

4
EXPROPRIATION OF LAND
WIDENING AND RECONSTRUCTION OF THE NINTH LINE
TOWN OF WHITCHURCH-STOUFFVILLE

The Finance and Administration Committee recommends the adoption of the recommendations contained in the following report dated August 24, 2011, from the Commissioner of Corporate Services.

1. RECOMMENDATIONS

It is recommended that:

1. Council authorize an application for approval to expropriate the following land within the Town of Whitchurch-Stouffville:

Address	Legal Description	Interest Required
12238 Ninth Line	Part 31 Plan 65R-31664	Fee Simple

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 serve 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 by-laws to give effect to these recommendations.

2. PURPOSE

This report seeks Council's approval for an application to expropriate land for the widening and reconstruction of the Ninth Line, in the Town of Whitchurch-Stouffville, together with a jog elimination at Main Street, in the Town of Whitchurch-Stouffville (*Attachment 1*).

Under the *Expropriations Act* (the "Act"), Council as approving authority, must approve an application prior to the initiation of any proceedings under the Act.

3. BACKGROUND

The Environmental Assessment has been approved for the widening and reconstruction of the Ninth Line from Highway 407 to Main Street in the Town of Whitchurch-Stouffville

The projected population increase of 3,500 residents adjacent to the Ninth Line corridor in the Town of Whitchurch-Stouffville by 2021 was used in the 1999 Ninth Line Environmental Study Report to assess the need for improvements.

The 1999 Ninth Line Environmental Study Report concluded that:

- 4-lane roadway widening of the Ninth Line is required from Highway 407 to Major Mackenzie Drive
- Intersection jog eliminations at Major Mackenzie Drive East, Elgin Mills Road and Main Street (Stouffville) with the Ninth Line are required
- 2-lane reconstruction of the Ninth Line north of Major Mackenzie Drive to Main Street (Stouffville) is required and will provide sufficient capacity

The Environmental Study Report Addendum for these projects was submitted to the Ministry of Environment in 2008 and received approval in March 2009.

4. ANALYSIS AND OPTIONS

Negotiations are proceeding to acquire the necessary properties with a view to construction commencing in 2013

The project will require the acquisition of one additional property, principally for road widening purposes. Construction is scheduled to commence in 2013.

Property negotiations to acquire the necessary lands commenced in 2008 and 21 settlements have been reached throughout the Ninth Line corridor. The remaining properties were acquired by expropriation in the summer of 2011. Staff are continuing to negotiate settlements for the required interests.

Initiating expropriation proceedings will ensure that the construction schedule will not be compromised if land acquisition is delayed

Regional staff anticipate that settlements will be successfully concluded on many outstanding properties. These agreements will be presented to Council for approval in due course. In order to ensure timely acquisition of the land, it is recommended that 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, the notice may be served on the owner of the subject land. 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 notice.

5. FINANCIAL IMPLICATIONS

The funds required to complete the property acquisition for these projects have been included in the 2011 Capital Budget for Transportation Services.

6. LOCAL MUNICIPAL IMPACT

The widening and reconstruction of the Ninth Line together with a jog elimination at Main Street in the Town of Whitchurch-Stouffville will provide upgraded capacity to improve traffic operations for the travelling public and will meet the expected growth in this area.

