

Clause 13 in Report No. 5 of Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on March 24, 2016.

13

Compensation for Expropriation
Keele Street - Steeles Avenue to Highway 7 West
City of Vaughan

Committee of the Whole recommends adoption of the following recommendations contained in the report dated January 25, 2016 from the Commissioner of Corporate Services:

1. Council authorize the Commissioner of Corporate Services to make offers of compensation to the owners of lands in the City of Vaughan, as set out in Attachment 1, which were acquired in accordance with the Expropriations Act (the "Act").

Report dated January 25, 2016 from the Commissioner of Corporate Services now follows:

1. Recommendation

It is recommended that:

1. Council authorize the Commissioner of Corporate Services to make offers of compensation to the owners of lands in the City of Vaughan, as set out in Attachment 1, which were acquired in accordance with the *Expropriations Act* (the "Act").

2. Purpose

This report seeks Council approval to serve offers of compensation under section 25 of the *Act* to owners whose lands have been expropriated for the widening of Keele Street, from Steeles Avenue to Highway 7 West in the City of Vaughan. The location of the properties is shown in Attachment 2.

3. Background

The Region is planning to improve Keele Street to support growth in the City of Vaughan

The Region completed a Class Environmental Assessment Study (EA) which recommended that Keele Street be improved to a six lane urban cross-section with the curb lanes as Transit/HOV lanes, and included on-street cycling facilities, sidewalks, and full illumination. In addition, the existing Canadian National Railways (CNR) Rail Structure on Keele Street, north of Steeles Avenue will be replaced and widened. The study area involved the portion of Keele Street between Steeles Avenue West and Rutherford Road. The EA was approved by the Ministry of the Environment in September 2012.

The timelines for project construction vary between the north and south portions of the project

There are two distinct sections of the Keele Street project, located to the north and south of Highway 407. Construction of the portion of the Keele Street project south of Highway 407 is planned to commence in late 2017 to early 2018. The properties north of Highway 407 are required to allow utility relocations to be completed in 2016 in advance of construction. In this regard, the process to obtain the property requirements has commenced based on different timelines for the two portions. This report pertains to the portion of the project south of Highway 407.

Portions of land from 13 property owners are required to facilitate the project

The project has identified land requirements from 13 property owners on Keele Street. Six of the 13 properties are located to the south of Highway 407. One of the properties has been acquired by the Region and the others are the subject of this report. The remaining properties (north of Highway 407) are being acquired based on different timelines.

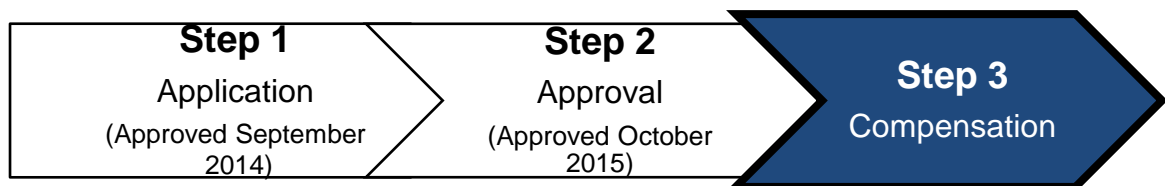
Possession of portions of land from five property owners is required by the spring of 2016 to accommodate utility relocations

Utility relocations are the first construction related item to be completed. Possession of the lands is required to accommodate utility relocations in the new boulevards along the edge of the roadway. The five properties that are the subject of this report are required by the spring of 2016. This will allow the utility relocations to be completed in advance of construction, which is scheduled to start by early 2018.

This report is for the third of the three steps in the Council approval process for expropriations

On September 11, 2014, Council authorized an application for approval to expropriate the lands, the first step in the expropriation process. On October 15, 2015, Council authorized the expropriation of the properties, which was the second step in the expropriation approval process.

This report is for the third step in the Council approval process. Upon approval by Council of this step, completion of the process will involve the Region serving offers of compensation to the owners and obtaining possession of the required lands. The graphic below summarizes the three steps in the process for obtaining approval by Council for expropriation.



4. Analysis and Options

Possession of expropriated lands will be obtained after serving offers

The Region acquired title to the lands when the expropriation plans were registered on December 17, 2015 at the Land Registry Office. In accordance with the *Act*, the Region cannot obtain possession until a minimum of three months after notifying owners that the expropriation plans have been registered. In addition, it is necessary to make offers of compensation to owners in order to obtain possession of the expropriated lands. The offers of compensation will be delivered in anticipation of possession of the lands for April 2016.

