

Clause 13 in Report No. 6 of Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on March 12, 2015.

Approval to Expropriate
Leslie Street – Wellington Street to Mulock Drive
Town of Aurora and Town of Newmarket

Committee of the Whole recommends adoption of the recommendations contained in the following report dated January 28, 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 Aurora and the Town of Newmarket.

No.	Owner	Municipal Address	Legal Description	Interest Required
1.	Li, Wei Zhang, Han Sen (formerly Flemming, Timothy Earl)	15482 Leslie Street Aurora	Part 24, Plan 65R34509	Temporary Easement
The temporary easement is required for the purposes of relocating existing services and utilities, grading and access during the 2-year road contractor warranty period after construction, and will expire December 30, 2018.				

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.

Approval to Expropriate
Leslie Street - Wellington Street to Mulock Drive
Town of Aurora and Town of Newmarket

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 Wellington Street to Mulock Drive in the Town of Aurora and Town of Newmarket, as shown in Attachment 1.

3. Background

The Environmental Assessment study for the widening and reconstruction of Leslie Street was completed in 2012

Leslie Street from Wellington Street to Mulock Drive will be widened from two to four lanes and modernized to include improved sidewalks, multi-use paths and illumination. The Environmental Assessment (EA) for the widening and reconstruction of Leslie Street was undertaken and in 2012 received approval to proceed to construction

Possession of the lands is required by August 2015 to allow for utility relocations to begin

Utilities must be relocated prior to actual road construction. Privately owned lands are often required in order to complete the relocations within the new boulevards along the edge of the roadway. Possession of all lands is required by August 2015 to permit construction to proceed.

In October 2013, Council authorized the initiation of the expropriation process for 20 properties

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



On October 17, 2013, Council authorized an application for approval to expropriate interests from 20 property owners.

Approval to Expropriate
Leslie Street - Wellington Street to Mullock Drive
Town of Aurora and Town of Newmarket

- Three properties were obtained via amicable agreements
- One property was dedicated to the Region by a developer
- Seven properties are developer-owned and are being dealt with on a separate track
- One property is a private commercial entity that can't be expropriated as the requirement was not identified in the EA
- One expropriated property owner has signed a Minutes of Settlement
- One property was removed from the expropriation process and staff will negotiate to get an agreement of purchase and sale
- Five properties are proceeding through expropriation
- One owner, the subject of this report, requested a Hearing of Necessity and subsequently withdrew the request

Following Council authorization, the Notice of Application for Approval to Expropriate was served upon the owners of the affected properties. Each owner had 30 days from the date the owner was served with the Notice of Application for Approval to Expropriate to request an inquiry (Hearing of Necessity) as to whether the taking of the lands by the Region is fair, sound and reasonably necessary.

One property owner requested a Hearing of Necessity, but subsequently sold the property and withdrew the request

The former owner of the subject land requested a Hearing of Necessity. Prior to the Hearing, he sold his entire property to the current owners. The former owner then withdrew his Hearing request. The Region can now proceed with the expropriation from this property. The new owners are fully aware of the pending expropriation.

Staff is negotiating with property owners throughout the expropriation process

The expropriation process commenced when Council approved the applications for approval to expropriate. Concurrent with the expropriation, staff is negotiating with affected owners in an effort to acquire lands via agreements of purchase and sale. It is necessary to proceed with the expropriation of all properties

Approval to Expropriate
Leslie Street - Wellington Street to Mullock Drive
Town of Aurora and Town of Newmarket

concurrently with ongoing negotiations in order to secure access to the lands in time for construction to commence.

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 by June 2015, 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

The environmental investigations, involving searches of public records, have been carried out to the extent deemed appropriate in consultation with Legal Services. The environmental reports for this property have been reviewed by staff and no issues identified.

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 transportation needs.

5. Financial Implications

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

Approval to Expropriate
Leslie Street - Wellington Street to Mullock Drive
Town of Aurora and Town of Newmarket

6. Local Municipal Impact

Once construction is complete, the widening and reconstruction of Leslie Street will provide upgraded capacity to improve traffic operations for the travelling public and will meet the expected growth in this area.

Sidewalk and multi-use paths will be installed on Leslie Street from Wellington Street to State Farm Way to provide multi-modal facilities within the Town of Aurora. The road platform between State Farm Way and the northerly limit of the Town of Aurora will also be constructed to allow for sidewalk and multi-use paths in the future.

7. Conclusion

The widening and reconstruction of Leslie Street from Wellington Street to Mullock Drive required the acquisition of various interests from 20 properties. Council authorized the applications for approval to expropriate in October 2013. A Hearing of Necessity was requested and subsequently withdrawn for the property, which is the subject of this report.

This report pertains to the approval to proceed to register an expropriation plan, and serve notice of expropriation and possession for this one property only. Registration of the expropriation plan transfers title to the Region. This is the next step toward possession of the lands required to commence the widening and reconstruction of Leslie Street from Wellington Street to Mullock Drive.

It is recommended that Council approve the expropriation of the temporary easement over this property for relocating services and utilities, grading and access. A report to Council will be presented by June, 2015, requesting the authority to serve the property owner with an offer of compensation, which will in turn, correspond to the Region obtaining possession of the lands.

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

The Senior Management Group has reviewed this report. January 28, 2015

Attachments (1)

eDOCS #5844962

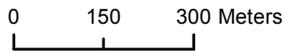
Accessible formats or communication supports are available upon request



Path: G:\Legal\L09 - Precedents\Maps\Maps to Council 2015\Approval to Expropriate Leslie Street Wellington Street to Mulock Drive.mxd

LOCATION PLAN
 Approval to Expropriate
 Leslie Street - Wellington Street to Mulock Drive
 Town of Aurora and Town of Newmarket





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 Corporate Services Department
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Legend

-  Interest Required
-  Subject Properties
-  Parcel
-  Road