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APPLICATION FOR APPROVAL TO EXPROPRIATE RECONSTRUCTION OF WARDEN AVENUE, PROJECT 9867 TOWN OF MARKHAM

The Finance and Administration Committee recommends the adoption of the recommendations contained in the following report dated January 18, 2012, from the Commissioner of Corporate Services.

1. RECOMMENDATIONS

It is recommended that:

1. Council authorize an application for approval to expropriate the following lands within the Town of Markham:

Address	Legal Description	Interest Required
9729 Warden Avenue	Part 5, Plan 65R-33129	Temporary Easement
7 Glenbourne Park Drive	Part 3, Plan 65R-33129	Temporary Easement
9 Glenbourne Park Drive	Part 4, Plan 65R-33129	Temporary Easement
Temporary Easements to terminate December 31, 2013		

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 service and publish the Notice as required under the *Expropriations 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 held under the *Expropriations Act*.
4. Council authorize the introduction of the necessary bylaws to give effect to these recommendations.

2. PURPOSE

This report seeks Council's approval for an application to expropriate temporary easements to facilitate reconstruction on Warden Avenue, in the Town of Markham (*Attachment 1*). Under the *Expropriations Act* (the "Act"), Council must approve an application prior to the initiation of any proceedings under the Act.

3. BACKGROUND

The Environmental Assessment was approved in May 2001

The Environmental Assessment Study for Warden Avenue, from Steeles Avenue East to Major Mackenzie Drive East, was approved by the Ministry of the Environment in May 2001.

Property required for drainage and watercourse improvements

The project is to widen Warden Avenue from a two lane road to a five lane urban road. The Property in this report is required for drainage and watercourse improvements in the location of Berczy Creek.

On May 19, 2005, Regional Council authorized the widening and reconstruction of Warden Avenue from 16th Avenue to Major Mackenzie Drive in the Town of Markham, including the acquisition of the necessary land.

4. ANALYSIS AND OPTIONS

Negotiations for property acquisitions were commenced in the fall of 2010

The project will require the acquisition of land for the reconstruction of Warden Avenue. Detail design is on-going and at the pre-tender stage. Construction is planned to start in 2012.

External appraisals on each property were completed in October 2011. Staff have commenced negotiations with the property owners for the required interests.

Initiating expropriation proceedings will ensure the construction schedule will not be compromised if land acquisitions are delayed

Regional staff anticipate that current negotiations will be successful in due course; however, in order to ensure the timely acquisition of the lands, it is recommended the expropriation process proceed in tandem.

The first step in the process requires Council, as approving authority, to authorize an application for approval to expropriate. Subsequently, notices may be served on owners of the subject lands. Receipt of this notice will trigger an owner's right to request a hearing of necessity. There is also a statutory obligation to publish the notices.

Link to Key Council – approved plans

From Vision to Results: 2011 to 2015 Strategic Plan

Priority Area - Continue to deliver and sustain critical infrastructure
Continue to prioritize new capital infrastructure projects to support managed growth and optimize community benefit. Improve mobility for users on Regional transportation corridors.

5. FINANCIAL IMPLICATIONS

The funds to acquire the property for this project have been included in the 2012 Capital Budget, Capital Delivery, Roads, Transportation and Community Planning Department.

6. LOCAL MUNICIPAL IMPACT

The reconstruction and widening of Warden Avenue between 16th Avenue and Major Mackenzie Drive East will provide an additional north-south route for the existing heavy traffic volumes and the future traffic volumes due to anticipated growth in the area.

7. CONCLUSION

This report seeks Council's approval to expropriate a temporary easement from three owners along Warden Avenue in order to implement road improvements. To ensure the project is not delayed, it is necessary to initiate the expropriation process. Staff will continue negotiating for the acquisition of the required properties and expropriation will be abandoned in cases where negotiations are successful.

For more information on this report, please contact Barry Crowe, Director, Property Services Branch at Ext. 1684.

(The attachment referred to in this clause is attached to this report.)



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LOCATION PLAN

APPLICATION FOR APPROVAL TO EXPROPRIATE

Project 9867 Warden Avenue - 16th Ave. to Major Mackenzie Dr.

TOWN OF MARKHAM



0 80 160 320 Metres

PROPERTY SERVICES