Independent appraisal reports have established the values which form the basis of the offers

Independent consultants were commissioned to provide estimate reports of compensation. The reports include appraisals of market value for the lands expropriated and, if applicable, estimates of damages for loss of improvements (such as landscaping or parking) and injurious affection (the loss of value to the lands retained by the owner).

Compensation for Expropriation

Keele Street - Steeles Avenue to Highway 7 West, City of Vaughan

Section 25 of the *Act* requires the Region to make two offers of compensation to an owner. The first offer is an offer of full compensation for the market value of the lands expropriated and any damages for loss of improvements and injurious affection. If the owner accepts the offer, then it is accepted as a full settlement of any future claims with respect to the expropriation.

The second offer is for the market value of the lands expropriated and does not include any other damages such as damages for loss of improvements or injurious affection. Acceptance of the second offer by an owner provides for a future claim for additional compensation in accordance with the *Act*.

Environmental due diligence has been undertaken

A Phase One Environmental Site Assessment (ESA) was completed for each of the five properties. Based on the results of the ESAs, Phase Two ESAs were conducted to assess soil and groundwater conditions at three properties. The results of the Phase Two ESAs did not identify any significant issues and no remediation is required at any of the properties.

Link to key Council-approved plans

The proposed acquisition for the Keele Street project supports the objectives of Vision 2051, the Regional Official Plan and the 2015 to 2019 Strategic Plan.

One of the goal areas of Vision 2051 is Interconnected Systems for Mobility, which the project addresses by providing an interconnected network for mobility that links people to jobs. As well, the Keele Street project supports one of the objectives of the Regional Official Plan which is to ensure streets support all modes of transportation. Lastly, a strategic objective identified in the Strategic Plan is the focus on networks and systems that connect people, goods and services.

5. Financial Implications

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

6. Local Municipal Impact

Road improvements on Keele Street, in the City of Vaughan, will provide upgrade capacity to improve traffic operations for the travelling public and to meet the expected growth in this area.

7. Conclusion

The reconstruction of Keele Street requires the acquisition of property from owners located between Steeles Avenue and Highway 7 in the City of Vaughan. Council authorized the application for approval to expropriate lands required for street improvements in October 2015.

On December 17, 2015, expropriation plans were registered with respect to certain lands required for Keele Street, from Steeles Avenue to Highway 7 West, in the City of Vaughan. The Region is now the owner of the land, however the *Act* requires that offers of compensation for expropriated lands be served on the former owners in order to obtain possession. The proposed offers are based on estimates provided by independently commissioned appraisers. It is recommended that the offers set out in this report be served in accordance with the *Act*.

For more information on this report, please contact Michael Shatil, Director, Property Services Branch at ext. 71684.

The Senior Management Group has reviewed this report.

January 25, 2016

Attachments (2)

