



TO: GENERAL COMMITTEE

SUBJECT: PROPERTY ACQUISITION TO FACILITATE KIDD'S CREEK RECONSTRUCTION AT DUNLOP STREET WEST

WARD: 2

PREPARED BY AND KEY CONTACT: A. ALMUINA, P. Eng.,
PROJECT CO-ORDINATOR, (EXT 4458)

SUBMITTED BY: R. SUTTON, P. Eng.
DIRECTOR OF ENGINEERING

GENERAL MANAGER APPROVAL: DAVE FRIARY
GENERAL MANAGER OF INFRASTRUCTURE AND GROWTH MANAGEMENT (ACTING)

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

RECOMMENDED MOTION

1. That in order to facilitate the Kidd's Creek Reconstruction, the Director of Legal Services be authorized to:
 - a) Terminate the existing month to month lease of properties identified on Appendix "A" to Staff Report ENG012-18, municipally known as 34 High Street and 40-44 High Street; and
 - b) Commence negotiation and expropriation proceedings to acquire the property identified on Appendix "A" to Staff Report ENG012-18, municipally known as 36-38 High Street.
2. That The Corporation of the City of Barrie make an application to City Council, as approving authority, for approval to expropriate 36-38 High Street and 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 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 expropriation or any negotiated agreement necessary to acquiring the following properties:
 - a) 36-38 High Street; and
 - b) 17 Eccles Street and 150 -152 Dunlop Street West identified on Appendix "B" to Staff Report ENG012-18, previously authorized for acquisition and funded pursuant to motion 17-G-290.
5. That the City Clerk be authorized to execute all associated and required documents necessary to achieving the recommended motion in a form approved by the Director of Legal Services.

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6. That in order to achieve the recommended motion, the approved property budget EN1071 Dunlop Street West ROW Replacement – Eccles Street to Toronto Street be increased by \$500,000 for a total property cost of \$4,300,000 with the increase funded from the Tax Capital Reserve.

PURPOSE & BACKGROUND

7. The purpose of this Staff Report is to obtain authority to acquire the properties necessary to ensure storm drainage works can be completed as soon as possible to reduce/eliminate flooding potential and to comply with the timelines associated with the National Disaster Mitigation Program (NDMP) grant.
8. On December 4, 2017, City Council adopted Motion 17-G-290 which directed staff to commence a property acquisition process for 150-152 Dunlop Street West and 17 Eccles Street North. Since that time staff have been communicating with the property owners. Expropriation proceedings have now commenced for both properties to meet construction timelines. In order to respond to negotiated agreements in a timely manner or a decision by the Local Planning Appeal Tribunal (LPAT), staff are seeking delegated authority to finalize these matters.
9. The City has been approved for a grant under the National Disaster Mitigation Program (NDMP) for \$1.5 million toward the acquisition costs of 150-152 Dunlop Street West and 17 Eccles Street North.
10. Kidd's Creek flows from headwaters near Cundles Road, through Sunnidale Park, and downtown Barrie to its outlet at Kempenfelt Bay on Lake Simcoe. For much of the length of the creek, channels and culverts are undersized and flooding in the surrounding areas occurs regularly. In particular, conveyance capacity is a high risk as the creek passes through the properties identified on Appendix "A" and "B".
11. The Kidd's Creek Master Drainage Plan (Oliver, Mangione, McCalla & Associates, 2001) outlines various scenarios for reducing flooding along Kidd's Creek. As the City completes the work recommended in the Master Plan, the progression would generally be from the downstream end to the upstream. The existing drainage system downstream of Bradford Street was upgraded to a 6 m x 1.5 m concrete box and conveys the 100-year flow to Lake Simcoe. The section of Kidd's Creek from Bradford Street to Eccles Street is the next logical section to be addressed. In addition to being in an area at high risk of flooding in and of itself, this work is also required to facilitate future flood mitigation work further upstream. The Master Plan for Kidd's Creek recommends as flood mitigation, that the City purchase the property at 36-38 High Street, currently being used as an unpaved surface parking lot and construct an appropriately sized channel to accommodate the 100 year storm.
12. 34 and 40-44 High Street have been leased to the owner of property located at 49 High Street since 1991 for parking. The term of the existing lease expired on November 30, 2016 and continues now on a month to month basis. A formal request to extend the lease term was made by the tenant in 2016. Staff advised the City was not in a position to extend the lease further given the uncertainty of the future use of the properties.
13. 36-38 High Street is a vacant lot that staff understand is leased to both 49 High Street for parking and to a sign company that has installed two large billboard signs. Staff was directed to negotiate the acquisition of this property previously but was unable to reach mutually agreeable terms.

