

REPORT

COUNCIL MEETING

MEETING DATE: AUGUST 21, 2017

FROM: Legal Department

DATE: August 14, 2017

SUBJECT: Expropriations relating to the Speers Road Widening Project
between Third Line and Fourth Line

LOCATION: Speers Road between Third Line and Fourth Line

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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 Speers Road between Third Line and Fourth 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 Chief Inquiry Officer any requests for a hearing that may be received.
4. That staff continue to 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 and all documentation 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 \$250,000 in total per property (excluding legal and consulting costs), in accordance with the procedures set out in Appendix "C".
7. That By-Law 2017-070, authorizing the bringing of an application to expropriate the Lands, be passed.

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KEY FACTS:

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

- In 2009, the Speers Road Improvements (Bronte Road to Kerr Street) Class Environmental Assessment was completed and approved.
- The Engineering and Construction Department undertook a detailed engineering design for the Speers Road widening project.
- The engineering design for the corridor between Third Line and Fourth Line is nearing completion.
- The widened Speers Road requires acquisition of certain lands in fee simple and a temporary and permanent easement as identified in Appendix "A".
- Negotiations are continuing with all the affected owners in hopes of coming to amicable agreements.
- 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 for all the Lands.

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 Third Line and Fourth Line is approximately 2 km in length. Between Third Line and Fourth Line, 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 Third Line and Fourth Line.

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 streetlighting.

The second phase of the Speers Road improvements is from Third Line to Fourth Line. The existing urbanized four-lane roadway will be widened to a five-lane cross-section with on-road bike lanes. The additional lane will be a shared centre turn

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lane. The existing sidewalks on both sides of the road will be maintained or replaced as part of the reconstruction. The Region of Halton will also be replacing the existing watermain on Speers Road between Third Line and Fourth Line.

Prior to construction starting, the relocation of utilities must be completed along with the acquisition of the Lands, which consist of thirteen (13) property parcels and a temporary and permanent easement. Staff want to ensure construction and utility relocations can commence by Summer of 2018.

The temporary easement shall be for a term of 24 months, to allow the Town to enter one of the properties with all necessary vehicles, machinery, equipment and other material required to facilitate the reconstruction and improvement of Speers Road between Third Line and Fourth Line, including, but not limited to, excavation, grading, placement and storage of soil and sod, placement of granular and asphalt for driveways and curbs, construction staging, and construction and works ancillary thereto.

The permanent easement is required so the Town (and Oakville Hydro) can enter one of the properties to construct, maintain, inspect, alter, repair and operate the overhead hydro lines for the purpose of supplying or distributing hydro or related services.

Negotiations have been ongoing for several months to amicably acquire the Lands and, while negotiated settlements may still be possible in all cases, staff are seeking Council approval at this time to proceed with the expropriation of all the parcels necessary to accommodate the road widening work. This approval would protect the integrity of the project timelines if negotiated settlements cannot be achieved in a reasonable amount of time. In some cases expropriation may be advisable, even when the owner is in agreement with the Town, to ensure the lands are provided to the Town with clear title and no encumbrances.

COMMENT/OPTIONS:

The Class Environmental Assessment has been completed for this project and detailed design is nearing completion. Staff want to ensure construction and utility locations can commence by Summer of 2018. To meet this timeline, staff are recommending that the expropriation of the required private lands be approved in order to maintain the integrity of the project timelines.

Staff will continue to work with the affected owners to secure amicable agreements. The compensation for the 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, disturbance

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damages and business losses. Staff will follow the procedures set out in Appendix "C" to determine the reasonable compensation. If the compensation amount (excluding legal and consulting costs) for a property is going to be greater than \$250,000, staff will return to Council with a full breakdown of the proposed compensation to obtain authority to proceed with the 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 2017-070, authorizing the bringing of the application to expropriate the Lands, is found elsewhere on this agenda.

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 Engineering and Construction Department has confirmed that funds are available for land acquisition within the approved budget for this project.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

The Engineering and Construction Department concurs with the report recommendations.

(D) CORPORATE AND/OR DEPARTMENT STRATEGIC GOALS

This report addresses the corporate strategic goal to:

- continuously improve our programs and services
- provide outstanding service to our residents and businesses
- be fiscally sustainable

(E) COMMUNITY SUSTAINABILITY

This issue impacts the community by providing improved transportation accessibility.

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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 the expropriation context

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