



TO: GENERAL COMMITTEE

SUBJECT: ACQUISITION OF PROPERTIES FOR HARVIE ROAD CROSSING

WARD: 6 AND 7

PREPARED BY AND KEY CONTACT: E. EMBACHER, SENIOR REAL ESTATE OFFICER, EXTENSION 4479

SUBMITTED BY: I. PETERS, DIRECTOR OF LEGAL SERVICES

CHIEF ADMINISTRATIVE OFFICER APPROVAL: M. PROWSE, CHIEF ADMINISTRATIVE OFFICER

RECOMMENDED MOTION

1. That the Director of Legal Services be authorized to commence expropriation proceedings to acquire the property requirements necessary to facilitate the reconstruction of Harvie Road/Big Bay Point Road between Bayview Drive and Essa Road as identified in Appendices "A" - "E" and to negotiate the acquisition of property identified in Appendix "F" to Staff Report LGL011-17 (the "Subject Properties").
2. That The Corporation of the City of Barrie make an application to City Council, as approving authority, for approval to expropriate the properties identified in Appendices "A" - "E" to Staff Report LGL011-17 and that the City Clerk be authorized to execute the necessary forms of application.
3. That the "Notice of Application for Approval to Expropriate" be served and published and that any requests for inquiries received, pursuant to the "Notice of Application for Approval to Expropriate" be forwarded to the Chief Inquiry Officer and that the Chief Inquiry Officer be requested to report to Council with respect to any such request.
4. That the Director of Legal Services be delegated authority to settle the expropriations or any negotiated agreements relating to the Subject Properties and that the City Clerk be authorized to execute all associated and required documents in a form approved by the Director of Legal Services.

PURPOSE & BACKGROUND

Report Overview

5. This Staff Report is being put forward to provide staff with the authorization to proceed with expropriation of property west of Hwy 400 between Hwy 400 and Essa Road as identified in Appendices "A" – "D", expropriate a revised property requirement east of Hwy 400 from 1 Big Bay Point Road as identified in Appendix "E" and to negotiate the acquisition of property from the Ministry of Transportation Ontario ("MTO") identified in Appendix "F". Expropriation is required in order to expedite and ensure acquisition of the property requirements to facilitate construction timelines.

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6. On June 26, 2017, Council adopted motion 17-G-181 associated with Staff Report ENG010-17 as follows:
1. That the Director of Legal Services be authorized to commence negotiations and expropriation proceedings to acquire all necessary property requirements to facilitate the reconstruction of Harvie Road between Bayview Drive and Essa Road including those properties identified in Appendix "A" to Staff Report ENG010-17 (the "Subject Properties").
 2. That The Corporation of the City of Barrie make an application to City Council, as approving authority, for approval to expropriate the Subject Properties and that the City Clerk be authorized to execute the necessary forms of application.
 3. That the "Notice of Application for Approval to Expropriate" be served and published and that any requests for inquiries received, pursuant to the "Notice of Application for Approval to Expropriate" be forwarded to the Chief Inquiry Officer and the Chief Inquiry Officer be requested to report to Council with respect to any such request.
 4. That the Director of Legal Services be delegated authority to settle the expropriations or any negotiated agreements relating to the Subject Properties and that the City Clerk be authorized to execute all associated and required documents in a form approved by the Director of Legal Services.
7. Staff Report ENG010-17 indicated that staff would report back to Council seeking further authorization to expropriate any remaining properties west of Hwy 400.