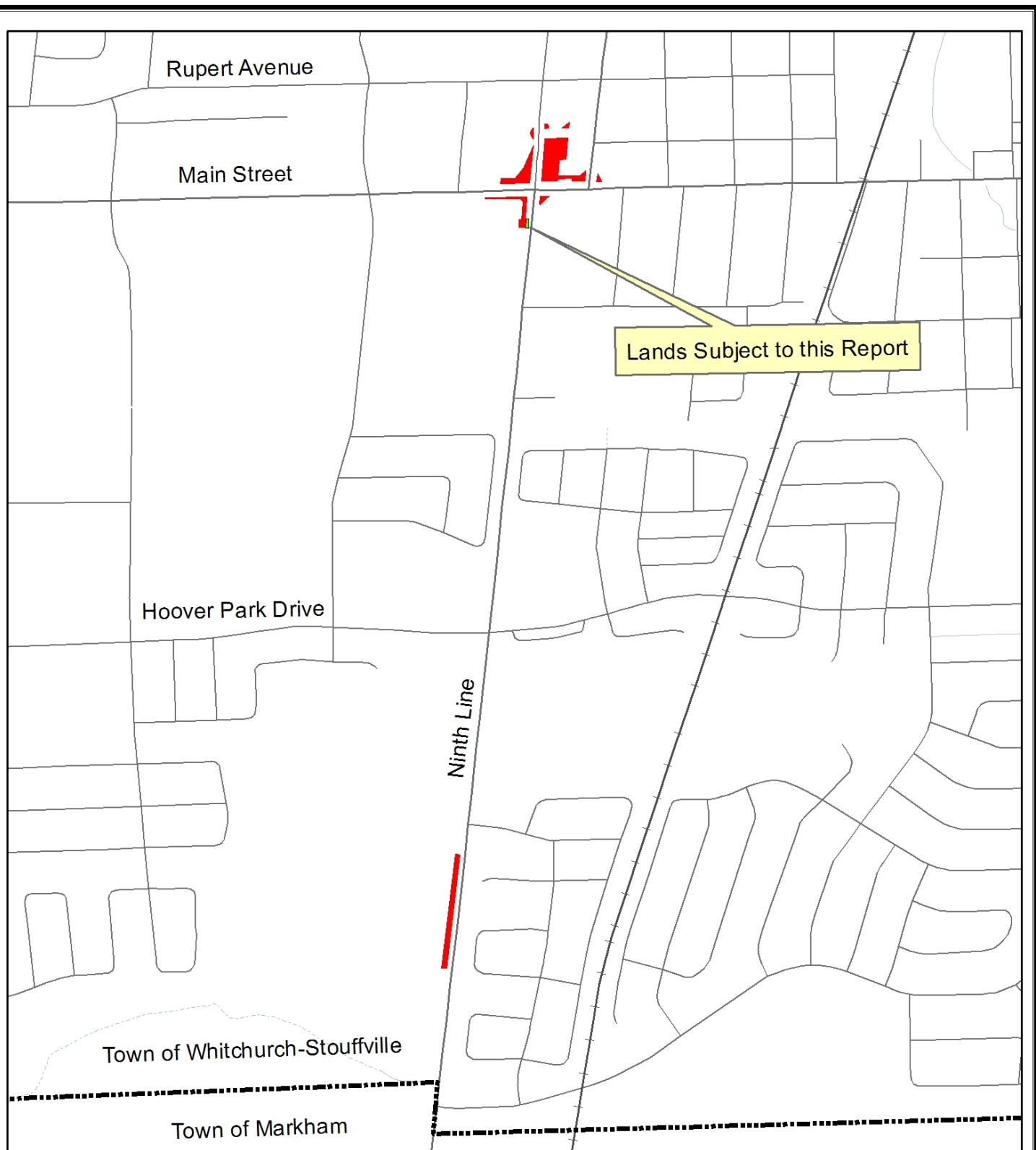
7. CONCLUSION

This report seeks Council's approval to expropriate one additional property from an owner along the Ninth Line in order to implement road and intersection improvements. To ensure the project is not delayed, it is necessary to initiate the expropriation process. Staff will continue negotiating for the settlement of the expropriated properties, and expropriation will be abandoned in the case where negotiations are successful.

For more information on this report, please contact Chris Harker, Manager, Realty Services, Property Services Branch at Ext. 1899.

The Senior Management Group has reviewed this report.

(The attachment referred to in this clause was included in the agenda for the September 8, 2011 Committee meeting.)



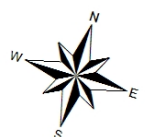
LOCATION PLAN
Expropriation of Land
Ninth Line in the Town of Whitchurch-Stouffville

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 Lands To Be Acquired



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ROADS BRANCH - CAPITAL DELIVERY