

Region of Waterloo

Planning, Development, and Legislative Services

Legal Services

To: Planning and Works Committee

Meeting Date: February 7, 2023

Report Title: Authorization to Expropriate Lands (1st Report) for Installation of the remaining Farmers Market Trail Works, in the City of Waterloo

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 the remaining Farmers Market Trail Construction (Northfield Drive West from the railway corridor to the Northfield Drive / Parkside Drive intersection), in the City of Waterloo, as outlined in PDL-LEG-23-006, dated February 7, 2023.

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 construction and access of the multi-use trail along Northfield Drive West from the railway corridor to the Northfield Drive / Parkside Drive intersection, in the City of Waterloo, and described as follows:

Fee Simple Partial Taking:

- i. Part of Lot 10, German Company Tract, being Parts 1, 2, 4 and 5 on 58R-21590, (Part of PIN 22281-0356 (LT)), City of Waterloo, Regional Municipality of Waterloo (580 Weber Street North, Waterloo).

Temporary Easement – Grading:

The right and easement, being a temporary easement in gross, for the free and unobstructed, right, interest and easement terminating on the 31st day of December, 2024, 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 construction and access of the multi-use trail along Northfield Drive West from the railway corridor to the Northfield Drive / Parkside Drive intersection, 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:

- ii. Part of Lot 10, German Company Tract, being Part 3 on 58R-21590, (Part of PIN 22281-0356 (LT)), City of Waterloo, Regional Municipality of Waterloo (580 Weber Street North, Waterloo).
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 Expropriations Act, and (ii) in furtherance of the Project’s timeline by expropriating the required lands and interests.

3. Strategic Plan:

The Farmers Market Trail aligns with the 2019-2023 Strategic Objectives to increase participation in active forms of transportation (cycling and walking).

4. Report Highlights:

a) Project Overview

The trail serves as a high quality active transportation connection between Farmers Market Road in the Township of Woolwich, and the Research and Technology ION Station in the City of Waterloo (connecting to the existing Laurel Trail), with the potential to: (i) improve high-frequency transit access for residents and workplaces near the corridor; (ii) increase ridership outside of traditional peak periods; (iii) mitigate traffic concerns and travel/parking demand on market days; (iv) realign the Trans-Canada Trail route to make it easier to navigate; and (v) foster local tourism.

b) Project Timing

Construction of the trail is proceeding in two (2) stages. Stage 1 consists of the trail section along the railway line between Northfield Drive and Farmers Market Road; which work was completed in 2021 and opened to the public in 2022. Stage 2 consists of the trail section between the intersection of Northfield Drive and Parkside Drive and the railway line (behind the Fire Hall). The property that is the subject of this Report is required for Stage 2; which work is scheduled to commence in 2024.

c) **Properties Impacted**

The installation of the trail directly impacts two (2) properties, which necessitates land acquisitions from each property. A map of the property that is the subject of this Report is attached as Appendix “A”. The Region will acquire (i) a fee simple interest and temporary easement from one of the properties (i.e. 580 Weber St. N.) for construction / connection of the trail, and associated works, from the railway corridor to the Northfield Dr. / Parkside Dr. intersection, and (ii) a permanent easement from the other property (i.e. 600 Weber St. N. / 97-103 Randall Dr.) to install a ditch inlet for drainage purposes. Regional staff has entered into an agreement with the owner of the latter property for the required easement interest, thus avoiding the need to expropriate.

5. Background:

Regional Council approved the implementation of the said trail, on June 16, 2020, as outlined in Report TES-TRS-20-17.

6. Area Municipality Communication and Public/Stakeholder Engagement:

The Region of Waterloo, in collaboration with the City of Waterloo and Township of Woolwich, initiated the “Farmers’ Market Trail Feasibility and Design Study” in July 2017, with staff from each municipality participating on the project team.

The project team conducted extensive consultation with members of the public and local stakeholders on the preferred trail alignment. Public consultation events included a formal Public Information Centre, an informal “pop up” consultation at St. Jacobs Farmers’ Market, workshops with adjacent property owners and community stakeholders, and presentations to the Grand River Accessibility Advisory Committee and both City of Waterloo and Regional Active Transportation Advisory Committees.

The affected property owners, or their representatives, have been contacted by Legal Services Real Estate staff by one or more of the following means: in-person meeting, telephone, written correspondence and/or e-mail to discuss the required acquisitions and have been informed of the Region’s intention to commence the expropriation process, including this Report going forward to ensure project time lines are met. All property owners have been provided with the Region’s Expropriation Information Sheet

explaining the expropriation process. A copy of the Expropriation Information Sheet is attached as Appendix “B”. The owners have further been advised it is the Region’s intention to seek a negotiated settlement prior to completion of the expropriation process and that the process has been commenced only to ensure possession of the required lands by the date set by Project staff in order to keep the project timeline in place.

Should a negotiated settlement be reached with any of the property owners and a conveyance of the required acquisition be completed before the expropriation process is complete, the expropriation process with respect to such lands would be discontinued by the Regional Solicitor.

7. Financial Implications:

The Preliminary 2023-2032 Grand River Transit Capital Program includes a budget of \$310,000 in 2023 for the Farmers Market Northfield Station Trail (project # 66125), to be funded from the Investing in Canada Infrastructure Program (73%, \$226,000), the Transit Capital Reserve (16%, \$49,000) and the Transit Regional Development Charges Reserve Fund (11%, 35,000).

8. Conclusion / Next Steps:

Subject to Council approval, Regional staff seek authorization to commence the expropriations process in furtherance of the proposed Farmers Market Spur Line Multi-use Trail Construction (Northfield Drive West from the railway corridor to the Northfield Dr. / Parkside Dr. intersection), in the City of Waterloo, to further this active transportation connection between a provincially significant tourist destination, major employment areas, and high frequency transit.

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 the Subject Lands

Appendix B: Copy of Expropriation Information Sheet

Appendix C: Corporate Profile of Corporate Owner

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Approved By: Jeff Schelling – Director of Legal Services and Regional Solicitor