
TO: GENERAL COMMITTEE

SUBJECT: EXPROPRIATION OF EASEMENTS OVER PART OF BAY LANE ESTATES

WARD: 8

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

SUBMITTED BY: I. PETERS, DIRECTOR OF LEGAL SERVICES

CHIEF ADMINISTRATIVE OFFICER APPROVAL: C. LADD, CHIEF ADMINISTRATIVE OFFICER

RECOMMENDED MOTION

1. That the Director of Legal Services be authorized to commence expropriation proceedings to acquire easements for construction of sanitary and water servicing for the Bay Lane, Cottage Lane and Royal Oak Drive area on lands municipally known as Bay Lane Estates, designated as Part 4 on Plan 51R-40248 and Part 1 on Plan 51R-40383, shown in Appendix "A" (the "Subject Easements") to Staff Report LGL006-16.
2. That The Corporation of the City of Barrie make an application to City Council, as approving authority, for approval to expropriate the Subject Easements 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 Inquiring Officer and the Chief Inquiring 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 agreements in an amount up to the maximum amount budgeted for property acquisition 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

5. This Staff Report is being put forward to provide staff with the authorization to proceed with expropriation of the Subject Easements to expedite acquisition of the required property prior to spring 2017 to facilitate construction timelines.
6. Construction of sanitary and water servicing for the Bay Lane, Cottage Lane and Royal Oak Drive area was approved as part of the 2012 Business Plan by motion 12-G-010. The Municipal Class EA preferred design alternative was approved by motion 10-G-200 which included the construction of a sanitary sewer and watermain to provide municipal services to the presently unserved area.
7. Staff report LGL006-15 was put forward by staff in 2015 seeking authority to expropriate various land interests in which Part 4 on 51R-40248 was included. Council motion 15-G-245 had provided authority to commence expropriation.

8. Subsequent to Council motion 15-G-245, staff identified an additional property requirement being Part 1 on 51R-40383. As a result, further Council authority to commence expropriation is now required.
9. Following approval of the EA preferred design alternative and Council Motion 15-G-245, the owners of Bay Lane Estates requested that the easement route be relocated from the proposed route to an alternative location within the property. The relocation request was considered by staff but deemed too costly due to increased construction costs and the resulting time delays associated with redesigning the project.
10. City staff have been working with the owners of Bay Lane Estates since 2014 in an effort to come to a negotiated agreement and so far have been unable to do so.

ANALYSIS

11. Staff have been requested to obtain the Subject Easements as soon as possible to facilitate construction timelines and relocation of utilities.
12. The only way in which the Subject Easements can be obtained with certainty within requested timelines is to immediately commence expropriation.
13. The City has been pre-approved for construction funding by a joint federal/provincial grant program under the Clean Water Wastewater Fund ("CWWF") which will partially fund the associated construction project if completed by March 2018.
14. Legal Services staff will continue to pursue negotiations with the Bay Lane Estates property owners until such time as expropriation proceedings have been completed and it is no longer feasible to negotiate the required acquisitions.

ENVIRONMENTAL MATTERS

15. There are no environmental matters related to the recommendation.

ALTERNATIVES

16. 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 acquisition through negotiations.

This alternative is not recommended given the City's immediate requirement for the Subject Easements and the potential for unsuccessful negotiations which could significantly delay construction and jeopardize CWWF funding.

FINANCIAL

17. The Bay Lane & Royal Oak Drive area servicing project was approved as part of the 2012 Business Plan. The estimated funds required to acquire the Subject Easements are available in Capital project accounts 14-16-2515-1385-4100 (50%) and 14-16-5235-1385-4100 (50%). Staff estimate costs to be approximately \$200,000.

LINKAGE TO 2014-2018 STRATEGIC PLAN

18. The recommendation(s) included in this Staff Report are not specifically related to the goals identified in the 2014-2018 Strategic Plan.

APPENDIX "A"

Part 4 on 51R-40248 & Part 1 on Plan 51R-40383

