

The Regional Municipality of York

Committee of the Whole
Finance and Administration
September 9, 2021

Report of the Commissioner of Corporate Services

Expropriation of Land 16th Avenue from Leslie Street to Woodbine Avenue City of Richmond Hill and City of Markham

1. Recommendations

1. Council approve an application for approval to expropriate the lands set out in Attachment 1, required for the widening of 16th Avenue from Leslie Street to Woodbine Avenue in the City of Richmond Hill and the City of Markham.
2. 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").
3. 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 (Hearing of Necessity) held under the *Act*.
4. Council, as approving authority, approve the expropriation of the lands provided there is no Hearing of Necessity requested and not withdrawn in accordance with the *Act*. Council approval is deemed to be given effective 31 days following the publication of the Notice and when a Hearing of Necessity is not requested in accordance with the *Act*.
5. Where approval to expropriate the land is given, the Commissioner of Corporate Services is authorized to register a plan of expropriation and execute and serve any notices required under the *Act*.
6. Where approval to expropriate the land is given, Council authorize the introduction of the necessary bylaw to give effect to these recommendations.

2. Summary

This report seeks Council approval to expropriate land for the 16th Avenue Road Widening Project from Leslie Street to Woodbine Avenue, in the City of Richmond Hill and the City of Markham. The location of the project is shown on the map in Attachment 2.

Lands are required from owners in both municipalities to facilitate the road widening. Temporary easement and fee simple interests are required.

Key Points:

- The widening of 16th Avenue from Leslie Street to Woodbine Avenue is part of the larger 16th Avenue Project that spans from Leslie Street to Kennedy Road
- Construction is set to commence in the summer of 2023
- The construction timing is being coordinated with the Ministry of Transportation of Ontario and its reconstruction of the Highway 404 interchange
- Works along 16th Avenue are scheduled to be completed over different construction years as per the Region's current approved 2021 10-Year Roads and Transit Capital Construction Program
- Expropriation of the lands is recommended to ensure possession in a timely manner to provide for utility relocations

3. Background

The 16th Avenue corridor is a key element of the Regional Road network and the Transit Priority Network

The 16th Avenue corridor is a major component of the Transit Priority Network in southern York Region connecting with the Provincial Highway network, commuter GO rail services, the Region's Rapid Transit network, other Transit Priority Corridors, and the local municipal road networks.

The Municipal Class Environmental Assessment for 16th Avenue was completed in December of 2018 and the Region has initiated the detailed design and property acquisition phase of the project in spring of 2021.

Privately owned lands are required to accommodate the project

Acquisition of partial requirements from 29 properties is necessary to accommodate this phase of the project. The properties are located on the north and south sides of 16th Avenue between Leslie Street and Woodbine Avenue. Purchasing the requirements immediately provides certainty on construction timelines, which are scheduled to commence in 2023.

4. Analysis

Staff will negotiate with property owners throughout the expropriation

The subject properties of this report are business park employment properties. Discussions with owners commenced in 2019 when the requirements were identified. Staff will continue negotiations to obtain the requirements throughout the design and construction phases, to obtain lands through negotiated purchase agreements, rather than expropriation.

Initiating the expropriation process will allow access to the subject lands in a timely manner

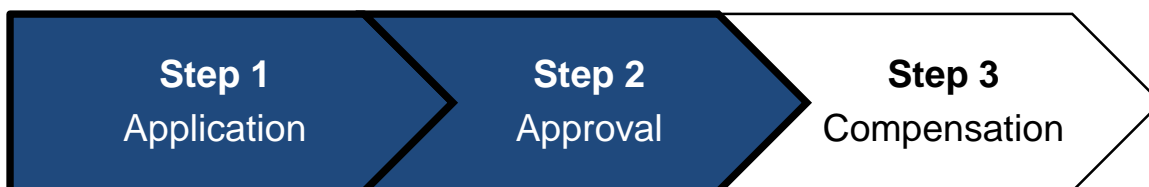
The preferred approach to obtaining an interest in land is to negotiate an acquisition with the property owner. However, expropriation is deemed a necessary approach to ensure timely possession of property requirements for the 2023 start of construction.

Council Approval is required at three stages of the expropriation process

Approval by Council is required at three stages in the expropriation process. These include the request to Council to authorize an application for approval to expropriate the land, the expropriation itself, and the offer of compensation made to the former owner of the land.

To ensure possession to meet the construction schedule, the first and second steps in the Council approval process have been combined for this report, as indicated in Figure 1 below. The third step will be the subject of a future report to Council, in the event the expropriation proceeds. Possession of the land cannot be obtained until this third step has been completed and the owner is served an offer of compensation.

Figure 1
Council Approval Steps



Registration of expropriation plans will secure title to the interest in the lands by the Region

Expropriation plans will be registered at the Land Registry Office within three months of Council granting approval of a by-law to proceed with the expropriation. Registration of the expropriation plans is anticipated to be later this year.

Registration of the expropriation plans is a key step in the expropriation process. It is at this point that the Region acquires title to the interest in the land. However, further steps are required to obtain possession, or the right to access the land.

Following the registration of the expropriation plans, the notices of expropriation and possession will be served on the owners. Under the *Act*, possession of the interest in the land is to take place no sooner than three months after registration of the expropriation plan. In addition, offers of compensation must be served on the owners to obtain possession.

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

Environmental due diligence is currently underway and remains to be completed. The results of the environmental due diligence conducted for the lands will be reviewed by Staff, including consultation with Legal Services. In the event environmental impacts are identified, Staff will take the necessary steps to minimize the Region's exposure to environmental risk and liability and may report to Council with recommendations depending on the nature and extent of the impacts.

5. Financial

The funds required to support offers of compensation for the property acquisitions have been included in the 2021 Capital Budget for Transportation Services.

6. Local Impact

The project provides improved access opportunities that will benefit road users, area residents and businesses in the vicinity of the Highway 404 and 16th Avenue interchange in both Richmond Hill and Markham. The project will further support the accommodation of the forecasted growth in the Region's Official Plan.

7. Conclusion

This report seeks Council approval to expropriate property interests required for 16th Avenue road widening in the City of Richmond Hill and the City of Markham. To facilitate the project schedule, it is necessary to initiate the expropriation process. Staff will negotiate for the acquisition of the required property and expropriation proceedings will be discontinued if negotiations are successful.

For more information on this report, please contact Michael Shatil, Director, Property Services at 1-877-464-9675 ext. 71684. Accessible formats or communication supports are available upon request.



Recommended by:

Dino Basso

Commissioner of Corporate Services



Approved for Submission:

Bruce Macgregor

Chief Administrative Officer

August 27, 2021

Attachments (2)

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