

Clause 22 in Report No. 1 of Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on January 26, 2017.

22

Approval to Expropriate
20854 and 20908 Leslie Street
Upper York Sewage Solutions
Town of East Gwillimbury

Committee of the Whole recommends adoption of the following recommendations contained in the report dated December 16, 2016 from the Commissioner of Corporate Services:

1. Council, as approving authority, approve the expropriation of the lands set out in Attachment 1, for the construction of the proposed Water Reclamation Centre on the east side of 2nd Concession Road, approximately one kilometre north of Queensville Sideroad, in the Town of East Gwillimbury.
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.

Report dated December 16, 2016 from the Commissioner of Corporate Services now follows:

1. Recommendations

It is recommended that:

1. Council, as approving authority, approve the expropriation of the lands set out in Attachment 1, for the construction of the proposed Water Reclamation Centre on the east side of 2nd Concession Road, approximately one kilometre north of Queensville Sideroad, in the Town of East Gwillimbury.
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 property interests required for the construction of the proposed Water Reclamation Centre on the east side of 2nd Concession Road, approximately one kilometre north of Queensville Sideroad, in the Town of East Gwillimbury. The location of the properties is shown in Attachment 2.

3. Background and Previous Council Direction

The Upper York Sewage Solutions project will provide servicing for planned growth in the Towns of Aurora, East Gwillimbury and Newmarket

The purpose of the Upper York Sewage Solutions project is to develop a local sustainable sewage servicing solution to accommodate planned growth for employment and communities in the Towns of Aurora, East Gwillimbury and Newmarket. All of these municipalities are located in the Lake Simcoe watershed. The Water Reclamation Centre is one of three major components of the Upper York Sewage Solutions project. The other two components are the York Durham Sewage System Modifications and the Total Phosphorus Offsets. The Water Reclamation Centre will provide clean treated irrigation water, promote green design, conserve natural features and provide a trail system linkage.

Approval of the Environmental Assessment for the Upper York Sewage Solutions project is pending

The Upper York Sewage Solutions project is following the planning process established under the *Environmental Assessment Act* for an individual environmental Assessment. The Environmental Assessment (EA) was conducted in two parts – a Terms of Reference, essentially a road map as to how the EA would be undertaken, and the EA itself. Having received approval of the Terms of Reference, the final EA report for this project was submitted to the Minister for approval on July 25, 2014.

Following the submission, Ministry staff began an internal review and public consultation process, in accordance with regulatory guidelines. The Notice of

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Completion of Ministry Review was published on Thursday, January 21, 2016. The public comment period on the Ministry Review ended Friday, February 26, 2016. All comments received were documented and the next step is for the Minister to render a decision on approval of the EA.

A technical process determined the subject lands as the preferred site for the Water Reclamation Centre

A preliminary list of 98 potential sites was initially generated based on meeting the technical criteria of size (a minimum 100 acre parcel is required), elevation and location. After applying site suitability and avoidance criteria related to sensitive land use features, such as the Greenbelt and Oak Ridges Moraine, the list was pared down to 21 potential sites that satisfied all site suitability requirements. To ensure that all possible sites were considered, an "Expression of Interest" was placed in local papers to determine if single parcels of land could be combined into larger suitable sites. This process provided three additional potential sites that were evaluated. A screening of the list resulted in four sites being short listed for final consideration which included the subject property host site.

After full consideration of technical criteria, public consultation, the natural built and economic environments and the net effect analysis, the properties located at 20854 and 20908 Leslie Street were established as the recommended site for the Water Reclamation Centre.

The Region is able to obtain property rights prior to EA approval

The proponent is permitted under the *Environmental Assessment Act* to acquire rights in land for a proposed project before final approval is received at the proponent's risk. This risk is borne by the Region if the project does not receive approval or if the Minister's approval requires changes to the project that alter land requirements.

In September 2016, Council authorized the application for approval to expropriate the subject lands

In [September 2016](#), Council authorized the application for approval to expropriate the subject lands.

Upon the receipt of the Notice of Application to Expropriate, each owner had the right within 30 days, to request an inquiry (Hearing of Necessity) to determine whether the taking of the land by the Region is fair, sound and reasonable.

