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The Regional Municipality of Durham Report

To: Works Committee
From: Commissioner of Works
Report: #2023-W-16
Date: May 3, 2023

Subject:

Expropriation of Lands Required for the Adelaide Avenue Extension and Courtice Trunk Sanitary Sewer Phase 5 Projects from Townline Road to Trulls Road, in the City of Oshawa and the Municipality of Clarington

Recommendation:

That the Works Committee recommends to Regional Council:

- A) That authority be granted to Regional Municipality of Durham staff to initiate expropriation proceedings where necessary with respect to the property requirements for the Adelaide Avenue (Regional Road 58) extension from Townline Road (Regional Road 55) in the City of Oshawa to Trulls Road in the Municipality of Clarington, and the construction of Courtice Trunk Sanitary Sewer Phase 5 along the same route (each a "Project") as depicted in Attachment #1, and other property requirements as may be determined and identified by Regional Municipality of Durham staff required for the said Projects;
- B) That authority be granted to the Regional Clerk and the Regional chair to execute any notices and forms as may be statutorily mandated by the *Expropriations Act*, R.S.O. 1990, c. E26 to give effect to **Recommendation C** in this report, including the Notices of Application of approval to Expropriate;
- C) That authority be granted to Regional Municipality of Durham staff to serve and publish Notices of Application for Approval to Expropriate the property requirements as described in Recommendation A of this report and to forward to the Ontario Land Tribunal any requests for hearing that is received, to attend the hearings to present the Regional Municipality of Durham's position, and to present

the Ontario Land Tribunal's recommendations to Regional Council for consideration; and

- D) That all agreements successfully negotiated and reports required for amicable property acquisitions and all agreements and reports required for settlements pursuant to the *Expropriations Act, R.S.O. 1990, c. E. 26* related to the Adelaide Avenue extension project and the Courtice Trunk Sanitary Sewer (Phase 5) project approved in accordance with the Delegation of Authority By-law 04-2023 or by Regional Council, be deemed confidential for any reporting requirements to Regional Council pursuant to section 239 (2)(c) of the *Municipal Act, 2001, S.O. 2001, c. 25*, as it relates to a proposed or pending acquisition or disposition of land for Regional corporate purposes, and only be released publicly by the Commissioner of Works once all compensation claims have been resolved on a full and final basis.
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Report:

1. Purpose

- 1.1 The purpose of this report is to obtain approval to expropriate property requirements for the Adelaide Avenue (Regional Road 58) extension project to construct a connection between Townline Road (Regional Road 55) in the City of Oshawa (Oshawa) and Trulls Road in the Municipality of Clarington (Clarington), and the Courtice Trunk Sanitary Sewer Phase 5 project to be constructed along the same route, where the Region is unable to obtain amicable agreements through negotiations with property owners.

2. Background

- 2.1 The Regional Municipality of Durham (Region) is proposing the extension of Adelaide Avenue from Townline Road in Oshawa to Trulls Road in Clarington, and the construction of the Courtice Trunk Sanitary Sewer Phase 5 along the same route.
- 2.2 The Region completed a Municipal Class Environmental Assessment (EA) in 2005 for the Adelaide Avenue extension to set the alignment and allow segments of Adelaide Avenue to be constructed in conjunction with adjacent residential development in advance of the Region constructing the remainder of the Adelaide Avenue extension. The recommended plan is to construct a three-lane urban/semi-urban road extension with new culvert/bridge crossings over Harmony Creek and Farewell Creek. The segment from Nidderly Street to Trulls Road was

constructed in 2014 as part of the adjacent development. As a portion of the project covered under the EA has already been constructed, an EA addendum will not be required in advance of the Region's future construction.

- 2.3 The Adelaide Avenue extension continues to be a part of the overall long-term improvement strategy identified in the Region's Transportation Master Plan completed in 2017. The extension of Adelaide Avenue will provide additional east-west vehicular capacity to support future growth, provide access to adjacent lands, and improve the operation and safety of the road network, including providing an alternative route to address traffic concerns at the Townline Road/King Street (Regional Highway 2) intersection.
- 2.4 The Adelaide Avenue extension project is being coordinated between the Transportation Design and Environmental Services Design Divisions of the Works Department to accommodate the proposed new trunk sanitary sewer to be installed along the same route.
- 2.5 The Courtice Trunk Sanitary Sewer Phase 5 project is forecasted to be tendered in 2026 and construction funding for the Adelaide Avenue extension project is forecasted between 2028 and 2032.
- 2.6 By coordinating the property acquisitions for both projects, the Region avoids requiring the acquisition of easements for the sanitary sewer in advance of the fee simple acquisitions required for the road construction. To minimize the impact on the property owners and reduce the costs of property acquisitions, the property requirement for both projects will be negotiated jointly.
- 2.7 To facilitate the future road construction, the Region has been purchasing properties along the Adelaide Avenue extension corridor as they become available on the market.

3. Property Acquisitions

- 3.1 Regional staff have identified land requirements from twenty-eight (28) properties that will be affected by the proposed works, consisting of 16 full buyouts and 12 partial takings. Of this total, one (1) full buyout has been completed as an advance purchase. The remaining property requirements will be completed in phases.
- 3.2 While the Region attempts to obtain land requirements through amicable negotiations, there are situations where negotiations become lengthy, or an

agreement cannot be reached with the property owners. Where lengthy negotiations are not an option due to project timelines or an agreement cannot be reached with the landowners, Regional staff may need to consider the option to commence the expropriation process to meet project timelines.

