

## **11**

### **COMPENSATION FOR EXPROPRIATION VARIOUS PROJECTS**

**The Transportation and Works Committee recommends the adoption of the recommendation contained in the following report dated March 12, 2009, from the Commissioner of Corporate Services.**

#### **1. RECOMMENDATIONS**

It is recommended that:

1. The Commissioner of Corporate Services be authorized to make the following offers on behalf of the Regional Corporation in accordance with the *Expropriations Act* for:
  - a) the land required for intersection improvements to eliminate the Major Mackenzie Drive (YR 25) jog at Ninth Line (YR 69), Town of Markham;
  - b) the land required for the widening and reconstruction of Bloomington Road (YR 40), Town of Aurora.

#### **2. PURPOSE**

This report is to receive authorization from Regional Council to serve offers, under the *Expropriations Act*, on those parties who have a registered interest in the properties being expropriated.

#### **3. BACKGROUND**

##### **Independent appraisal reports establish compensation for Section 25 Offers**

Independent appraisers prepared appraisal reports of the three following properties. In compliance with Section 25 of the *Expropriations Act*, Council authorizes the appraisal reports in order to be served upon the owners. The offers are made based on 100% of the market value and such offers must be made prior to taking possession of the property.

On November 20, 2008 Regional Council authorized the expropriation of Property Nos. 1 and 2 for intersection improvements to eliminate the Major Mackenzie Drive jog at Ninth Line in the Town of Markham (*see Attachment 1*).

### **3.1 Property No. 1**

|                        |                                                                                                                                                                                                                                                   |
|------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| OWNERS:                | Jeni G. Nihda<br>James V. Nihda                                                                                                                                                                                                                   |
| PROPERTY:              | Part of Lot 20, Concession 8, Town of Markham                                                                                                                                                                                                     |
| TOTAL OWNERSHIP:       | 3.031 ha (7.49 acres)                                                                                                                                                                                                                             |
| EXPROPRIATED PROPERTY: | Fee simple interest in Part 1 on Expropriation Plan YR1280214, Town of Markham                                                                                                                                                                    |
| AREA EXPROPRIATED:     | 1,504 m <sup>2</sup> (0.372 acres)                                                                                                                                                                                                                |
| OFFER OF COMPENSATION: | \$180,000                                                                                                                                                                                                                                         |
| COMMENTS:              | The subject property is improved with a brick single family dwelling located on the south side of Major Mackenzie Drive East and west of Ninth Line, Town of Markham. The Region's requirement is vacant land along the frontage of the property. |
| PROJECT NUMBER:        | 8388                                                                                                                                                                                                                                              |

### **3.2 Property No. 2**

|                        |                                                                                                                                                                                            |
|------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| OWNER:                 | Eglinton Golf Enterprises Limited                                                                                                                                                          |
| PROPERTY:              | Part of Lot 21, Concession 8, Town of Markham                                                                                                                                              |
| TOTAL OWNERSHIP:       | 6.945 ha (17.16 acres)                                                                                                                                                                     |
| EXPROPRIATED PROPERTY: | Fee simple interest in Part 1 on Expropriation Plan YR1280341, Town of Markham                                                                                                             |
| AREA EXPROPRIATED:     | 50 m <sup>2</sup> (0.012 acres)                                                                                                                                                            |
| OFFER OF COMPENSATION: | \$2,000                                                                                                                                                                                    |
| COMMENTS:              | The subject property is improved with a 2 car garage in poor condition being located on the north side of Major Mackenzie Drive East and west of Ninth Line, Town of Markham. The Region's |

requirement is a narrow strip of vacant land along the frontage of the property.

PROJECT NUMBER: 8388

### **3.3 Property No. 3**

On June 19, 2008 Regional Council authorized the expropriation of Property No. 3 for the widening and reconstruction of Bloomington Road in the Towns of Richmond Hill and Aurora (*see Attachment 2*).