This is the second of three steps in the Council approval process for property expropriation as indicated in the graphic below.



Negotiations continue in order to acquire these necessary properties with a view to construction commencing in 2018

This project requires portions of land from 20854 and 20908 Leslie Street to accommodate construction of a proposed water reclamation centre. Possession of the land is required by early summer 2017. Negotiations to date have not been successful. Securing the property through the expropriation process will provide certainty that construction can proceed should the project be advanced. The two processes of a negotiated transaction and expropriation can occur concurrently.

4. Analysis and Implications

The Region will obtain ownership of the required lands upon registration of expropriation plans

Upon obtaining approval of the expropriation by Council, expropriation plans will be registered in early spring of 2017. Upon registration of the expropriation plans, notices of expropriation and possession will be served on the owners. The Region can take possession and obtain access to the required lands a minimum of three months after the notices have been served to the owners.

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

The appraisals for these properties are anticipated to be completed by early May 2017, which will support offers of compensation being made before possession can be taken in early summer 2017. Following possession, the Region will be able to enter the land for construction purposes.

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. A report will be presented to Council in

June 2017, to approve service of offers of compensation. The Region can take possession of the property upon service of the offers to the expropriated owners.

Environmental due diligence will be completed prior to the Region taking ownership of the lands

The Region performed both a Phase One Environment Site Assessment and a Phase Two Environment Site Assessment (ESA). The Phase One ESA indicated the presence of pesticides, herbicides and refuse, including an abandoned vehicle, common to farm related activities. Based on information obtained in completing the Phase One ESA, a Phase Two ESA was commissioned. The Phase Two ESA has been reviewed by staff in consultation with Legal Services and staff is waiting for recommendations to be provided by the consultant. Staff will report to Council on the findings and related cost estimates if the findings and costs are significant, including recommendations responding to the identified circumstances.

5. Financial Considerations

The funding required to complete this property acquisition is included in the approved 2017 Capital Budget for Environmental Services.

6. Local Municipal Impact

The Water Reclamation Centre, as part of the Upper York Sewage Solutions, is infrastructure that is vital to accommodate forecasted growth in the Towns of Aurora, East Gwillimbury, and Newmarket. In addition to providing clean treated irrigation water, the Water Reclamation Centre will promote green design, conserve natural features and provide a trail system linkage. The acquisition of the subject property supports the construction of the Water Reclamation Centre.

7. Conclusion

The purpose of the Upper York Sewage Solutions project is to develop a local sustainable sewage servicing solution to accommodate planned growth in the Towns of Aurora, East Gwillimbury and Newmarket.

This report seeks Council approval to expropriate property interests required for the construction of the proposed Water Reclamation Centre on the east side of 2nd Concession Road, approximately one kilometre north of Queensville

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20854 and 20908 Leslie Street Upper York Sewage Solutions
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Sideroad, in the Town of East Gwillimbury. It is necessary to initiate the expropriation process to facilitate the project schedule. To date, preliminary negotiations have not resulted in an agreement, Staff continues to negotiate for the acquisition of the required property and expropriation proceedings will be discontinued in the event that negotiations are successful.

For more information on this report, please contact Michael Shatil, Director, Property Services Branch at 1-877-464-9675 ext. 71684.

The Senior Management Group has reviewed this report.