4. Relationship to Strategic Plan

4.1 This report aligns with/addresses the following strategic goals and priorities in the Durham Region Strategic Plan:

- a. Environmental Sustainability
Goal 1.5: Expand sustainable and active transportation
- b. Community Vitality
Goal 2.2: Enhance community safety and well-being
- c. Economic Prosperity
Goal 3.3: Enhance communication and transportation networks to better connect people and move goods more effectively.

5. Conclusion

5.1 Regional Municipality of Durham staff will negotiate with the property owners to acquire the necessary properties. Should these negotiations fail, this approval will permit staff to commence expropriation proceedings to ensure that the timelines are met allowing the projects to proceed to construction.

5.2 If Regional Municipality of Durham staff exercises the option to commence expropriation pursuant to the authority being sought through this report, staff will seek further authority from Regional Council to expropriate the property requirements and proceed to serve notices on affected property owners as mandated by the *Expropriations Act*, R.S.O. 1990, c. E.26.

5.3 This report has been reviewed by Legal Services – Office of the CAO.

5.4 For additional information, contact: Jenni Demanuele, Director, Corporate Infrastructure and Strategic Business Services, at 905-668-7711 extension 3456.

6. Attachments

6.1 Attachment #1: Map of Affected Properties

Respectfully submitted,

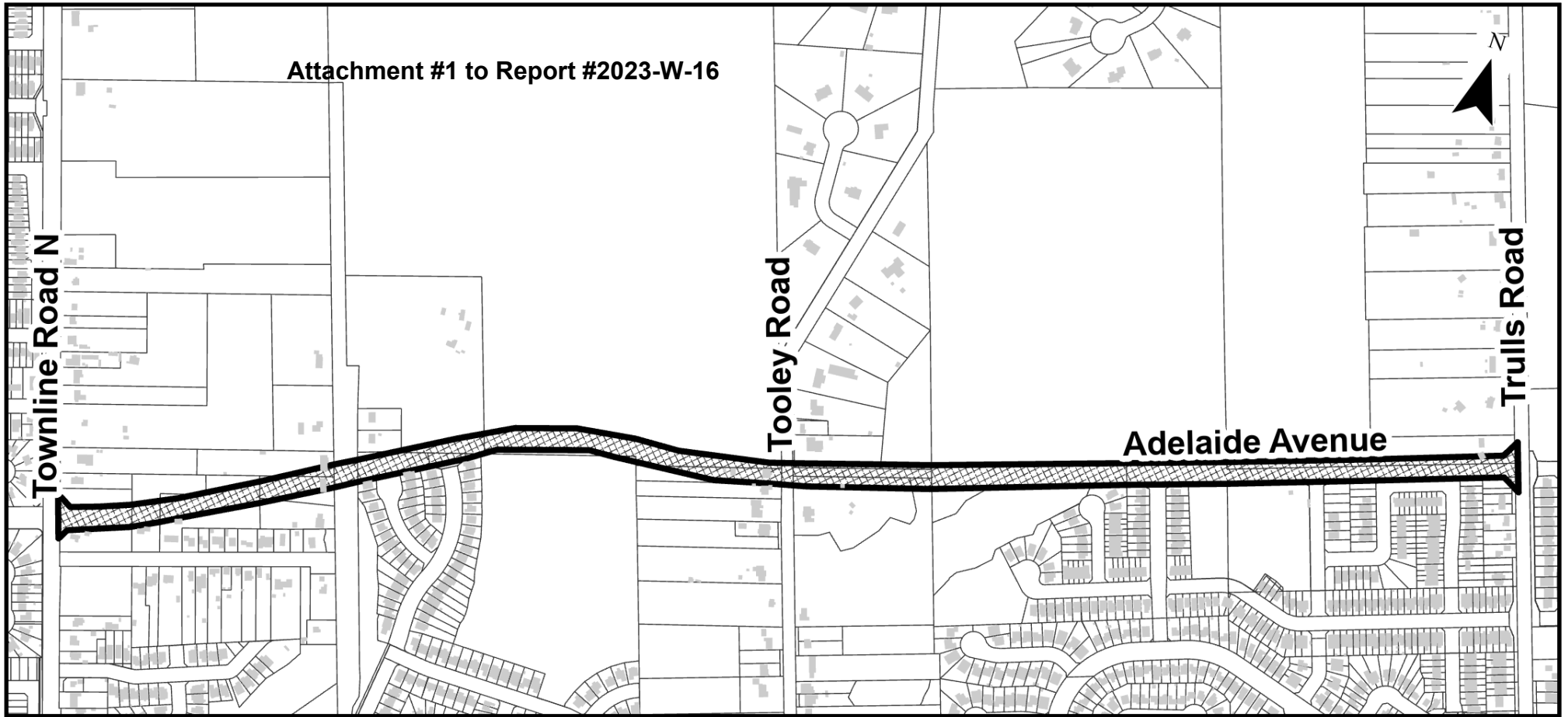
Original signed by:

John Presta, P.Eng., MPA
Commissioner of Works

Recommended for Presentation to Committee

Original signed by:

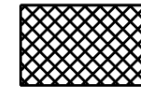
Elaine C. Baxter-Trahair
Chief Administrative Officer



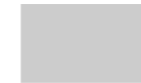
Location Map of the Adelaide Extension and Courtice Trunk Sewer Phase 5 Projects Municipality of Clarington



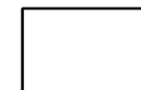
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Future Adelaide Avenue



Building Footprints



Ownership Parcel