OWNER: Vito DiBlasi

PROPERTY: Part of Lot 11, Concession 2, Town of Aurora

TOTAL OWNERSHIP: 19.473 ha (48.118 acres)

EXPROPRIATED PROPERTY: Fee simple interest in Parts 1, 2 and 3 on Expropriation Plan D1031 and Parts 1, 2 and 3 on Expropriation Plan D1032, Town of Aurora

AREA EXPROPRIATED: 0.934 ha (2.309 acres)

OFFER OF COMPENSATION: Nil

COMMENTS: The subject property is located at the northwest quadrant of Leslie Street and Bloomington Road, Town of Aurora. It is a 48 acre parcel improved with a single family dwelling (it is currently tenanted). Much of the site was excavated for aggregate purposes in the past, and has since been filled. The northerly part of the site contains part of a recognized wetland monitored by the South Lake Region Conservation Authority. The preparation of an independent appraisal for Section 25 purposes required an independent opinion of the development potential of the property (mostly Oak Ridges Moraine land to remain undeveloped, plus the single family residential use), and environmental test pitting along the entire Bloomington Road frontage. The environmental testing has revealed there is construction debris comprising of concrete, asphalt, wood and wire pieces throughout the 4.5m depth profile in each of the 8 test pits, together with spot contamination of hydrocarbon and other

chemicals. In the opinion of staff, the soils within the requirement are not useful as fill material for road construction purposes and should be removed and disposed off-site in a responsible manner. The cost of disposal will be borne by the Region as part of the road construction contract.

According to the Region's 10 Year Road Construction Program, the section of Bloomington Road between Bayview Avenue and Leslie Street is scheduled for construction in 2011. As such, the exact cost of removing and disposing of the soils and construction debris will not be known until after the construction is complete. Preliminary estimates suggest that the cost of disposal will exceed the estimated market value of the requirement (which is \$62,200 as estimated by an independent appraiser).

It is recommended that a NIL offer of compensation, together with the independent appraisal and ancillary planning and environmental reports, be delivered to the registered owner (and others with a legal interest) following Council approval.

In the event that the cost of remediation is less than \$62,200, then staff will return to Council with a recommendation to pay the owner the difference.

PROJECT NUMBER: 9708

#### **4. FINANCIAL IMPLICATIONS**

The total amount of compensation for these expropriations is \$182,000.

Property Nos. 1 and 2 were appraised by an external appraiser who estimated the market value at \$483,871 per acre and \$166,667 per acre respectively.

Property No. 3 was appraised by an external appraiser who estimated the market value at \$26,400 per acre after remediation. Once remediated this property would be developable in the near term.

Funds for these offers will come from the 2009 Capital Budget.

## **5. LOCAL MUNICIPAL IMPACT**

The properties in this report are required for road projects within the Region.

The elimination of the jog along Major Mackenzie Drive East at Ninth Line will improve safety and increase capacity for the public by providing additional turning lanes.

Bloomington Road is presently a two-lane paved road with gravel shoulders and roadside ditches and is expected to be beyond capacity for this type of road within the next ten years. The widening and reconstruction of Bloomington Road from Bayview Avenue to Highway 404 will provide additional east-west capacity to improve traffic operations and meet expected growth in this area.

