

Region of Waterloo

Planning, Development, and Legislative Services

Legal Services

To: Planning and Works Committee

Meeting Date: April 4, 2023

Report Title: Authorization to Expropriate Lands (1st Report) for a roundabout at the intersection of Sawmill Road (Regional Road No. 17) and Ebycrest Road (Regional Road No. 17), Woolwich Township

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 improvements at the intersection of Sawmill Road (Regional Road No. 17) and Ebycrest Road (Regional Road No. 17), Township of Woolwich, in the Regional Municipality of Waterloo, as detailed in report PDL-LEG-23-018, dated April 4, 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 improvements at the intersection of Sawmill Road (Regional Road No. 17) and Ebycrest Road (Regional Road No. 17), Township of Woolwich and described as follows:

Fee Simple Partial Taking:

- I. Part of Lot 70, German Company Tract, being Part 1 on 58R-21638, (Part of PIN 22710-0126 (LT)), Township of Woolwich, Regional Municipality of Waterloo (629 Sawmill Road, Woolwich);
- II. Part of Lot 70, German Company Tract, being Parts 2 & 3 on 58R-21638, (Part of PIN 22710-0130 (LT)), Township of Woolwich, Regional Municipality of Waterloo (515 Sawmill Road, Woolwich);
- III. Part of Lot 70, German Company Tract, being Part 4 on 58R-21638 (Part of PIN 22247-0059 (LT)), Township of Woolwich, Regional Municipality of Waterloo (544 Sawmill Road, Woolwich);
- IV. Part of Lot 71, German Company Tract, being Part 5 on 58R-21638, (Part of PIN 22710-0155 (LT)), Township of Woolwich, Regional Municipality of Waterloo (5 Kraft Drive, Woolwich);

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 herein to commence the expropriation process: (i) in compliance with the requirements of the Act, and (ii) in furtherance of the project timeline by expropriating the required lands and interests.

3. Strategic Plan:

This Project (as hereinafter defined) supports the 2019-2023 Corporate Strategic Plan under Strategic Focus Area 2 (Sustainable Transportation) and, more specifically, Strategic Objective 2.4 “Improve road safety for all users – drivers, cyclists, pedestrians, horses and buggies.”

4. Report Highlights:

a) Project Overview

The proposed improvements to construct a roundabout at the intersection of Sawmill Road (Regional Road No. 17) and Ebycrest Road (Regional Road No. 17), Township of Woolwich (the “Project”), will improve road safety and reduce delays to motorists.

The scope of work to be completed includes the following:

- Construction of a single lane roundabout, including designated pedestrian

crossings therein; and

- Reconfiguration of existing drainage for the road.

The recommended roundabout would replace temporary traffic signals that were installed as an interim measure. The main issues raised by the public and adjacent property owners, and addressed within the proposed improvements, are: passage of large agricultural equipment and volume of commercial truck traffic. The roundabout, including the entrance and exit thereof, would be designed geometrically to accommodate all identified users. The Region has constructed other roundabouts in rural settings (recently at Hergott Road and Ament Line) where agricultural equipment, commercial trucks, and horse and buggies frequently use the roundabout with no concerns. Lastly, the proposed roundabout provides a gateway feature for traffic entering Bloomingdale from the south.

b) Project Timing

Project construction is scheduled to commence in 2024.

c) Properties Impacted

- The implementation of the recommended improvements directly impacts four (4) properties. A map of the impacted properties is attached as Appendix "A". Land acquisitions are required from all four (4) of the properties to accommodate the said improvements. These acquisitions include fee simple partial takings from all four (4) of the properties.

- 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:

Regional Council approved the proposed construction of a roundabout at the intersection of Sawmill Road (Regional Road No. 17) and Ebycrest Road (Regional Road 17) in Woolwich Township on May 10, 2022 as outlined in Report TES-DCS-22-14.

6. Area Municipality Communication and Public/Stakeholder Engagement:

All of 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 Region's approved 2023-2032 Transportation Capital Program includes a budget of \$330,700 in 2023 and \$1,895,200 in 2024-2025 for (Sawmill Road at Ebycrest Road (Project# 07553) to be funded from the Region Roads Development Charges Reserve Fund.

There is sufficient budget available to carryout these expropriations.

8. Conclusion / Next Steps:

Subject to Council approval, Regional staff seek authorization to commence the expropriations process in furtherance of the proposed road improvements at the intersection of Sawmill Road (Regional Road No. 17) and Ebycrest Road (Regional Road 17) in Woolwich Township, to improve road safety and reduce delays to motorists.

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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