

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 (2nd Report) for Replacement of the Scheifele Bridge on Northfield Drive East (Regional Road 22), in the Township of Woolwich

1. Recommendation

That the Regional Municipality of Waterloo approve the expropriation of the following lands for the proposed replacement of the Scheifele Bridge on Northfield Drive East (Regional Road 22), in the Township of Woolwich, in the Regional Municipality of Waterloo, as detailed in report PDL-LEG-25-012, dated March 4, 2025:

Fee Simple Partial Taking:

- I. Part of Lot 32, German Company Tract, being Parts 1, 3 & 4 on 58R-22126, Township of Woolwich, Part of PIN 22705-0403 (LT) (698 Northfield Drive, Waterloo).

Temporary Easement:

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, 2028, for itself, its successors and assigns, and anyone authorized by it, on, over, under and through the following properties for the purpose of stock piling of materials and/or equipment as required in connection with the adjacent construction, 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 32, German Company Tract, being Part 2 on 58R-22126, Township of Woolwich, Part of PIN 22705-0403 (LT) (698 Northfield Drive, Waterloo);

- II. Part of Lot 3, German Company Tract, being Part 6 on 58R-22126, Township of Woolwich, Part of PIN 22705-0091 (LT)) (535 Northfield Drive, Waterloo).

And that staff be instructed to register a Plan of Expropriation for the properties within three months of the granting of the approval to expropriate the properties, as required by the *Expropriations Act*;

And that the registered owners be served with a Notice of Expropriation and a Notice of Possession for the properties after the registration of the Plan of Expropriation and the Regional Solicitor is authorized to take any and all actions required to enforce such Notices including but not limited to any application pursuant to Section 40 of the *Expropriations Act*;

And that the Regional Solicitor is authorized to enter into an agreement with the registered owners, or to make an application under Section 39 of the *Expropriations Act*, to adjust the date for possession specified in the Notice of Possession as may be required;

And that all above-referenced fee simple partial takings situated adjacent to an existing Regional public highway be acquired for road widening purposes and therefore be deemed to form part of the adjacent public highway in accordance with subsection 31(6) of the *Municipal Act, 2001*;

And that if no agreement as to compensation is made with an owner, the statutory Offer of Compensation and payment be served upon the registered owners of the properties in the amount of the market value of the interests in the land as estimated by the Region's appraiser in accordance with the *Expropriations Act*;

And that the Regional Solicitor be authorized to execute any Indemnity agreement or other document related to payment of the statutory Offer of Compensation;

And further that the Regional Solicitor be authorized to 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 the transaction or if determined by the Commissioner, Engineering & Environmental Services, that such lands, or any part or interest thereof, are not required for the subject Project.

2. Purpose / Issue:

Council approval of the expropriation is sought to, among other things: (i) permit registration of the Plan of Expropriation in the Spring of 2025, and (ii) provide possession of the required lands and interests to facilitate the commencement of the works.

3. Strategic Plan:

This Project (as herein defined) supports the 2023-2027 Corporate Strategic Plan under Strategic Focus Area: Climate Aligned Growth and specifically; Foster car-alternative options through complete streets and extended alternative transportation networks: By expanding equitable public and active transportation networks across the region.

4. Report Highlights:

a) Project Overview

Scheifele Bridge, on Regional Road 22 (Northfield Drive) over the Conestogo River, must be replaced to address its deteriorating condition (the “Project”). Currently, Scheifele Bridge is a two-lane structure with a narrow sidewalk on one side as well as narrow shoulders lacking adequate space to separate cyclists and buggies crossing the Conestogo River from vehicles. There are modest volumes of buggies and pedestrians and a significant number of cyclists crossing Scheifele Bridge.

The new bridge will be wider to accommodate all modes of travel including motorists, cyclists, pedestrians and buggies, and will have a lifespan of approximately 75 years. The new bridge will be constructed slightly to the west of the existing Scheifele Bridge to maintain two-way traffic during construction. The new bridge includes (i) two vehicle lanes, (ii) paved shoulders for buggies and cyclists on both sides of the bridge, and (iii) a sidewalk with a concrete barrier separating pedestrians from traffic on the east side of the bridge.

b) Project Timing

Project construction is scheduled to commence in Fall 2025 and be completed in late 2027 or early 2028.

c) Properties Impacted

The implementation of the recommended improvements directly impacts three (3) properties. A map of the impacted properties is attached as Appendix “A”. Land acquisitions are required from all three (3) properties to facilitate the improvements. These acquisitions include a fee simple interest from one (1) of the properties and a temporary easement is required from all three (3) of the properties for construction access for the stock piling of materials and/or equipment.

Regional staff has already acquired the required land interests from one (1) of the property owners, which property has been removed from the expropriation process. Additionally, staff has entered into an agreement with another property owner, which

closing is pending. If closing occurs before registration of the Plan of Expropriation, this property will be removed from the expropriation process.

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

5. Background:

Council approved the commencement of expropriation of the subject properties on October 8th, 2024 as detailed in report PDL-LEG-24-025. The appropriate forms under the Expropriations Act (the “Act”) were served on or about December 17th, 2024 in order to initiate formal proceedings under the Act for these properties.

No Hearings of Necessity have been requested within the statutory time frame by the impacted property owners in connection with this expropriation process.

6. Communication and Engagement with Area Municipalities and the Public

Area Municipalities: Township of Woolwich staff and local Township Councillors were part of the project team that developed the proposed improvements.

Public: 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 them. Legal Services staff contacted the 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 is willing to negotiate the property acquisition with the 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 Plan includes a budget of \$5,310,000 in 2025 and \$18,640,000 in 2026-2028 for Northfield Drive, Scheifele Bridge at Conestogo River (Project # 05954) to be funded from the Canada Community Building Reserve Fund (72%, \$17,340,000), the Transportation Capital Reserve (10%, \$2,470,000) and the Roads Regional Development Charge Reserve Fund (17%, \$4,140,000). There is sufficient funding within the project to accommodate the land acquisitions.

8. Conclusion / Next Steps:

Council approval of the expropriations is required to advance this project within the

noted timelines.

The by-law to approve the expropriation of the subject lands will be presented to Council at its meeting on March 19, 2025 to be passed upon Council approval of the expropriation.

Upon Council approval of the expropriation of the properties, such approval will be endorsed upon a certificate of approval on the Plan of Expropriation for those properties not acquired under agreement. The Plan will then be registered within three months of the approval. Ownership of the property vests with the Region upon the registration of the Plan. Notices of Expropriation and Notices of Possession are then served upon all registered owners, including tenants as shown on the assessment roll. The Region will take possession of the required lands at least 3 months after service of the Notice of Possession.

After the registration of the Plans of Expropriation and prior to the taking of possession of the property, the expropriating authority is required to serve the registered owners with an offer in full compensation for their interests in the land. The offer must be accompanied by the immediate payment of one hundred (100%) of the appraised market value of the land to the registered owners as estimated by the Region's appraiser. The registered owners are also to be served with a report appraising the market value of the property, which report formed the basis for the offer of compensation.

9. Attachments:

A list of the corporate owners of the fee simple interest in the subject lands is attached as Appendix "B". 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" – Corporate Profiles of Corporate Owners

Prepared By: Charlotte Hudson, Senior Real Estate Consultant

Reviewed By: Andy Gazzola, Solicitor, Property

Ken Brisbois, Project Manager (Design and Construction)

Erin Gray, Financial Analyst

Approved By: Fiona McCrea, Acting Regional Solicitor and Director of Legal Services