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EXPROPRIATION SETTLEMENT AND ABANDONMENT OF EASEMENT ANSNORVELDT WATER SUPPLY TOWNSHIP OF KING

The Transportation and Works Committee recommends the adoption of the recommendations contained in the following report, October 3, 2005, from the Commissioner of Corporate Services:

1. RECOMMENDATIONS

It is recommended that:

1. The following expropriation settlement agreement be accepted and that the Commissioner of Corporate Services be authorized to complete this transaction in accordance with the terms of the agreement.
2. Regional Council declare surplus and give notice of its intention to abandon and release the easement over Part 1 on Expropriation Plan D973, Township of King (*see Attachment 2*) as described in Instrument No. KI25702 to the owners of the property.
3. Regional Council authorize the execution of the necessary documents required to abandon and release the easement described in Recommendation 2 above to the owners of the land as provided for in the expropriation settlement agreement.

2. PURPOSE

The purpose of this report is to obtain Regional Council's approval to accept the following expropriation settlement agreement relating to the assumption, remediation and operation of the Ansnorveldt water supply (*see Attachment 1*) in the Township of King.

2.1 Property No. 1

OWNER:	Anthony John Mellegers and Anita Elizabeth Mellegers
PROJECT:	The assumption, remediation and operation of the Ansnorveldt water supply
SUBJECT PROPERTY:	Part of Lot 1 and Block D, Registered Plan 250, being Parts 1 and 2 on Expropriation Plan D971, Township of King
AUTHORITY:	Clause 4 of Report No. 5 of the Transportation and Works Committee adopted at Regional Council, May 2, 2001

TOTAL OWNERSHIP:	1,375.85m ² (14,810ft ²)
AREA TAKEN:	Fee simple interest in Parts 1 and 2 on Expropriation Plan D971, being 20 m ² (215.28 ft ²)
COMMENTS:	In connection with the assumption of the Ansnorveldt Water Supply works, it was necessary for the Region to expropriate a portion of the property on which the water supply works was located. These lands are described as Parts 1 and 2 on Expropriation Plan D971. In exchange for the compensation for the expropriated lands, the former owners have agreed to accept a lump sum payment of \$2,500.00 for privacy fencing along the south side of their property and require the Region to abandon and release its easement over Part 1 on Expropriation Plan D973 as described in KI25702. This easement runs along the south side of the Owners' property and was created to allow access for the maintenance of the original watermain. With the construction of a new watermain on the Region's property to the south, the original watermain is no longer required and the easement can be abandoned to the owners of the property.
PROJECT NUMBER:	9857

3. BACKGROUND

On October 23, 2000, the Province of Ontario issued an Order under the Ontario Water Resources Regulation which required the Region of York to assume operations and control of the Ansnorveldt Water Supply. Regional Council, at its meeting of May 2, 2001, adopted Clause 4 of Report No. 5 of the Transportation and Works Committee that authorized staff to proceed with the acquisition of lands required for the assumption, remediation and operation of the Ansnorveldt water supply.

The majority of the well site was purchased in 2001; however, a small area, shown as Parts 1 and 2 on Expropriation Plan D971, on the north side of the pump house, was expropriated from these owners.

In order to achieve a settlement agreement, the property owners require the Region to pay to them a lump sum payment of \$2,500.00 for privacy fencing along the south side of their property. In addition, the owners require the Region to abandon and release to them

the easement described in Instrument No. KI25702, which easement runs along the south side of the owners' property.

4. FINANCIAL IMPLICATIONS

There is no monetary compensation involved in the expropriation settlement agreement other than the lump sum payment of \$2,500.00 for privacy fencing and the payment of legal fees.

5. LOCAL MUNICIPAL IMPACT

There is no municipal impact associated with this transaction.

6. CONCLUSION

The agreement, which is the subject of this report, is an expropriation settlement for the property required for the assumption, remediation and operation of the Ansnorveldt water supply in the Township of King and it is recommended that this agreement be accepted.

The easement described in Recommendation No. 2 above, is no longer required by the Region and it is recommended that Regional Council authorize the abandonment and release of the easement to the owners of the land as provided for in the expropriation settlement agreement.

The Senior Management Group has reviewed this report.

(The attachments referred to in this clause were included in the agenda for the November 2, 2005 Committee meeting.)