ANALYSIS

8. Since the adoption of motion 17-G-181, staff have entered into formal negotiations and or commenced expropriation to acquire the necessary properties on the east side of Hwy 400. It is anticipated the City will take title to and have possession of 3 of the 5 property requirements by February 2018. The remaining 2 properties, being part of 1 Big Bay Point Road and land required from the MTO as indicated in Appendices "E" & "F" respectively are anticipated to be in City ownership by June 2018.
9. The property requirement for 1 Big Bay Point Road (identified in Staff Report ENG010-17) has been significantly reduced to what is shown in Appendix "E". As such, staff are now seeking authority to expropriate the reduced property requirement. This reduction in property requirement will result in an anticipated savings of several hundred thousand dollars.
10. Discussion with the MTO regarding the City's property requirement adjacent to 201 Fairview Road, as identified in Appendix "F" are ongoing. The City does not have the ability to expropriate land from the MTO. The MTO has been working with the City to facilitate this property acquisition and construction.
11. Staff have met with the majority of property owners on the west side of Hwy 400 to discuss the project and property specific implications. Formal negotiations are expected to commence in early December 2017 when the reference plans that delineate the property requirements and create the legal descriptions have been deposited at the Land Registry Office.
12. Staff will continue to pursue negotiations with the owners of the properties identified in Appendices "A" - "E" until such time as it is no longer feasible to meet the construction timelines. At that time expropriation proceedings will begin.

ENVIRONMENTAL MATTERS

13. The following environmental matters have been considered in the development of the recommendation:

As part of the City's due diligence activities, the environmental status of the Subject Properties including soil conditions, species at risk and archaeological assessments, will be investigated to the satisfaction of the Director of Engineering.

ALTERNATIVES

14. There is one alternative available for consideration by General Committee:

Alternative #1

General Committee could reject the recommendations and direct staff to continue to complete the acquisitions through negotiations.

This alternative is not recommended given the City's short term requirement for the Subject Properties and the potential for unsuccessful negotiations which could significantly delay construction of the Harvie Road/Highway 400 Crossing.

FINANCIAL

15. Funding for the Harvie Road/Big Bay Point Road Crossing of Hwy 400 from Bryne Drive to Bayview Drive and Bryne Drive to Essa Road projects were approved as part of the 2017 Capital Budget by motion 17-G-024. Additional funding of \$4 million was approved for property acquisition as part of the Spring Capital Status Report on June 5, 2017.

LINKAGE TO 2014-2018 STRATEGIC PLAN

16. The recommendation(s) included in this Staff Report support the following goals identified in the 2014-2018 Strategic Plan:

☒ Well Planned Transportation

17. Acquisition of the Subject Properties will allow the associated road reconstruction project to proceed in a timely manner and when completed will improve upon both the road network and the overall safety of the roads.

INTEGRATION DATA

OBSERVED REFERENCE POINTS (ORP) DERIVED FROM OBSERVED REFERENCE POINTS A AND B (SHOWN HEREON) BY GPS OBSERVATIONS USING RTK BASE ROVER GPS AND ARE REFERRED TO NAD 83 (ORIGINAL) HORIZONTAL DATUM AND 3 DEGREE NAD 83 ZONE 18N. COORDINATE VALUES ARE TO AN URBAN ACCURACY IN ACCORDANCE WITH SECTION 11(2) OF O. REG. 294/78.

POINT ID	DESCRIPTION	NORTHING	EASTING
ORP A	HWY 102/253303	489303.130	289403.912
ORP B	HWY 102/253303	489303.216	289403.932

CAUTION: COORDINATES CANNOT BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

NOTE: BEARINGS ARE MTR GRID, DERIVED FROM OBSERVED REFERENCE POINTS A AND B (SHOWN HEREON) BY GPS OBSERVATIONS USING RTK BASE ROVER GPS AND ARE REFERRED TO NAD 83 (ORIGINAL) HORIZONTAL DATUM AND 3 DEGREE NAD 83 ZONE 18N. TO MAP PROJECTION. DISTANCES SHOWN ON THIS PLAN ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.99996277.

PLAN OF SURVEY OF PART OF LOT 5, CONCESSION 13 (GEOGRAPHIC TOWNSHIP OF INNISFIL) CITY OF BARRIE COUNTY OF SIMCOE SCALE 1:500

LEGEND

- DENOTES SURVEY MONUMENT FOUND
- DENOTES SURVEY MONUMENT SET
- SB DENOTES STANDARD IRON BAR
- SSB DENOTES SHORT STANDARD IRON BAR
- IB DENOTES IRON BAR
- SB DENOTES ROUND IRON BAR
- CC DENOTES CUT CROSS
- WT DENOTES WITNESS
- P1 DENOTES PLAN 51R-3665
- P2 DENOTES PLAN 51R-32403
- P3 DENOTES PLAN 51R-28048
- P4 DENOTES PLAN 51R-27483
- P5 DENOTES J. DIAMOND, O.L.S.
- P6 DENOTES R. C. KIRKPATRICK, O.L.S.
- P7 DENOTES W. WILMAN, O.L.S.
- P8 DENOTES R. R. WELLSMAN, O.L.S.
- P9 DENOTES R. KIRKPATRICK, O.L.S.
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- P100 DENOTES R. KIRKPATRICK, O.L.S.

