

Clause 13 in Report No. 11 of Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on June 29, 2017.

13

Expropriation Settlement
20854 and 20908 Leslie Street
Upper York Sewage Solutions
Town of East Gwillimbury

Committee of the Whole recommends adoption of the following recommendation contained in the report dated June 14, 2017 from the Commissioner of Corporate Services:

1. Council authorize the settlement of the expropriation and acquisition of lands in the Town of East Gwillimbury, as set out in Attachment 1, which were acquired in accordance with the *Expropriations Act* (the “Act”).
2. The Commissioner of Corporate Services be authorized to execute the Minutes of Settlement and all necessary documentation to complete the transaction in accordance with the Minutes of Settlement.

Report dated June 14, 2017 from the Commissioner of Corporate Services now follows:

1. Recommendations

It is recommended that:

1. Council authorize the settlement of the expropriation and acquisition of lands in the Town of East Gwillimbury, as set out in Attachment 1, which were acquired in accordance with the *Expropriations Act* (the “Act”).
2. The Commissioner of Corporate Services be authorized to execute the Minutes of Settlement and all necessary documentation to complete the transaction in accordance with the Minutes of Settlement.

Expropriation Settlement
20854 and 20908 Leslie Street
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2. Purpose

This report seeks Council approval to enter into a Minutes of Settlement agreement with respect to lands that have been expropriated 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 property ownership extends to and is addressed on Leslie Street. The location of the portion of the properties subject of this report is shown in Attachment 2.

Private Attachment 1 to this report will be considered in private session because it relates to the acquisition of land by the Region.

3. Background and Previous Council Direction

A comprehensive technical process was used to determine the subject lands as the preferred site for the Water Reclamation Centre

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. The process used to determine the subject lands as the preferred site was comprehensive and involved many steps.

A preliminary list of 98 potential sites was 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 sites for the Water Reclamation Centre.

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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 from the Ministry of Environment and Climate Change on 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 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.

The Region is able to obtain property rights prior to Environmental Assessment 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 assumed 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.

Council previously authorized expropriation of 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. The owner of the subject lands did not request a Hearing of Necessity.

In [January 2017](#), Council authorized the approval to expropriate the subject lands.

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4. Analysis and Implications

Possession of the expropriated lands will be obtained upon payment to the owner, pursuant to the terms of the settlement

The Region acquired title to the land when the expropriation plans were registered at the Land Registry Office on March 30, 2017. Although ownership is now in the name of the Region, possession is yet to be obtained. Possession will be obtained on payment to the owner pursuant to the terms of the settlement.

An independent appraisal report provided the value which forms the basis of the offer

The Region commissioned an independent appraisal to provide the offer of compensation. This formed the basis of The Region's position during negotiations to acquire the property.

The Region will not incur additional expenses once the full and final settlement is completed

The negotiated full and final settlement is considered to be in the best interest of the Region. Upon completion of this agreement inclusive of a signed full and final release, the Region will not incur any further claims and associated legal and litigation expenses from the owner in relation to the acquisition.

Environmental due diligence has been completed

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 the Phase One ESA, a Phase Two ESA was commissioned. The results of the Phase Two ESA indicated the presence of impacts and were reviewed by staff in consultation with Legal Services. An estimate of remediation work was obtained and the environmental consultant recommended that additional delineation works such as tree clearing and soil removal be undertaken.

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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 water, the Water Reclamation Centre will promote green design, conserve natural features and provide a trail system linkage. Acquisition of the subject property supports construction of the proposed 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.

On March 30, 2017, expropriation plans were registered to acquire land required for the proposed Water Reclamation Centre. The Region has negotiated a full and final settlement with the owner. The proposed settlement will include releases from the owner to finalize the arrangement.

It is recommended that Council authorize the expropriation settlement described in this report to conclude the land acquisition, settle all claims related to the expropriation of the subject property and come to a full resolution of the Region and owner's interests in the land acquired.

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

Expropriation Settlement
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The Senior Management Group has reviewed this report.

