

Clause No. 39 in Report No. 13 of the Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on September 11, 2014.

39
APPROVAL TO EXPROPRIATE
WIDENING AND RECONSTRUCTION OF BAYVIEW AVENUE
PROJECT 80670, TOWN OF RICHMOND HILL

Committee of the Whole recommends adoption of the recommendations contained in the following report dated August 18, 2014 from the Acting 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 Bayview Avenue, within the Town of Richmond Hill:

No.	Owner	Municipal Address	Legal Description	Interest Required
1	Barat, Abdul	752 19 th Avenue	Part 1 on Plan 65R34832, and Part 7 on Plan 65R34134, together with a right-of-way as in MA62281 as amended by RH48945 together with a right-of-way as in MA62282	Fee Simple

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 a total property interest 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 the Bayview Avenue corridor is scheduled to commence in spring of 2015. On September 26, 2013, Council authorized an application for approval to expropriate a part of this property as a fee simple interest. Following Council's approval to proceed with expropriation on September 26, 2013, the requirements for the land acquisition changed. It was determined that the proposed side-slope grading along Bayview Avenue would undermine the southwest corner of the residence on the property. It is more cost effective to acquire the entire property than to build a retaining wall. On June 26, 2014, Council authorized a further application for approval to expropriate the remainder of the fee interest in the property.

The Notice of Application to Expropriate was served to this owner following the June 26, 2014 Council authorization.

Upon receipt of the Notice of Application to Expropriate, this owner had the right within 30 days of receipt to request an inquiry (Hearing of Necessity) as to whether the taking of the lands by the Region is fair, sound and reasonable. The owner requested a hearing and staff were successful in getting the owner to waive the hearing.

It is necessary to complete expropriation of this property in order to secure access to the lands in time for construction 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.

A draft expropriation plan has been prepared for the subject property. It is anticipated the plan will be registered no later than December 10, 2014. Accordingly, the Region will have access to the property no later than March 2015, enabling construction to proceed on time.

The environmental due diligence reports for this property 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 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 approved 2014 Capital Budget for the 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 reconstruction of Bayview Avenue will require the acquisition of these property interests. In order to ensure timely possession of the lands to commence construction, it is recommended that Council approve the expropriation of the entirety of this property. Staff will negotiate for the acquisition of the required property and expropriation proceedings will be abandoned 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)



Path: G:\Legal\I09 - Precedents\Maps\Maps to Council 2014\Approval to Expropriate Widening & Reconst. Bayview Ave Richmond Hill.mxd

LOCATION PLAN

Approval to Expropriate
 Widening and Reconstruction of Bayview Avenue Project 80670
 Town of Richmond Hill



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 Property Services Branch
 Corporate Services Department
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Legend

-  Interest Required
-  Subject Property
-  Parcel
-  Road
-  Railway
-  Mutual Driveway



Corporate Services Department
Commissioner's Office

MEMORANDUM

TO: Committee of the Whole

FROM: Denis Kelly, Acting Commissioner, Corporate Services

DATE: September 3, 2014

RE: **Item J.2.7 – Approval to Expropriate, Widening and Reconstruction of Bayview Avenue, Project 80670, Town of Richmond Hill
Committee of the Whole (Finance and Administration) September 4, 2014**

This item is on the Committee of the Whole agenda as a further step to move the process forward in the event that the owner did not request a Hearing of Necessity.

A Notice of Application to Expropriate was served on the owner of the property on June 26, 2014, and the owner has now requested a Hearing of Necessity. Due to the owner's request and staff being unable to negotiate a successful agreement, the expropriation process must be stopped in favour of the Hearing of Necessity at this time.

A report will be submitted to Council at a later date, with the results of the Hearing process, or some other form of settlement.

It is therefore recommended that Council receive and take no action on the report dated August 20, 2014.

Denis Kelly, Acting Commissioner

DK/caw