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EXPROPRIATION OF LAND
16TH AVENUE TRUNK SEWER, PROJECT 7403
TOWN OF MARKHAM

The Transportation and Works Committee recommends the adoption of the recommendations contained in the following report, November 25, 2005, from the Commissioner of Corporate Services:

1. RECOMMENDATIONS

It is recommended that:

1. Authority be granted to apply for approval to expropriate the following lands within the Town of Markham, in The Regional Municipality of York:
 - (a) a temporary limited interest in approximately 1.98 ha (4.9 acres), being Parts 1, 4 and 6 on Reference Plan 65R-26145
(for a staging area for the construction of the sanitary sewer, commencing August 1, 2006 and terminating April 30, 2007)
2. The Commissioner of Corporate Services be authorized to serve and publish Notice of Application as required by the *Expropriations Act*.
3. The Commissioner of Corporate Services be authorized to forward to the Chief Inquiry Officer, pursuant to the provisions of the *Expropriations Act*, any requests for hearing that may be received.
4. The Regional Council, as approving authority, approve of the expropriation of the lands described in paragraph 1, provided there is no hearing of necessity.
5. The Director of Realty Services be authorized to execute and serve any notices required by the *Expropriations Act*.
6. Authority be granted for the introduction of the necessary bills in Council to give effect to the foregoing.

2. PURPOSE

The purpose of this report is to obtain Regional Council's approval to expropriate land from one owner in conjunction with the construction of a trunk sanitary sewer along 16th Avenue in the Town of Markham (*see Attachment 1*).

3. BACKGROUND

Regional Council, on March 28, 2002, adopted Clause 4 of Report 3 of the Transportation and Works Committee that authorized staff to proceed with the acquisition of the easements necessary for the 16th Avenue trunk sewer construction.

In June 2003, the owners of this land signed an offer with the Region to grant a temporary easement over this land for the purpose of constructing a sanitary sewer. This temporary easement will expire in 2006; however, the Region's work is not complete and it is necessary to extend this date. The owners are not willing to negotiate an extension to the termination date; therefore, it is necessary to expropriate this land.

4. LOCAL MUNICIPAL IMPACT

The construction of the 16th Avenue trunk sanitary sewer is necessary to accommodate growth in the Towns of Markham and Richmond Hill. Together with other existing trunk sewers, the 16th Avenue trunk sewer will accommodate growth in the Towns of Aurora and Newmarket, and will divert flows from the YDSS system providing capacity in that system for additional growth in the City of Vaughan.

5. FINANCIAL IMPLICATIONS

An offer of compensation must be made under Section 25 of the *Expropriations Act* to all of the owners of the listed parts on the reference plan. This offer must be made within 90 days of the registration of the expropriation plan. Funds have been included in the 2006 budget for this offer. Staff will report back to Council prior to making this offer.

6. CONCLUSION

A reference plan showing the Region's requirements as referred to in this report has been registered. In order to ensure that the project is not delayed, it is appropriate to proceed with expropriation. The above noted reference plan will be available at Committee for your review.

The Senior Management Group has reviewed this report.

(The attachment referred to in this clause was included in the agenda for the January 11, 2006 Committee meeting.)