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
- THE SURVEY WAS COMPLETED ON THE _____

DATE _____

DRAFT

FRED PETRICH, B.Sc., O.L.S., O.L.I.P.

ONTARIO LAND SURVEYOR

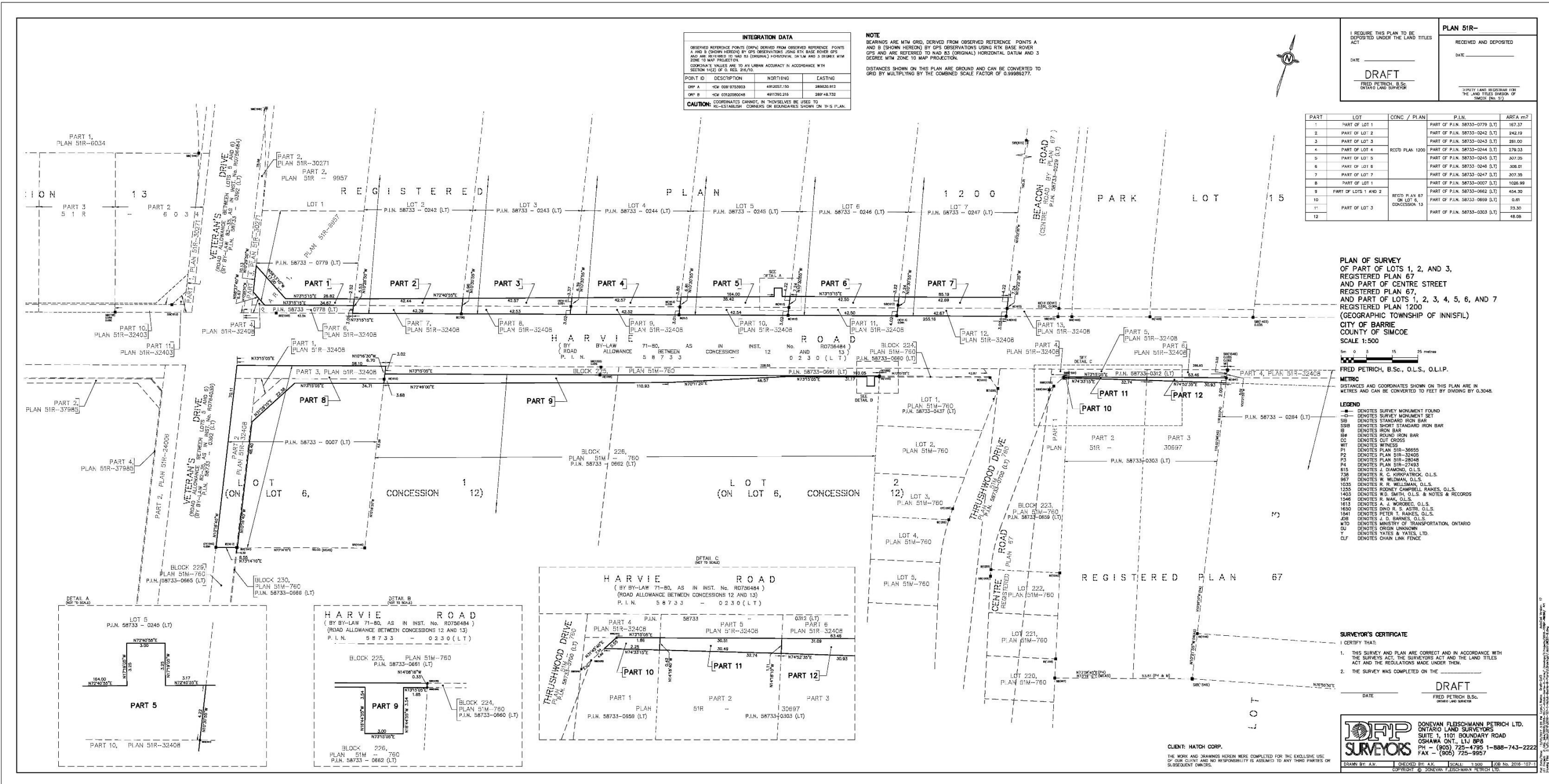
