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AMENDMENT TO EXPROPRIATION OF LAND
SOUTHEAST COLLECTOR, PROJECT 7404
THE REGIONAL MUNICIPALITY OF YORK, AND
THE REGIONAL MUNICIPALITY OF DURHAM

The Environmental Services Committee recommends the adoption of the recommendations contained in the following report dated August 31, 2009, from the Commissioner of Corporate Services.

1. RECOMMENDATIONS

It is recommended that:

1. Authority be granted to apply for approval to expropriate the following land within the Town of Markham, in The Regional Municipality of York and the City of Pickering, in The Regional Municipality of Durham:

The Regional Municipality of York (*Property 1*):

- (a) a fee simple interest in approximately 1.556 ha (3.845 acres), being Parts 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10 on Draft Reference Plan RY-M-50.
- (b) a permanent limited interest in approximately 0.034 ha (0.084 ac), being Part 2 on Reference Plan 65R-31489;
Part 5 on Reference Plan 65R-31488; and
Part 5 on Draft Reference Plan RY-M-51.

The Regional Municipality of Durham:

- (a) a fee simple interest in approximately 8.467 ha (20.922 acres), being Parts 1 and 2 on Draft Reference Plan RY-P-2 (*Property 2*);
Part 1 on Draft Reference Plan RY-P-3 (*Property 3*);
Part 1 on Draft Reference Plan RY-P-15 (*Property 4*);
Parts 1, 2 and 3 on Draft Reference Plan RY-P-17 (*Property 5*); and
Part 1 on Draft Reference Plan RY-P-18 (*Property 6*).
 - (b) a permanent limited interest in approximately 0.123 ha (0.305 acres), being Part 1 on Draft Reference Plan RY-P-4 (*Property 5*); and
Parts 1, 4 and 5 on Reference Plan 40R-25479 (*Property 5*).
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 a Hearing of Necessity 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 Manager, 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.
7. The Regional Council rescind the authority to expropriate certain lands in the Town of Markham in The Regional Municipality of York and in the City of Pickering in The Regional Municipality of Durham, as authorized by Clause 20 of Report 8 of the Transportation and Works Committee, adopted by Council at its meeting on June 25, 2009.

2. PURPOSE

This report is to obtain Regional Council's approval to amend the authority originally given by Regional Council at its meeting of June 25, 2009 to expropriate lands in The Regional Municipality of York and The Regional Municipality of Durham, for the construction of the Southeast Collector Sewer and its ancillary infrastructure (*see Attachment 1*).

Since, June, 2009, there have been changes in engineering requirements for the sewer, the relocation of the Odour Control Facility to a new location on York Durham Line, and the relocation of our proposed works away from the intersection of Finch Avenue and Valley Farm Road onto private property.

3. BACKGROUND

This project involves the construction of a sanitary sewer from Box Grove in the Town of Markham in The Regional Municipality of York to Valley Farm Road in the City of Pickering in The Regional Municipality of Durham.

The Environmental Assessment Report for this project was submitted to the Ministry of the Environment in 2008 with expected approval in 2009. Funds for this project were included in the 2009 Capital Budget.

4. ANALYSIS AND OPTIONS

Following Regional Council's approval to proceed with expropriation on June 25, 2009, the requirements for land acquisition have been modified. In some cases it will now be necessary to expropriate a fee simple interest rather than an easement. Other modifications have resulted in further lands being identified for acquisition and some lands being deleted from the Region's requirements.

Property negotiations have been underway for the past year to secure the necessary lands needed for the sewer which also includes the uses for haul roads and construction compounds. The Region will continue to negotiate with the property owners to secure a negotiated agreement avoiding the need for expropriation.

The ability of the Region to expropriate lands in Durham Region derives from provisions of the *Municipal Act, 2001* that enable a municipality to exercise its own powers beyond its boundaries if the service to be provided is exclusively for its own residents. The proposed infrastructure satisfies this test.

5. FINANCIAL IMPLICATIONS

Offers of compensation must be made under Section 25 of the *Expropriations Act* to the owners of the listed parts on the reference plans. These offers must be made within 90 days of the registration of expropriation plans and prior to taking possession of the land. Funds are included in the 2009 Capital Budget for these offers. Staff will report back to Council prior to making these offers.

6. LOCAL MUNICIPAL IMPACT

The construction of the Southeast Collector is a critical infrastructure component in ensuring adequate wastewater capacity for growth across the Region of York. Construction of the Southeast Collector will support the accommodation of the forecasted growth within the Region, as established by "Places to Grow" and reflected in the draft York Region Official Plan (June, 2009). The Plan establishes forecasts for each of the area municipalities for the Plan Period.

