

Region of Waterloo

Planning, Development, and Legislative Services

Legal Services

To: Planning and Works Committee

Meeting Date: August 15, 2023

Report Title: Authorization to Expropriate Lands (2nd 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 approve 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-23-036, dated August 15th, 2023, 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);

And that staff be instructed to register a Plan of Expropriation for the property within three months of the granting of the approval to expropriate the property, 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 property 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 property 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 of Transportation and 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 expropriations is being sought at this time to: (i) permit registration of the Plans of Expropriation in the winter of 2023; and (ii) provide possession of the required lands and interests by the spring of 2024, to facilitate utility relocations at these locations.

3. Strategic Plan:

This Project 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:

Council approved the commencement of expropriation of the subject properties on April 4th, 2023 as detailed in report PDL-LEG-23-18. The appropriate forms under the Expropriations Act (the “Act”) were served on or about May 22nd, 2023 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:

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 has been negotiating property acquisitions over the past several months and intends to continue negotiations with property owners in an effort to achieve settlements of their claims under the Act.

Area Municipalities: A meeting was held with Woolwich Township staff on Monday February 28th 2022, Councillors and the Region of Waterloo Project Manager to review the scope and timing of the project. Woolwich Township staff were in favour of the roundabout.

7. Financial Implications:

The Region's approved 2023-2032 Transportation Capital Program includes a budget of \$345,700 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:

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 August 30, 2023 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 "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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