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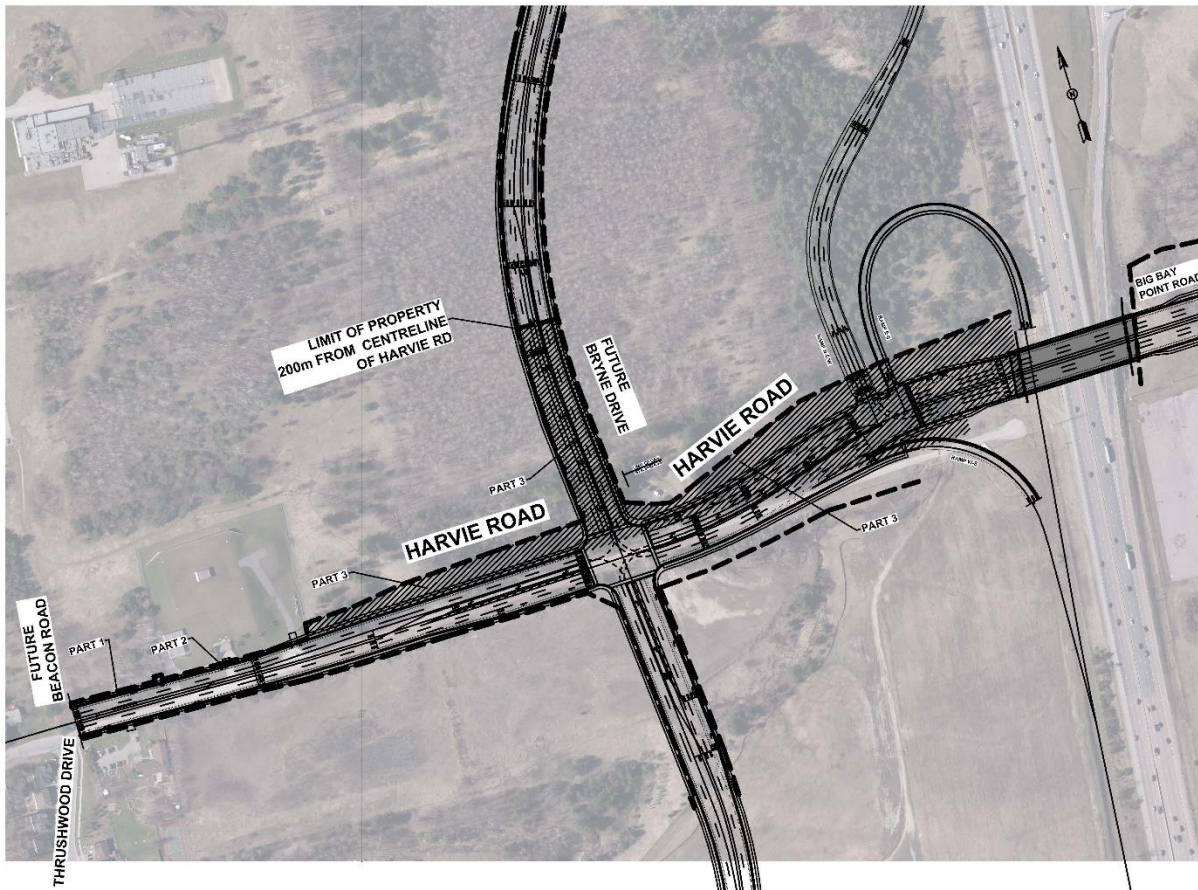
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APPENDIX "B"
Parts 1 - 12 Indicated on Draft Reference Plan

