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The Regional Municipality of Durham Report

To: Works Committee
From: Commissioner of Works
Report: #2023-W-17
Date: May 3, 2023

Subject:

Expropriation of Lands Required for the Townline Road North Reconstruction and Widening from Beatrice Street to Taunton Road, in the City of Oshawa and 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 proposed Townline Road North (Regional Road 55) Reconstruction and Widening Project, impacting both the east and west sides of Townline Road from Beatrice Street to Taunton Road (Regional Road 4), in the City of Oshawa and the Municipality of Clarington (the "Project") as depicted in Attachment #1, and as such other property requirements as may be determined and identified by Regional Municipality of Durham staff required for the said Project;
- 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. E.26 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 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 Townline Road North Reconstruction 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 Townline Road North Reconstruction and Widening Project between Beatrice Street and Taunton Road in the City of Oshawa and the Municipality of Clarington, if the Regional Municipality of Durham (Region) is unable to obtain amicable agreements through negotiations with property owners.

2. Background

- 2.1 The Region's Transportation Master Plan (TMP) identifies the widening of Townline Road from two lanes to three lanes between Pebblestone Road and Taunton Road to accommodate a continuous centre left-turn lane. The reconstruction and widening of Townline Road between Beatrice Street and Taunton Road have been advanced to address the impact of growing traffic volumes, improve the pavement condition/maintenance, facilitate the construction of a multi-use path, and address operational deficiencies, drainage issues, and safety concerns.
- 2.2 The Region completed a Municipal Class Environmental Assessment for Townline Road North in this area in 2022. Based on the evaluation of the planning and design alternatives the recommendation is for the Region to:

- a. Urbanize and widen Townline Road to accommodate a centre two-way left-turn lane from Whitelaw Avenue to 100 m south of Taunton Road;
 - b. Install a combination of ditches and storm sewer on Townline Road to direct road drainage southerly to the existing stormwater management pond at Beatrice Street;
 - c. Construct a multi-use path on the west side of Townline Road from Beatrice Street to Taunton Road to connect with existing active transportation facilities on Taunton Road, Whitelaw Avenue and Beatrice Street; and
 - d. Review and implement potential safety improvements at the southwest corner of Taunton Road and Townline Road.
- 2.3 To facilitate the future road reconstruction/rehabilitation and widening, the Region is initiating property purchases along the Townline Road North corridor.

3. Property Acquisitions

- 3.1 Regional staff have identified land requirements from six (6) properties for partial acquisitions that will be affected by the proposed works, five of which are privately owned. An easement will be negotiated for the other property which is owned by Hydro One.
- 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,

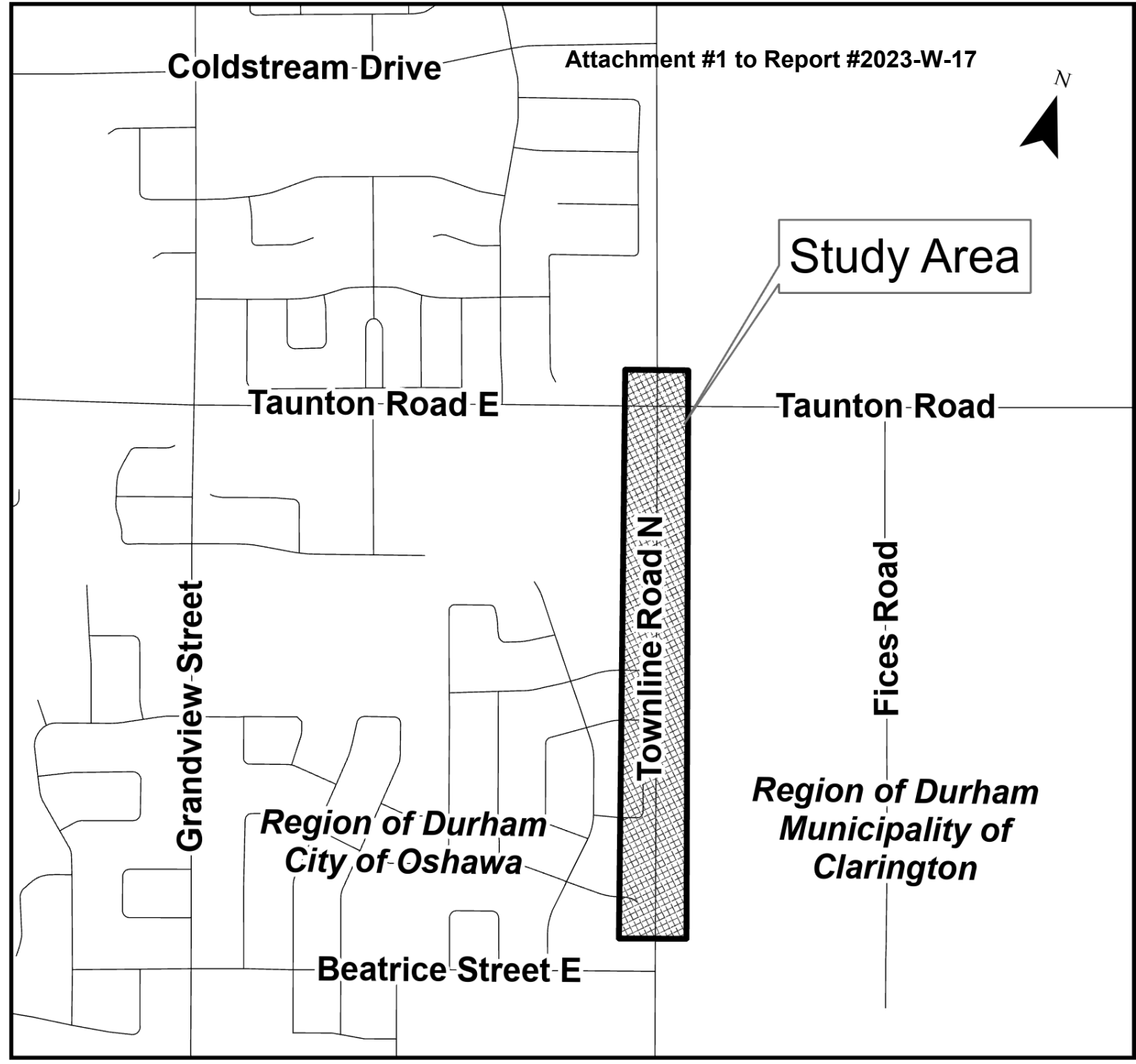
Original signed by:

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 Townline Road Reconstruction City of Oshawa and Municipality of Clarington



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- Townline Road Reconstruction
- Durham Roads