ANALYSIS

14. The Drainage Master Plan, being undertaken by C.C. Tatham and Associates, has confirmed the findings of the previous studies and indicated that conveyance improvements are recommended for this section of Kidd's Creek. The draft report presented at the Master Drainage Plan Public Information Centre in April, showed that section of Kidd's Creek being day lighted north of Dunlop Street and between Dunlop Street and High Street.
15. In an effort to further reduce the potential of flooding, the City and Lake Simcoe Region Conservation Authority staff collaborated to find a solution. The preferred solution is to implement an open channel designed to contain the regulatory flow. This regulatory flow is based on the Hurricane Hazel storm and is greater than the 100-year flows. This channel would then discharge into the extended 100-year culvert at Bradford Street with flows above the 100-year level overtopping the roadway and continuing overland. The open watercourse solution also has significant environmental and cost benefits over the proposed pipe and culvert upgrade option recommended in the original Master Plan (2001).
16. In addition to the grant referred to in paragraph 9, the City has successfully applied for another grant under the National Disaster Mitigation Program (NDMP) of a further \$1.5 million towards construction of the drainage improvements from upstream of Dunlop Street to the Bradford Street culvert crossing. The grant conditions require that all eligible costs for the construction be incurred by March 31, 2020.
17. Engineering staff are coordinating this open watercourse solution with planned upstream work identified north of Dunlop Street as part of the Kidd's Creek Master Drainage Plan.
18. The City's 2018-2027 Capital Plan includes the property acquisition funding in 2018 and construction beginning in 2019. Staff have secured grant funding for the construction of the drainage improvements based on construction in 2019. The property purchase must be complete in order to commence construction. If the negotiations are unsuccessful and expropriation is required, the process will take additional time. The expropriation process can take up to approximately a year to complete. Since the grant requires all eligible costs for construction to be incurred by March 31, 2020, it is necessary to begin the property acquisition as soon as possible. Delays in the property acquisition could delay the planned construction start and put the grant funding at risk. The potential for a grant extension is minimal, as it is the last phase of the program.

ENVIRONMENTAL MATTERS

19. The following environmental matters have been considered in the development of the recommendation:
 - a) Improving the capacity of Kidd's Creek as identified in the Kidd's Creek Master Drainage Plan will reduce the likelihood of flooding; and
 - b) Opening Kidd's Creek north and south of Dunlop Street and naturalizing the channel will enhance water quality and provide a green space area for tree planting.

ALTERNATIVES

20. The following alternative is available for consideration by General Committee:

Alternative #1

General Committee could choose to alter the recommended motion by approving only a portion of it.

This alternative is not recommended as a delay in acquiring the property necessary to construct the Kidd's Creek realignment could delay the start of the culvert construction and possible applicability of the construction grant funding.

FINANCIAL

21. The project to realign Kidd's Creek is included in the 2018-2027 Capital Plan as project EN1071 Dunlop Street West ROW Replacement – Eccles Street to Toronto Street, with property acquisition approved in 2018 in the amount of \$3,800,000, funded as follows:

- a) \$2.3 million - Tax Capital Reserve
- b) \$1.5 million - National Disaster Mitigation Program Grant

22. The original budget contemplated the required properties on the north side of Dunlop Street, but did not contemplate the property on the south side. The estimated additional cost associated with the recommended motion is \$500,000. This amount is to be funded from the Tax Capital Reserve and will bring the total property and associated costs for this project to \$4,300,000.

