

Region of Waterloo

Planning, Development, and Legislative Services

Legal Services

To: Sustainability, Infrastructure, and Development Committee

Meeting Date: March 4, 2025

Report Title: Authorization to Expropriate Lands (1st Report) for Improvements to Lancaster Street West (Phase 1), in the City of Kitchener

1. Recommendation

That the Regional Municipality of Waterloo direct and authorize the Regional Solicitor to take the following actions with respect to the expropriation of lands for Phase 1 of improvements to Lancaster Street West (Regional Road 29) between Bridgeport Road East and Elizabeth Street, in the City of Kitchener, in the Regional Municipality of Waterloo, as detailed in report PDL-LEG-25-011, dated March 4, 2025.

1. Complete application(s) to the Council of The Regional Municipality of Waterloo, as may be required from time to time, for approval to expropriate land, which is required for improvements to Lancaster Street West between Bridgeport Road East and Elizabeth Street, and described as follows:

Fee Simple Partial Taking:

- I. Part of Lot 26, Plan 789, being Part 5 on 58R-22144, City of Kitchener, part of PIN 22340-0222, (413 Lancaster Street West, City of Kitchener)
- II. Part of Lot 25, Plan 789, being Part 3 on 58R-22144, City of Kitchener, part of PIN 22340-0221, (405 Lancaster Street West, City of Kitchener)
- III. Part of Lot 20, Plan 666, being Part 3 on 58R-22143, City of Kitchener, part of PIN 22304-0003 (392 Lancaster Street West, City of Kitchener)
- IV. Part of Lot 21, Plan 789, being Part 2 on 58R-22143, City of Kitchener, part of PIN 22339-0104 (383 Lancaster Street West, City of Kitchener)
- V. Part of Lot 17, Plan 789, being Part 1 on 58R-22146, City of Kitchener, part of PIN 22339-0101, (341-347 Lancaster Street West, City of Kitchener)
- VI. Part of Lot 39, Plan 666, being Part 1 on 58R-22145, City of Kitchener, part of PIN 22304-0074, (290 Lancaster Street West, City of Kitchener)
- VII. Part of Lot 40, Plan 666, being Part 2 on 58R-22145, City of Kitchener, part of PIN 22304-0073, (364 Clifton Road, City of Kitchener)

Temporary Easement – Grading:

The right and easement, being a temporary easement in gross, for the free and unobstructed, right, interest and easement terminating, for the subject properties set out below, on the 31st day of December, 2027, for itself, its successors and assigns, and anyone authorized by it, on, over, under and through the following property for the purposes of excavation, construction, installation, replacement, alteration, grading, and landscaping as required in connection with the improvements to Lancaster Street West between Bridgeport Road East and Elizabeth Street, and all related improvements, and works ancillary thereto and for such purposes, the free, unimpeded and unobstructed access to the lands at all times by employees, agents, contractors, workers and anyone authorized by it, and vehicles, supplies and equipment at all times and for all purposes and things necessary for or incidental to the exercise and enjoyment of the right and easement:

- I. Part of Lot 26, Plan 789, being Part 4 on 58R-22144, City of Kitchener, part of PIN 22340-0222, (413 Lancaster Street West, City of Kitchener)
 - II. Part of Lot 25, Plan 789, being Part 2 on 58R-22144, City of Kitchener, part of PIN 22340-0221, (405 Lancaster Street West, City of Kitchener)
 - III. Part of Lot 21, Plan 789, being Part 1 on 58R-22143, City of Kitchener, part of PIN 22339-0104 (383 Lancaster Street West, City of Kitchener)
2. Serve notices of the above applications(s) required by the Expropriations Act (the “Act”);
 3. Forward to the Chief Inquiry Officer any requests for a hearing that may be received within the time prescribed by the Act;
 4. Attend, with appropriate Regional staff, at any hearing that may be scheduled;
 5. Discontinue expropriation proceedings or any part thereof, in respect of the above described lands, or any part thereof, upon the registration on title of the required documentation to complete a transaction whereby the required interests in the lands are conveyed or if otherwise deemed appropriate in the opinion of the Commissioner of Engineering and Environmental Services and the Regional Solicitor; and
 6. Do all things necessary and proper to be done and report thereon to Regional Council in due course.

2. Purpose / Issue:

Council approval is sought to commence the expropriation process: (i) in compliance with the requirements of the Act, and (ii) in furtherance of the Project’s timeline by

expropriating the required lands and interests.