December 16, 2016

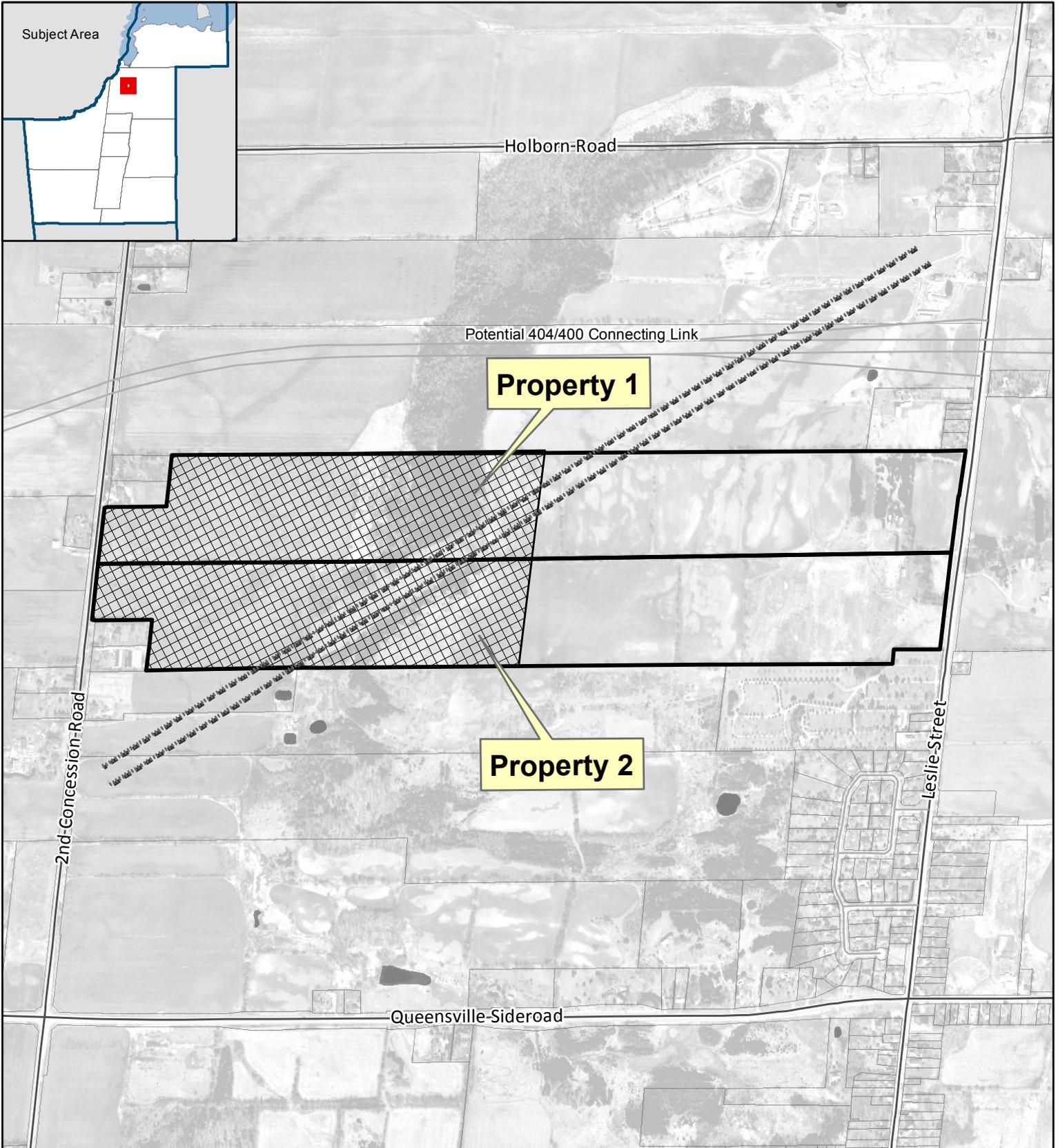
Attachments (2)

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Accessible formats or communication supports are available upon request

**Property Schedule
Approval to Expropriate
20854 and 20908 Leslie Street
Upper York Sewage Solutions
Town of East Gwillimbury**

No.	Owner	Municipal Address	Legal Description	Interest Required
1.	East Gwillimbury Holdings (2007) Inc.	20908 Leslie Street East Gwillimbury	Parts 1 to 8 inclusive, Plan 65R35610	Fee Simple
2.	East Gwillimbury Holdings (2008) Inc.	20854 Leslie Street East Gwillimbury	Parts 9 to 16 inclusive, Plan 65R35610	Fee Simple



Property 1

Property 2

Potential 404/400 Connecting Link

Subject Area

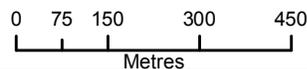


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Location Plan
Approval to Expropriate
20854 and 20908 Leslie Street
Upper York Sewage Solutions
Town of East Gwillimbury
January 19, 2017



Legend

- Subject Properties
- Interest Required
- Parcel
- Road
- Hydro Corridor