

## REPORT

### ADMINISTRATIVE SERVICES COMMITTEE

MEETING DATE: JUNE 18, 2018

---

**FROM:** Legal Department

**DATE:** May 14, 2018

**SUBJECT:** Acquisition of a Partial Taking for Future Road Widening Improvements on a Property Located on Sixth Line North of Dundas Street

**LOCATION:** 3043 and 3051 Sixth Line

**WARD:** 5

---

Page 1

#### RECOMMENDATION:

- 1) That the Town acquire a portion of the lands at 3043 and 3051 Sixth Line designated as Parts 2 and 3 on 20R-20379 on the terms set out in the Confidential Appendix "B" to the report from the Legal Department dated May 14, 2018 entitled *Acquisition of a Partial Taking for Future Road Widening Improvements on a Property Located on Sixth Line North of Dundas Street*.
- 2) That the purchase agreement be executed in accordance with By-law 2013-057.
- 3) That the Town Solicitor be authorized to make minor modifications to the purchase agreement that do not affect the substance of the agreement, and execute all requisite documentation in connection with the transfer.

#### KEY FACTS:

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

- The Town completed a Class Environmental Assessment study for improvements to Sixth Line between Dundas Street to Highway 407.
- The road widening of Sixth Line requires the acquisition of a portion of the lands at 3043 and 3051 Sixth Line (the "**Property**") designated as Parts 2 and 3 on 20R-20379 (the "**Lands**"), comprising 344 square metres.
- The building at 3043 Sixth Line has a roof overhang that encroaches into the Lands by up to 0.9 metres (the "**Encroachment**").
- Staff approached the owners of the Lands (the "**Owner**") seeking an amicable agreement to acquire the Lands and an encroachment agreement for the Encroachment.

From: Legal Department  
Date: May 14, 2018  
Subject: Acquisition of a Partial Taking for Future Road Widening Improvements on a Property Located on Sixth Line North of Dundas Street

- The Owner has agreed to sell the Lands in accordance with the terms set out in the Confidential Appendix "B" attached to this report.
- The proposed purchase price is consistent with the Town's appraisal.
- Staff are seeking authority to accept the offer from the Owner and enter into a purchase agreement to acquire the Lands.

**BACKGROUND:**

The Town completed a Class Environmental Assessment ("EA") study for improvements to Sixth Line between Dundas Street to Highway 407 in April 2015. The reconstruction project is planned for 2019 with utility relocations estimated to begin in the late fall of 2018.

The building at 3043 Sixth Line has a roof overhang that encroaches into the Lands by up to 0.9 metres, shown as Part 3 on Plan 20R-20379. As part of the terms of the acquisition, the Town would enter into an encroachment agreement permitting the Encroachment to continue until the remainder of the Owner's lands are redeveloped or the building is altered such that the Encroachment is no longer required.

The road widening of Sixth Line requires the acquisition of a portion of the lands at 3043 and 3051 Sixth Line, designated as Parts 2 and 3 on 20R-20379, comprising 344 square metres. Staff obtained an appraisal to determine the value the Lands and approached the Owner seeking an amicable agreement to acquire the Lands based on the Town's appraisal. The Owner has agreed to sell the Lands to the Town on the terms set out in the Confidential Appendix "B". The proposed purchase price is consistent with the Town's appraisal.

**COMMENT/OPTIONS:**

Staff from the Engineering and Construction Department have confirmed that the Lands are required to complete the Sixth Line road widening in accordance with the EA. There is an option available to the Town of not acquiring the Lands at this time, and waiting for the Property to redevelop, at which point the Town could acquire the Lands as part of the development process. However, the subject property currently does not have any re-development plans, activity or timeline associated with it.

The Sixth Line corridor has a number of active subdivision plans adjacent to this arterial road. Delaying the acquisition will further delay the delivery of the road reconstruction, and as these adjacent subdivisions become occupied, congestion in the area will continue to increase.

If the project continued without the acquisition of the Lands, the municipal boulevard would be substandard in size and there would be insufficient space to deliver a sidewalk facility on the east side of the corridor. The substandard boulevard width would be problematic for locating utilities such as Union Gas and aerial hydro lines.

From: Legal Department  
Date: May 14, 2018  
Subject: Acquisition of a Partial Taking for Future Road Widening Improvements on a Property Located on Sixth Line North of Dundas Street

Staff are recommending acquiring the Lands now in order that the road widening can be constructed in its proper location in accordance with the EA.

**CONSIDERATIONS:****(A) PUBLIC**

The inclusion of this report in the Council agenda will provide public notification. The confidential appendix may be considered in the absence of the public under Section 239(2) of the *Municipal Act* because it deals with a proposed acquisition of land by the Municipality.

**(B) FINANCIAL**

The funding requirements for the acquisition of the Lands will be funded from the capital account for the Sixth Line road widening project.

**(C) IMPACT ON OTHER DEPARTMENTS & USERS**

Staff from the Engineering and Construction Department have reviewed and agree with this report.

**(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**

The acquisition of these lands will improve community sustainability by providing improved road infrastructure.

**APPENDICES:**

Appendix "A" – Reference Plan 20R-20379

Confidential Appendix "B" – Terms of the offer (*See Confidential Agenda*)

Prepared by:  
Ryan Maynard  
Assistant Town Solicitor

Prepared by:  
Jim Knighton  
Realty Services Manager

Submitted by:  
Douglas Carr  
Town Solicitor