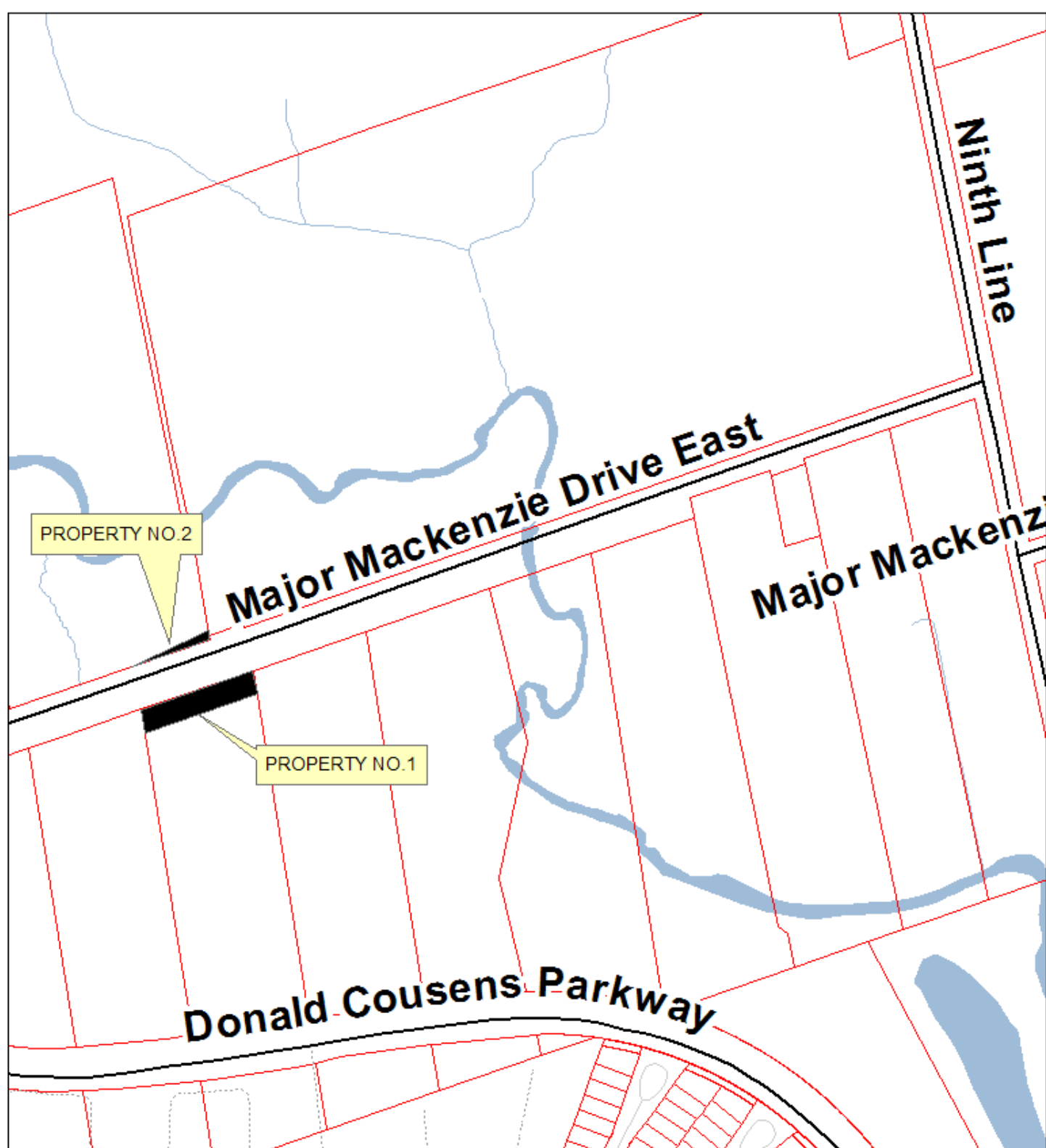
## **6. CONCLUSION**

It is recommended that the above offers, together with a copy of the related appraisal reports be served by registered mail on those parties with a registered interest in the subject properties. Under the *Expropriations Act*, the offers must be served in order that the Region can enter onto the expropriated lands in order to commence construction.

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

The Senior Management Group has reviewed this report.

*(The two attachments referred to in this clause were included in the agenda for the April 8, 2009 meeting.)*



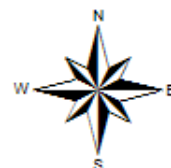
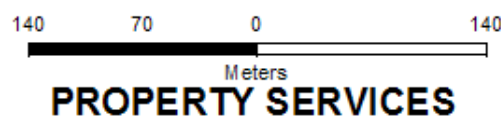
## LOCATION PLAN

