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

The Transportation and Works Committee recommends the adoption of the recommendations contained in the following report dated May 19, 2009, from the Commissioner of Corporate Services.

1. RECOMMENDATIONS

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:

- (a) a fee simple interest in approximately 8.3508 ha (2.06 acres), being Parts 2, 3, 4, 5, 6, 7, 8, 9 and 10 on Draft Reference Plan RMY-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 6.252 ha (15.45 acres), being Parts 3, 4 and 5 on Draft Reference Plan RY-P-2;
Parts 1, 2, 3, 4 and 5 on Draft Reference Plan RY-P-3;
Part 1 on Draft Reference Plan RY-P-15.
 - (b) a permanent limited interest in approximately 0.324 ha (0.802 acres), being Part 2 on Draft Reference Plan RY-P-2;
Part 1 on Draft Reference Plan RY-P-4;
Parts 1, 4 and 5 on Reference Plan 40R-25479.
 - (c) a temporary limited interest for four years commencing January 1, 2010 and terminating December 31, 2013 in approximately 2.494 ha (6.162 acres), being Part 1 on RY-P-2
Part 1 on Reference Plan 40R-25875
Parts 1 2, 3 and 4 on Draft Reference Plan RY-P-14.
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.

2. PURPOSE

This report is to obtain Regional Council's approval to expropriate the required land from four owners in The Regional Municipality of York and eight owners in The Regional Municipality of Durham for the construction of the Southeast Collector Sewer and Odour Control Facility (*see Attachment 1*).

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 Environment in 2008 with expected approval in the fall of 2009. Funds for this project were included in the 2009 Capital Budget.

4. ANALYSIS AND OPTIONS

Property negotiations have been underway for the past year to secure the necessary land needed for the sewer which also includes uses for haul roads, construction compounds and the Odour Control Facility. 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 in the *Municipal Act, 2001* that enable a municipality to exercise its 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 the 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 will ensure adequate sewer capacity for continued growth in The Regional Municipality of York as identified in the Region's Official Plan.

7. CONCLUSION

This report seeks Council approval to expropriate certain lands in both York and Durham Regions for the construction of the Southeast Collector Sewer and Odour Control Facility.

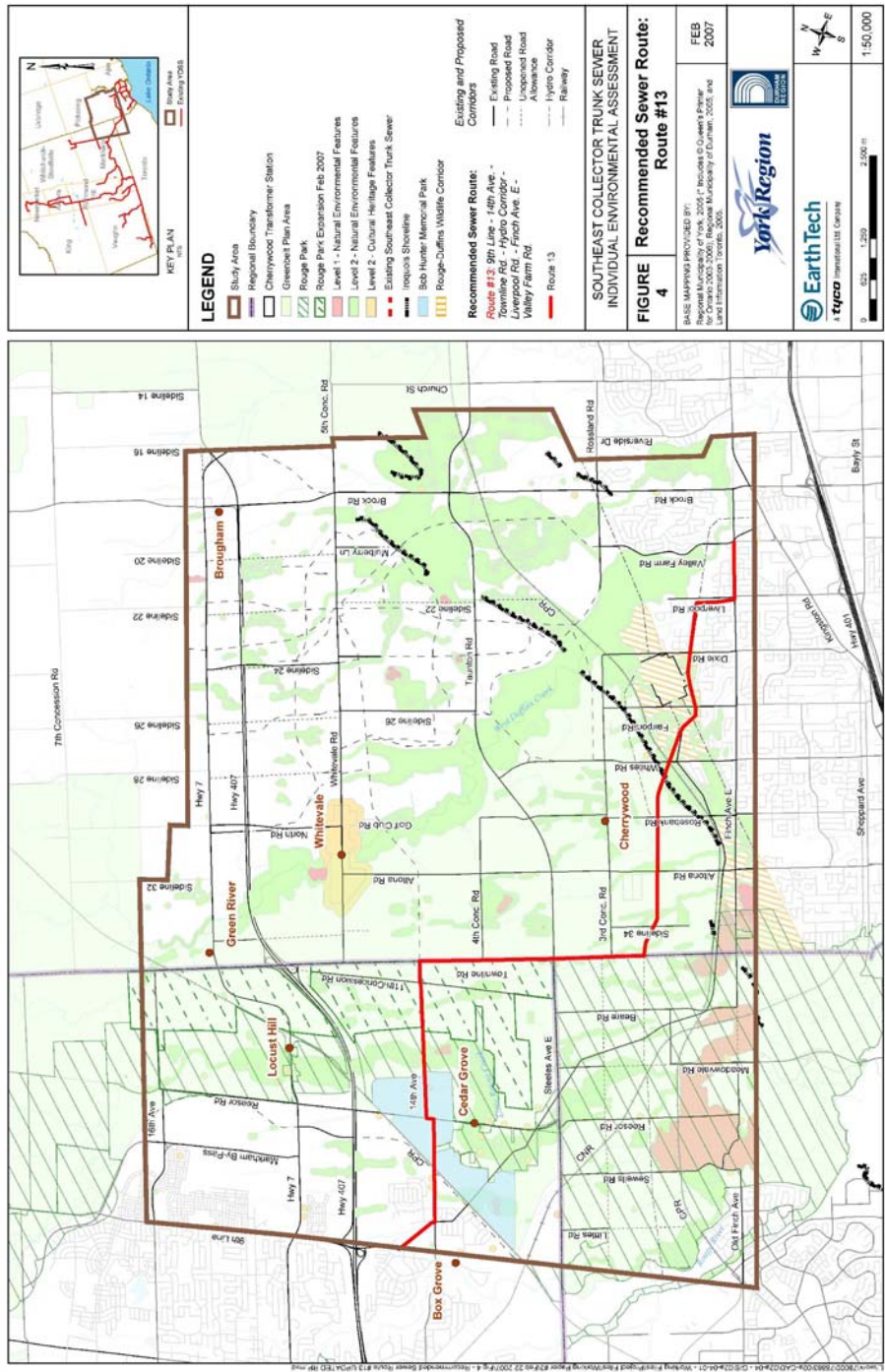
Construction is scheduled to commence January 2010 and in order to ensure that the project is not delayed, it is appropriate to proceed with expropriation. Reference plans showing the Region's requirements will be available at Committee for your review.

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 June 17, 2009 meeting.)

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LOCATION PLAN

Expropriation of Land
Southeast Collector, Project 74040
Town of Markham



PROPERTY SERVICES