3. Strategic Plan:

This Project supports the 2023-2027 Strategic Plan under the Focus Area of Climate Aligned Growth and, more specifically, the following strategic outcomes: (i) Use a climate adaptation lens to re-imagine infrastructure, land and services for growth; and (ii) Foster car-alternative options through complete streets and extended alternative transportation networks.

4. Report Highlights:

a) Project Overview

The proposed reconstruction of Lancaster Street includes: replacement of roadway pavement structure (including asphalt and granular base); construction of boulevard cycle tracks and sidewalks on both sides of the road; intersection upgrades; and, replacement of watermains, and sanitary and storm sewers.

Proposed works manage the Region's assets, will improve active transportation (i.e. pedestrian and cyclist) facilities, and support the Region's strategic goals.

b) Project Timing

Road construction is scheduled to commence in May 2026.

c) Properties Impacted

The implementation of the recommended improvements directly impacts seven (7) properties. A map of the impacted properties is attached hereto as Appendix "A". Land acquisitions are required from all seven (7) properties to accommodate the said improvements. These acquisitions include a fee simple interest from all seven (7) properties and a temporary easement from three (3) of these same properties for grading purposes.

It should be noted the expropriation of the lands is on an "as is" basis and, upon acquisition, the Region assumes all responsibility for the lands.

5. Background:

Regional Council approved the proposed reconstruction of Lancaster Street West (between Bridgeport Road East and Victoria Street North), in the City of Kitchener, on August 30, 2023, as outlined in Report EES-DCS-23-004, dated August 15, 2023.

As set out in the said Report, the pavement structure of Lancaster Street West and the

trunk watermain serving the Bridgeport area is in poor condition. Additionally, there are currently discontinuous sidewalks and no cycling facilities on Lancaster Street, which reconstruction will address.

Construction of the first phase of the Lancaster Street West reconstruction (between Bridgeport Road East and Elizabeth Street) is scheduled to begin in May 2026. Detailed design for the second phase of the Lancaster Street West reconstruction (between Elizabeth Street and Victoria Street North) is ongoing and construction is funded to start in 2027.

6. Communication and Engagement with Area Municipalities and the Public

Area Municipalities: The City of Kitchener was on the Project Team, including City Councillor Sarah Marsh. Staff from the City of Kitchener and were involved in decision-making on the project and was supportive of the preferred alternative that was endorsed by Regional Council.

Public: All of the affected property owners were previously contacted by Legal Services staff and informed of the project as well as the Region's intention to commence the expropriation process and the Region's Expropriation Information Sheet was provided to each of them (attached as Schedule "B"). All of the affected property owners have been provided with appraisals and the opportunity to enter into agreements. Legal Services staff contacted all property owners and informed them of the Region's intention to continue with the expropriation process in order to ensure that the construction timeline is maintained, including this Report being presented to Council, as detailed in the Region's Expropriation Information Sheet.

Legal Services staff are negotiating property acquisitions with property owners in an effort to achieve settlements of their claims under the Act.

7. Financial Implications:

The Region's approved 2025-2034 Transportation Capital Program includes a budget of \$2,000,000 in 2025 and \$15,186,000 in 2026-2029 for the Lancaster Street improvements from Wellington Street North to Bridgeport Road (project #05497) to be funded from the Canada Community Building Reserve Fund- (68%; \$11,640,000), the Roads Regional Development Charges Reserve Fund (17%; \$2,948,000), and the Transportation Capital Reserve (15%; \$2,597,900).

There is sufficient budget to accommodate the expropriation costs.

8. Conclusion / Next Steps:

Subject to Council approval, Regional staff seek authorization to commence the

expropriations process in furtherance of the improvements to Lancaster Street West between Bridgeport Road East and Elizabeth Street, to manage the Region's assets, improve pedestrian safety and support active transportation.

9. Attachments:

A list of the corporate owners of the fee simple interest in the subject lands is attached as Appendix "C". Regional staff have conducted corporate profile searches of affected corporate property owners and the directors and officers are listed for each. This list does not include tenants, easement holders or holders of security interests in the subject lands.

Appendix "A" – Map of Subject Lands

Appendix "B" – Copy of Expropriation Information Sheet

Appendix "C" – Corporate Profiles of Corporate Owners

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