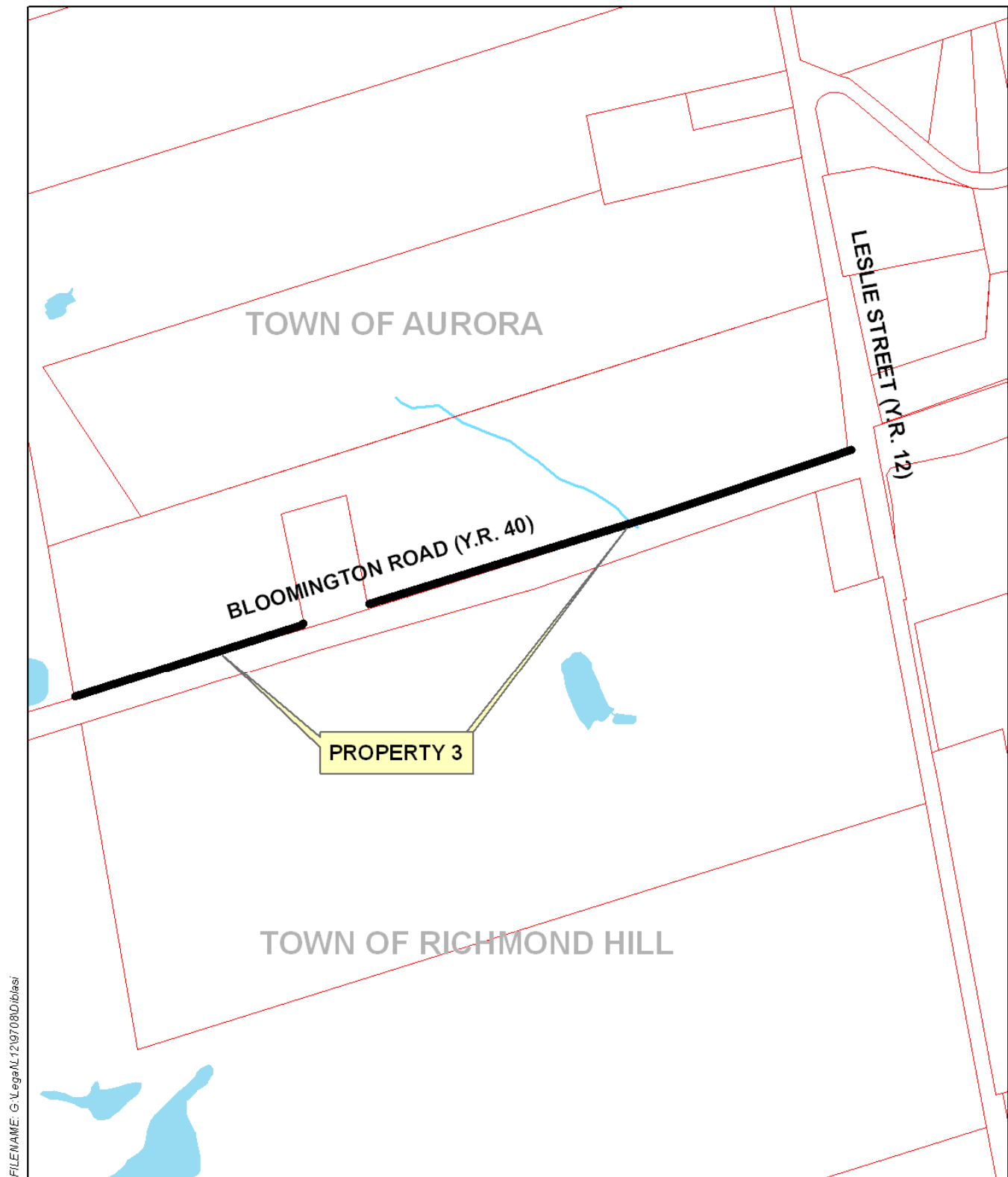
Compensation for Expropriation

Jog Elimination Major Mackenzie Drive East @ Ninth Line

Project 8388, Town of Markham

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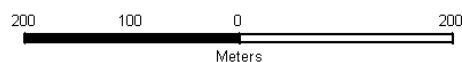
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## LOCATION PLAN

Compensation for Expropriation  
Bloomington Road, Project 9708  
Town of Aurora



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PROPERTY SERVICES