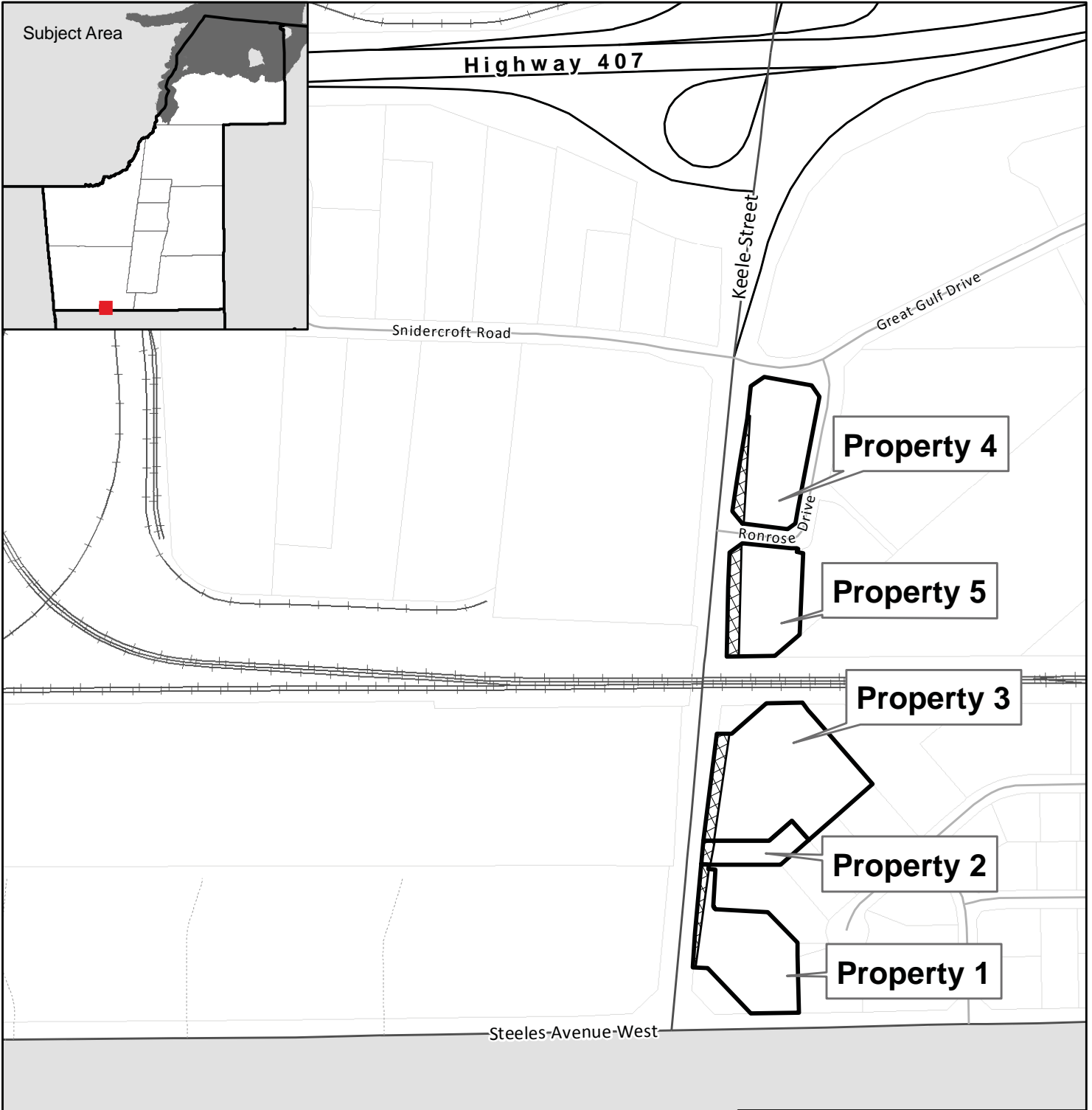
Private Attachment (1)

eDOCS #6602713

Accessible formats or communication supports are available upon request

**Property Schedule
Compensation for Expropriation
Keele Street – Steeles Avenue to Highway 7 West
City of Vaughan**

No.	Owner	Municipal Address	Legal Description	Interest Required
1.	1041887 Ontario Limited	2180 Steeles Avenue West Vaughan	Parts 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, & 43, Plan 65R35003	Fee Simple
			Part 47, Plan 65R35003	Permanent Easement
			Part 44, 45, 46, & 48, Plan 65R35003	Temporary Easement
2.	1041886 Ontario Limited	7077 Keele Street Vaughan	Parts 18, 19, Plan 65R35003	Fee Simple
3.	2284607 Ontario Limited	Vacant land	Parts 16, 17, Plan 65R35003	Fee Simple
4.	Condor Properties	10 Ronrose Drive Vaughan	Parts 1, 2, Plan 65R34948	Fee Simple
5.	Condor Properties	Vacant Land	Part 7, 8, Plan 65R34948	Fee Simple
<p>The temporary easements will run for a term of 60 months commencing upon registration of the expropriation plan and are required for the purpose of entering on the lands with all vehicles, machinery, workmen and other material to provide for hard and soft landscaping, grading and reshaping of the lands to the limit of the widening and reconstruction of Keele Street during construction and the maintenance period.</p> <p>The permanent easements are required for the purpose of entering the lands with all vehicles, machinery, workmen and other materials to construct, maintain and replace sewer outlets and headwalls.</p>				



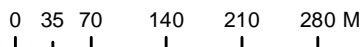
LOCATION PLAN

Compensation for Expropriation
 Keele Street - Steeles Avenue to Highway 7 West
 City of Vaughan






Produced by:
 The Regional Municipality of York
 Property Services, Corporate Services
 November 2015

Data Sources:
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Legend

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