June 14, 2017

Attachments (2)

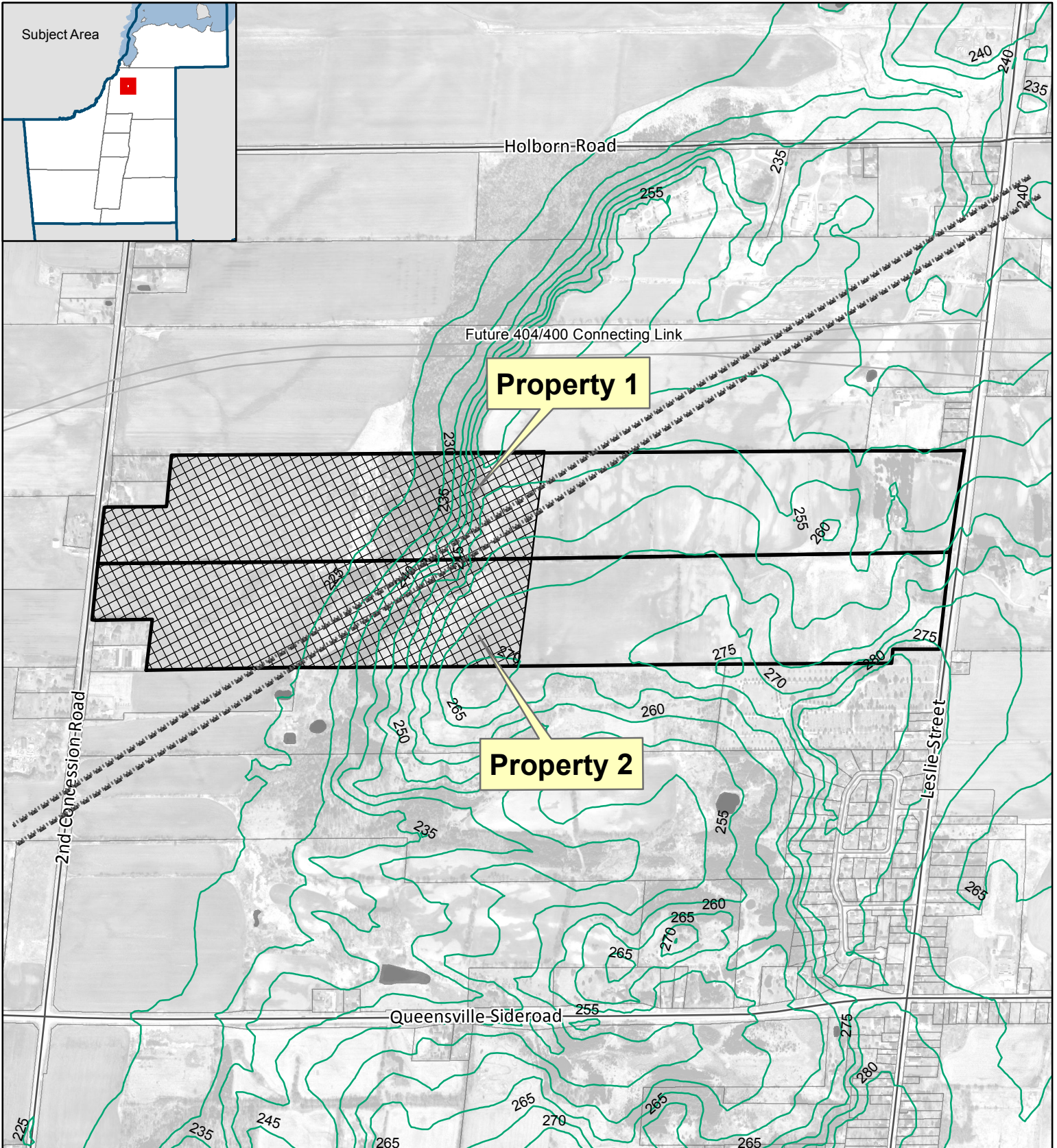
Private Attachments (1)

eDOCS #7677999

Accessible formats or communication supports are available upon request

**Property Schedule
Expropriation Settlement
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, YR2646318	Fee Simple
2.	East Gwillimbury Holdings (2008) Inc.	20854 Leslie Street East Gwillimbury	Parts 1 to 8 inclusive, Plan YR2646329	Fee Simple



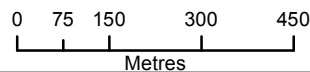
Location Plan
 Expropriation Settlement
 20854 and 20908 Leslie Street
 Upper York Sewage Solutions
 Town of East Gwillimbury
 June 22, 2017








Produced by:
 The Regional Municipality of York
 Property Services, Corporate Services
 June 2017

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Legend

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