



OAKVILLE

REPORT

Council

Meeting Date: June 19, 2023

FROM: Legal Department

DATE: June 6, 2023

SUBJECT: **Eighth Line at Iroquois Shore Road Expropriation, By-law 2023-082 – June 19, 2023**

LOCATION: 1099 Eighth Line and adjacent property to the North

WARD: Ward 6

Page 1

RECOMMENDATION:

1. That the expropriation of the easements and lands set out in Appendix “A” (the “**Required Interests**”), be approved for the municipal purposes of road widening, reconstruction and improvements to a segment of North Service Road East and Eighth Line and all ancillary works thereto.
2. That the CAO and Town Clerk be authorized and directed to sign expropriation plans and Certificates of Approval showing the Required Interests 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 Required Interests.
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 Required Interests or which are required by the *Expropriations Act* in respect of the Required Interests.
5. That a Notice of Possession be served requiring possession of the Required Interests 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 Required Interests 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 Required Interests, 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 Required Interests, 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 “D”.
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 Required Interests 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 2023-082, authorizing the expropriation of the Required Interests, be passed.

KEY FACTS:

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

- On September 19, 2022, Council approved staff starting the process for the expropriation of lands and easements from sixteen affected owners along Eighth Line and North Service Road East.
- Staff were able to settle amicable agreements with five owners and avoid the need for expropriation of these properties.
- Of the remaining eleven properties, Council approved the expropriation of nine of these properties at the March 28, 2023 Council meeting.
- The owners of the two remaining properties identified in Appendix “A” requested hearings of necessity, which delayed the Town’s ability to proceed with expropriation.
- The hearings of necessity have now been withdrawn.
- Staff are seeking approval to expropriate the remaining two properties in order to meet the project construction timelines.

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 from Eighth Line to 1km east of Invicta Drive.

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 include the widening 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. The roadway will include a realignment at Eighth Line, a roundabout at the intersection of Eighth Line and Iroquois Shore Road, and the urbanization of Invicta Drive.

Prior to construction starting on the Project, the Town required various easements and road widenings from 16 private owners. On September 19, 2022, Council approved the commencement of expropriation proceedings for the interests required from these 16 affected owners.

Since that time, the Town was able to negotiate amicable deals to acquire five properties without the need for expropriation. Of the remaining eleven properties, Council approved the expropriation of nine of these properties at the March 28, 2023 Council meeting. Staff are currently in the process of expropriating these nine properties. The expropriation of the remaining two properties was delayed because the owners requested hearings of necessity. Those hearings have now been withdrawn, so the Town can proceed with the expropriation in order to meet the Project construction timelines. The Required Interests being recommended for expropriation from the remaining two owners are described in Appendix “A”. The Required Interests are Parts 1-7 on Plan 20R-22144 and these parts are shown on an excerpt of this plan attached as Appendix “B”.

COMMENT/OPTIONS:

Staff want to ensure utility relocation can commence for the Project by the Fall of 2023. Construction is anticipated to commence in the Spring of 2025. To meet these timelines, staff are recommending that the expropriation of the Required Interests be approved. Staff do not anticipate being able to finalize any amicable agreements with the two remaining owners in time to meet the construction timelines. The acquisition of the Required Interests will secure the remaining outstanding property interests required for the Project.

If Council directs staff to proceed with the expropriation of the Required Interests, the next step in the process is to register expropriation plans to acquire title to the Required Interests. 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 Required Interests as soon as permitted under the *Expropriations Act*. As part of the expropriation process, staff will present offers to the registered owners of the Required Interests at the full market value of the Required Interests 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 "D". If any of the settlement amounts are beyond the monetary thresholds in Appendix "D", 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 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: Excerpt from Plan 20R-22144

Appendix C: By-law 2023-082

Appendix D: Procedure for determining compensation in expropriation settlements

Prepared by:

Ryan Maynard, Assistant Town Solicitor

Prepared by:

Jim Knighton, Manager, Realty Services

Submitted by:

Doug Carr, Town Solicitor