

REPORT

Council

Meeting Date: September 19, 2022

FROM: Legal Department

DATE: September 6, 2022

SUBJECT: Application for Approval to Expropriate for the North Service Road Project – September 19, 2022, By-law 2022-090

LOCATION: Eighth Line from the Morrison Wedgewood Channel to the North Service Road intersection and North Service Road from Eighth Line to 1 km east of Invicta Drive

WARD: Ward 6

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RECOMMENDATION:

1. That Application be made by The Corporation of the Town of Oakville as expropriating authority to the Council of The Corporation of the Town of Oakville as approving authority for the approval to expropriate the lands identified in Appendix "A" (the "**Lands**") required for the widening and reconstruction of a portion of North Service Road and Eighth Line, all in accordance with the *Expropriations Act*.
2. That staff serve and publish notice of the above Application in accordance with the terms of the *Expropriations Act* and all required documentation be executed by the Manager of Realty Services, Town Solicitor, CAO or any one of them.
3. That staff forward to the Ontario Land Tribunal any requests for a hearing that may be received.
4. That staff work with the affected owners to negotiate amicable agreements of purchase and sale where possible.
5. That staff be given authority to enter into amicable purchase agreements to acquire the Lands and the purchase agreements required to complete the acquisition be executed in accordance with By-Law 2013-057.
6. That the CAO be delegated authority to approve the compensation for the amicable agreements based on market value for these property interests, together with any other compensation for which the owners may be entitled to under the *Expropriations Act*, which shall not exceed \$600,000 in total per property (excluding legal and consulting costs), in accordance with the procedures set out in Appendix "B".

7. That By-Law 2022-090, authorizing the bringing of an application to expropriate the Lands, be passed.

KEY FACTS:

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

- The Midtown Oakville Transportation and Stormwater Municipal Class Environmental Assessment (EA) was completed and approved in 2014 and recommended the reconstruction and urbanization of North Service Road.
- The project will impact Eighth Line from the Morrison Wedgewood Channel to the North Service Road intersection including a new roundabout at Eighth Line and Iroquois Shore. The work on North Service Road runs from the Eighth Line intersection to 1km east of Invicta Drive.
- The Transportation and Engineering group undertook a detailed engineering design for the North Service Road widening project.
- The project requires acquisition of certain lands in fee simple and permanent and temporary easements from 16 different owners as identified in Appendix “A”.
- Negotiations will continue with all the affected owners throughout the expropriation process to try to come to amicable agreements before the expropriation process is finalized.
- In the event that amicable agreements cannot be reached, and to ensure a timely completion of this project, it is recommended that the expropriation process be initiated now for all the Lands.

BACKGROUND:

The Midtown Oakville Transportation and Stormwater Municipal Class Environmental Assessment (EA) study was undertaken to determine a strategy to guide the development of the transportation and municipal stormwater network required to support the planned growth in Midtown Oakville. The study was completed in 2014 and the preferred solution recommended the reconstruction and urbanization of North Service Road to three lanes throughout the corridor (two through lanes and one centre turn lane), with dedicated on-road bike lanes and a sidewalk along the north boulevard.

North Service Road is an east-west roadway adjacent to the QEW and is primarily designated for business, commercial and industrial land uses. The section of the road included in the North Service Road reconstruction project (the “Project”) is approximately 1.7 km in length running from Eighth Line to 1 km east of Invicta Drive. This section of the road is currently a two lane rural cross-section with a posted speed limit of 60 km/h. There are currently no sidewalks, active

transportation facilities, or pedestrian crossings within the Project limits. The Project will also include a realignment at Eighth Line, a roundabout at the intersection of Eighth Line and Iroquois Shore Road, and urbanization of Invicta Drive.

Parcels of land and easements are required along the Project corridor in order to complete the Project. The property requirements are set out in Appendix “A” and include property interests from 16 owners. Full size plans showing the Lands are available for review in the Clerks Department.

COMMENT/OPTIONS:

Staff want to ensure utility relocations can commence by summer of 2023 and construction can begin in the spring of 2025. Staff are recommending that the expropriation process for the required Lands be initiated now in order to maintain the integrity of the project timelines. If the Town delays the start of the expropriation in order to allow more time for amicable negotiations, there is a risk that the Project timelines will not be met.

The Town’s negotiator is in the process of reaching out to the affected owners so they are aware of the proposed timelines for the construction and the need to commence the expropriation now while amicable negotiations continue. Staff and consultants will continue to work with each of the owners to try to come to an amicable settlement before expropriation becomes necessary. The first stage of expropriation approvals requested in this report commences the expropriation process, but it does not mean an amicable settlement cannot be reached in the interim. Staff must return to Council to seek final approval before the expropriation is finalized.

This report also seeks authority to enter into amicable agreements with any owner who is willing to do so at this stage. The compensation for amicable agreements will be based on market value for the Lands, together with any other compensation for which the owners may be entitled to under the Expropriations Act, such as injurious affection and disturbance damages. Staff will follow the procedures set out in Appendix “B” to determine the reasonable compensation. If the compensation amount (excluding legal and consulting costs) for a property is greater than \$600,000, staff will return to Council with a full breakdown of the proposed compensation to obtain authority to proceed with an amicable agreement. Staff will also return to Council seeking authority to complete the expropriation process for any Lands where amicable agreements cannot be reached.

By-law 2022-090, authorizing the bringing of the application to expropriate the Lands, is attached as Appendix “C”.

CONSIDERATIONS:

(A) PUBLIC

The inclusion of this report in Council agenda will provide public notification. Additionally, all required notification to affected owners 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 the Lands to be expropriated

Appendix B: Procedure for determining compensation in the expropriation context

Appendix C: By-law 2022-090

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