

REPORT

Council

Meeting Date: April 26, 2021

FROM: Legal Department

DATE: April 13, 2021

SUBJECT: Expropriations relating to Speers Road Widening Project
between Fourth Line and Dorval Drive, By-law 2021-063

LOCATION: Speers Road between Fourth Line and Dorval Drive

WARD: Ward 2

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RECOMMENDATION:

1. That the expropriation of the fee simple interest in the lands set out in Appendix "A" (the "**Lands**"), be approved for the municipal purpose of facilitating the reconstruction and improvement of a segment of Speers Road between Fourth Line and Dorval Drive.
2. That the CAO and Town Clerk be authorized and directed to sign expropriation plans and Certificates of Approval showing the Lands being expropriated.
3. That the Town Solicitor be authorized and directed to cause the said expropriation plans, when so signed and sealed, to be registered at the Land Registry Office for Halton and thereby effect the expropriation of the Lands.
4. That the Realty Services Manager, CAO, Town Solicitor, or any one of them, be authorized and directed to execute and serve all notices and other documents and take such steps which are necessary to carry out the expropriation of the Lands or which are required by the *Expropriations Act* in respect of the Lands.
5. That a Notice of Possession be served requiring possession of the Lands at least three (3) months after the date of service of the said notice, and all necessary steps be taken to obtain possession of the Lands on the day permitted under the *Expropriations Act*.
6. That an offer of an amount in full compensation for the registered owners' interest in the Lands, and an offer for immediate payment of 100% of the market value, as estimated by the Town's appraiser, be served, together with a copy of the appraisal report, all in accordance with section 25 of the *Expropriations Act*.
7. Where the registered owner refuses to accept the section 25 offer, that the CAO be delegated authority to approve the compensation for any partial or

full minutes of settlement based on market value for the Lands, together with any other compensation for which the owners may be entitled to under the *Expropriations Act* in accordance with the procedures and within the monetary threshold limits set out in Appendix “C”.

8. That any minutes of settlement approved by the CAO be executed in accordance with By-Law 2013-057.
9. That staff be authorized to undertake any relocation/removal works of structures located within the expropriated Lands necessary to commence the construction work if the expropriated owner and the Town cannot reach a settlement, and the Director of Transportation and Engineering be authorized to enter into any agreements required to effect such work.
10. That By-law 2021-063, authorizing the expropriation of the Lands, be passed.

KEY FACTS:

The following are key points for consideration with respect to this report:

- On September 24, 2018, Council approved staff bringing an application to expropriate 13 parcels of land for the widening and reconstruction of Speers Road between Fourth Line and Dorval Drive.
- On October 11, 18 and 25 in 2018, the expropriation notice was published in the Oakville Beaver, as required by the *Expropriations Act*.
- No hearings of necessity were requested.
- The construction project was delayed which allowed staff time to negotiate with the affected owners to try to come to amicable agreements and avoid the need for an expropriation.
- Four of the owners agreed to amicable deals with the Town and one owner dedicated the lands to the Town as part of a site plan process.
- There are 8 parcels remaining that require expropriation to facilitate a timely completion of this construction project.
- Staff are seeking authority to finalize the expropriation of the 8 remaining parcels.

BACKGROUND:

Speers Road is a multi-purpose east-west arterial road with primarily commercial and light industrial land uses. The section of Speers Road between Fourth Line and Dorval Drive is approximately 1.2 km in length. Between Fourth Line and Dorval Drive, the road is a four lane urban cross-section with a posted speed limit of 60 km/h.

Sidewalks are located on both sides of the road, separated from the pavement by a grass boulevard. Currently there are no dedicated bicycle facilities on this section of

road. Pedestrian crossings are located at the intersections of Fourth Line, Morden Road, Dorval Drive and mid-block.

In 2009, the Speers Road Improvements (Bronte Road to Kerr Street) Class Environmental Assessment was completed and approved. The recommended preferred alternative was to reconstruct Speers Road to five (5) lanes throughout the corridor (4 through lanes and 1 centre turn lane), plus auxiliary turn lanes at major intersections as required, with dedicated on-road bike lanes and sidewalks along both sides of the corridor.

In 2010, the first phase was constructed from Bronte Road to the Procor site (1 km west of Third Line). This non-urbanized section was reconstructed to an interim widening of three lanes and included full urbanization with curb and gutter, on-road bike lanes, sidewalks on both sides of the road, and new LED street lighting.

The second phase of the Speers Road improvements commenced in 2018 on the corridor between Third Line to Fourth Line and is currently nearing completion. The urbanized four-lane roadway was widened to a five-lane cross-section with on-road bike lanes and the sidewalks on both sides of the road were replaced as part of the reconstruction.

Prior to construction starting on the corridor between Fourth Line and Dorval Drive, the Town required 13 parcels of land from private owners. On September 24, 2018 Council approved staff commencing the expropriation proceedings for the required 13 parcels of land. Construction of this phase of the project was delayed, so staff have worked with the affected owners to come to amicable agreements and avoid the need for expropriation. Four owners agreed to amicable agreements transferring the required lands to the Town and one owner dedicated the required lands as part of a site plan process. There are 8 parcels (the Lands as set out in Appendix A) remaining that require expropriation in order to meet the construction timelines.

COMMENT/OPTIONS:

Staff want to ensure construction and utility relocation can commence for this phase of the project in the Fall of 2021. To meet this timeline, staff are recommending that the expropriation of the required Lands be approved. Staff do not anticipate being able to finalize any further amicable agreements in time to meet the construction timelines. The acquisition of the Lands will secure the remaining outstanding property interests required for the Speers Road Widening project between Fourth Line and Dorval Drive.

If Council directs staff to proceed with the expropriation of the Lands, the next step in the process is to register expropriation plans to acquire title to the Lands. After registration of the expropriation plans, staff will execute and serve the required

expropriation forms on the affected owners. Staff will be seeking possession of the Lands as soon as permitted under the *Expropriations Act*. As part of the expropriation process, staff will present offers to the registered owners of the Lands at the full market value of the Lands as estimated by the Town's appraiser. These offers will be served, together with a copy of the appraisal report, all in accordance with section 25 of the *Expropriations Act*.

If the affected owners choose not to accept the initial section 25 offers, staff will work with the affected owners to try to come to a settlement. The compensation under the settlement process will be based on the principles set out in Appendix "C". If any of the settlement amounts are beyond the monetary thresholds in Appendix "C", staff will seek Council approval.

CONSIDERATIONS:

(A) PUBLIC

The inclusion of this report in Council agenda will provide public notification. Additionally, all required public notification will be provided in accordance with the *Expropriations Act*.

(B) FINANCIAL

The Transportation and Engineering department has provided for the anticipated expropriation costs of the land acquisition in the approved project budget.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

The Transportation and Engineering department is in agreement with the recommendations in this report.

(D) CORPORATE STRATEGIC GOALS

This report addresses the corporate strategic goal to improve the town's multi-modal transportation network to support effective movement of people and goods.

(E) CLIMATE CHANGE/ACTION

N/A

APPENDICES:

Appendix A: List of properties to be expropriated

Appendix B: Plans showing the lands to be expropriated

Appendix C: Procedure for determining compensation in expropriation settlements

Appendix D: By-Law 2018-130

Appendix E: By-law 2021-063

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