7. CONCLUSION

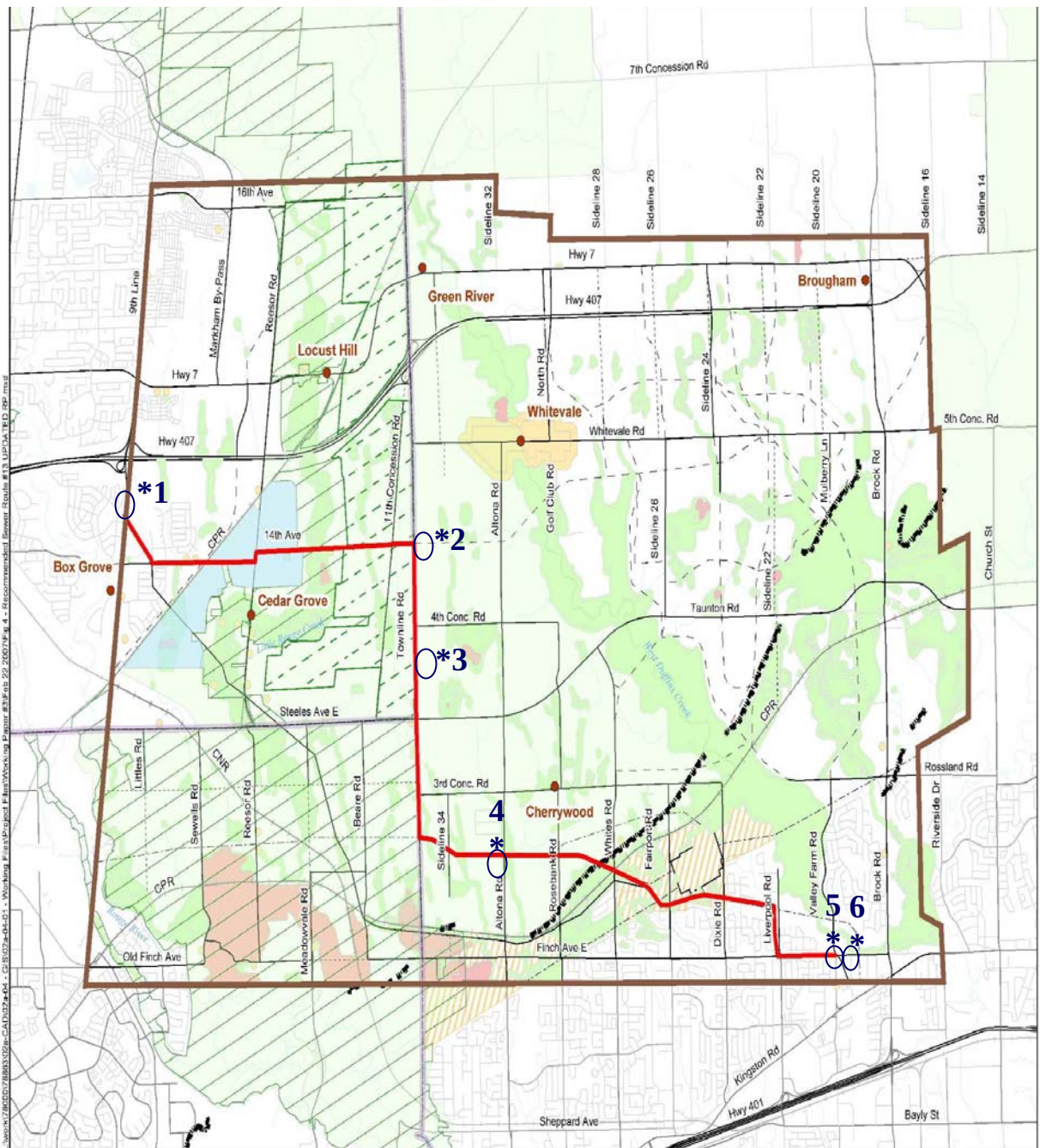
This report seeks Council approval to seek new authority to expropriate certain lands in both York and Durham Regions for the construction of the Southeast Collector Sewer. Modifications to the design have identified different land requirements and it is recommended that the previous authority be rescinded.

Construction is scheduled to commence in January 2010 and in order to ensure that the project is not delayed, it is appropriate to proceed with expropriation. Reference plans showing the Region's requirements will be available at Committee for your review.

For more information on this report, please contact Paul J. Roberts, Manager, Realty Services, Property Services Branch at Ext. 1424.

The Senior Management Group has reviewed this report.

(The attachment referred to in this clause was included in the agenda for the September 16, 2009 Committee meeting).



LOCATION PLAN

Expropriation of Land - Amendment to June, 2009 Authority
 Southeast Collector, Project 74040
 Town of Markham



PROPERTY SERVICES