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

The Finance and Administration Committee recommends the adoption of the recommendations contained in the following report dated January 19, 2011, 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 City of Pickering, in The Regional Municipality of Durham:
 - a) a permanent limited interest in approximately 0.59 ha (1.469 ac), being Parts 2 and 6 on Reference Plan 40R-26753.
 - b) a temporary limited interest for five years in approximately 2.815 ha (6.959 ac), being Parts 1, 3, 4 and 5 on Reference Plan 40R-26753.
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. Regional Council, as approving authority, approve of the expropriation of the lands described in Recommendation 1, providing there is no Hearing of Necessity.
5. If approval to expropriate the lands is given, the Manager Realty Services, Property Services Branch, 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. Regional Council rescind the authority to expropriate a fee simple interest in Parts 1 and 2 on Reference Plan 40R-26052 in the City of Pickering, in The Regional

Municipality of Durham, as authorized by Clause 5 of Report 1 of the Environmental Services Committee, adopted by Council at its meeting on September 24, 2009.

2. PURPOSE

The purpose of this report is to obtain Regional Council's approval to amend the authority previously given by Regional Council at its meeting of September 24, 2009, for lands being expropriated 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 September 24, 2009, there have been changes to the engineering requirements on the property on the east side of the York/Durham Townline (Regional Road 30) at 14th Avenue, in the City of Pickering, relating to the construction compound to be constructed on this property and the restoration of the construction compound lands at the end of construction in 2015, when the temporary limited interest expires.

3. BACKGROUND

The acquisition of lands required for the construction of the Southeast Collector Sewer Project

The project is 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.

Environmental Assessment Report approved in April 2010

The Environmental Assessment Report for this project was submitted to the Ministry of the Environment in 2008, and approved in April, 2010. Funds for this project were included in the 2010 Capital Budget and carried forward in the 2011 Capital Budget.

4. ANALYSIS AND OPTIONS

Property requirements for land acquisition have been modified

Following Regional Council's approval to proceed with expropriation on September 24, 2009, the requirements for land acquisition have been modified as a result of engineering modifications. The fee simple interest authorized under the previous authority has been changed to a requirement for permanent easements on part of the property for the sub-surface sewer as well as a five year temporary easement on part of the property for a surface construction compound.

Negotiations have been ongoing over the past two years to secure the required property rights

Negotiations have been ongoing with the property owner for the past two years to secure the necessary property rights for the sewer, which also includes uses for haul roads and construction compounds. The Region will continue to negotiate with the property owner to secure a negotiated agreement avoiding the need for expropriation.

Expropriation of land in another municipality

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 the boundaries if the service to be provided is exclusively for its own residents. The proposed infrastructure satisfies this test.

Construction to commence in May, 2011

Expropriation of the amended requirements needs to commence in order to secure the land for the construction of the project, scheduled for May, 2011.

5. FINANCIAL IMPLICATIONS

Funds for the project were included in the 2010 Capital Budget and have been carried forward to the 2011 Capital Budget.

6. LOCAL MUNICIPAL IMPACT

The construction of the Southeast Collector Sewer is a critical infrastructure component in ensuring adequate wastewater capacity for growth across the York Region. 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 York Region Official Plan (2010). The Plan establishes forecasts for each of the area municipalities for the Plan Period.