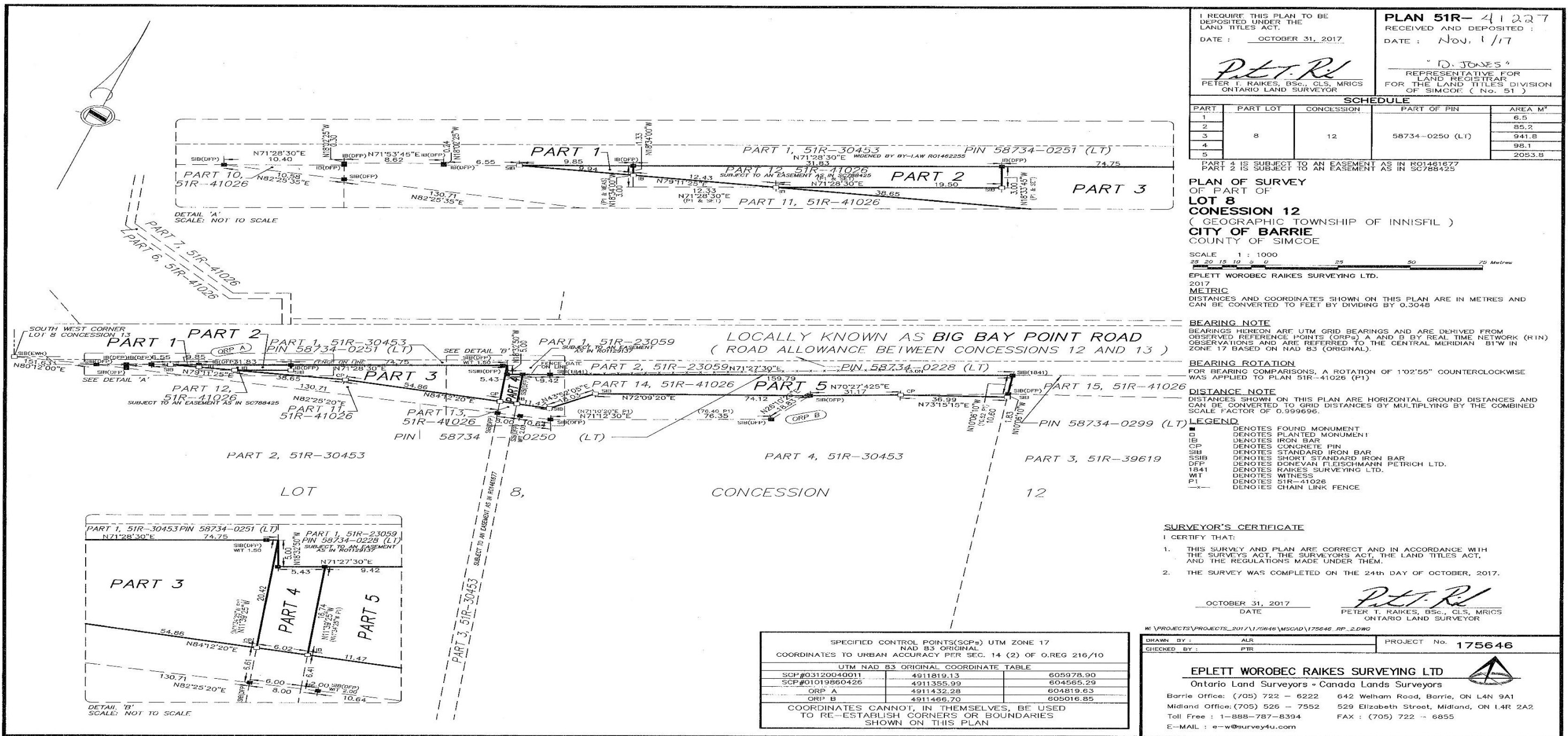


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APPENDIX "D"
Parts 1, 2 & 3 Indicated on Map



APPENDIX "E"
Parts 1 - 5 on 51R-41227 (Part of 1 Big Bay Point Road)



APPENDIX "F"
Part 1 on 51R-41144 (MTO Land)