LINKAGE TO 2014-2018 STRATEGIC PLAN

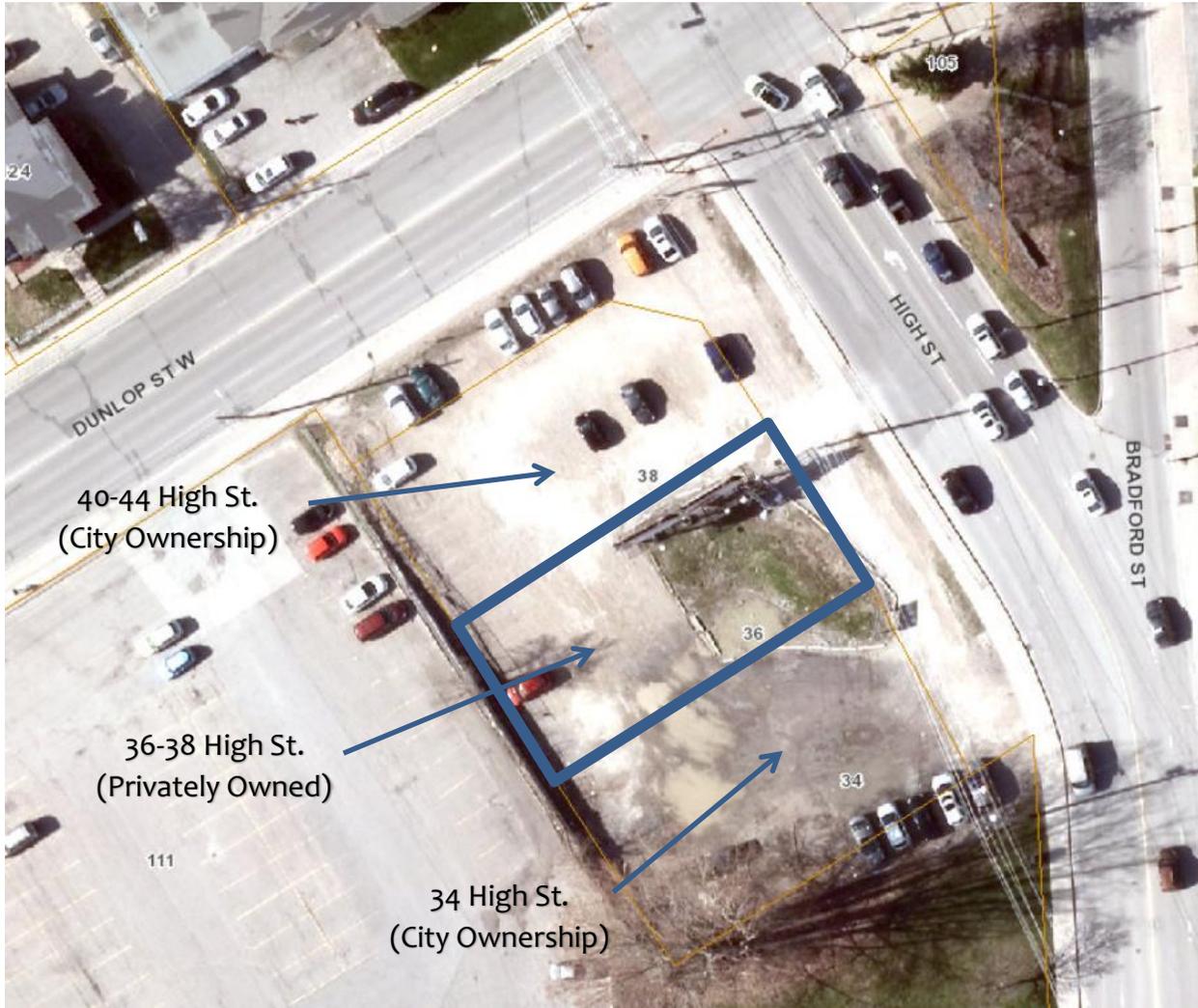
23. The recommendations included in this Staff Report support the following goal identified in the 2014-2018 Strategic Plan:

- Responsible Spending

24. The recommendations included in this Staff Report support responsible spending as it ensures that the construction project eligibility for grant funding will not be missed due to timing limitations.

APPENDIX "A"

Kidd's Creek Property Requirements (South of Dunlop Street West)



34 High Street

PT LT 80 W/S HIGH ST PL 115 BARRIE PT 5 51R18504; BARRIE

36 -38 High Street

PT LT 79 W/S HIGH ST PL 115 BARRIE AS IN RO881974 EXCEPT PT 2 51R18504; BARRIE

40 -44 High Street

PT LT 78 W/S HIGH ST, 79 W/S HIGH ST PL 115 BARRIE PT 4 51R18504; BARRIE

APPENDIX "B"

Kidd's Creek Property Requirements (North of Dunlop Street West)



150-152 Dunlop Street West

PT LT 35-39, 46-49 PL 386 BARRIE PT 1 AND 5 51R27820; T/W RO1474193; BARRIE

17 Eccles Street North

PT LT 37 PL 386, BEING PART 3 ON 51R-27820 CITY OF BARRIE