports are available upon request



LOCATION PLAN

Approval to Expropriate
 Leslie Street - Bloomington Road to Bethesda Sideroad
 Town of Richmond Hill

Produced by:
 The Regional Municipality of York
 Property Services, Corporate Service
 May 2015

Data Sources:
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Legend

-  Subject Property
-  Interest Required
-  Parcel
-  Road
-  Railway
-  Lake