7. CONCLUSION

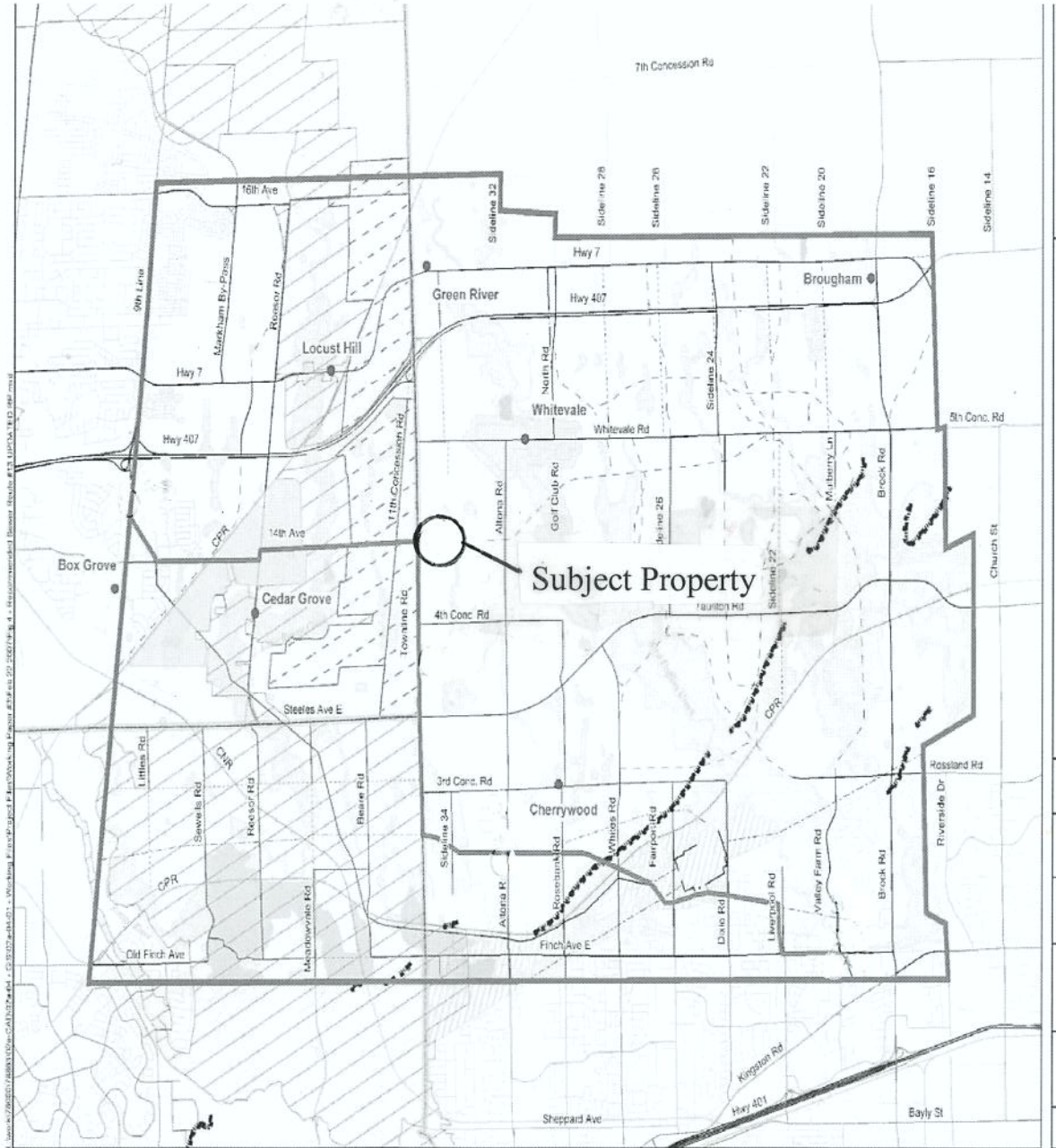
The report seeks Council approval to seek new authority to expropriate certain lands in The Regional Municipality of Durham for the construction of the Southeast Collector Sewer. This is the result of modifications to the design of the sewer and temporary usage of the construction compound. It is recommended the previous authority be rescinded.

Construction is scheduled to commence in May, 2011, and in order to ensure that the project is not delayed, it is appropriate to proceed with expropriation. The Reference Plan showing the Region's requirement will be available at Committee for 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 February 3, 2011 Committee meeting.)



LOCATION PLAN

Amendment to Expropriation of Land
Southeast Collector Sewer, Project 7404
CITY OF PICKERING



PROPERTY SERVICES