

THE CORPORATION OF THE TOWN OF LAKESHORE
ENGINEERING AND INFRASTRUCTURE SERVICES
ENGINEERING SERVICES DIVISION

TO: Mayor and Members of Council

FROM: Tony DiCiocco, Manager of Engineering Services

DATE: January 17, 2020

SUBJECT: Acquisition of Lands Required for the Lanoue Street Extension and Amy Croft Storm Water Pond Expansion – Negotiation and Expropriation

RECOMMENDATIONS:

It is recommended that:

1. Council, as the expropriating authority, directs that the Director of Engineering and Infrastructure Services, on behalf of the Expropriating Authority, to make application to Council, as the approving authority, by submitting an Application to Expropriate Land to the Clerk; and
2. The Clerk issue notice of the application to expropriate the Required Lands pursuant to the *Expropriations Act*.

BACKGROUND:

Council has recently approved, and the Town has entered into, cost sharing agreements for the servicing of the lands in the area of the Amy Croft Secondary Plan. The construction of these services requires that certain lands be acquired for the expansion of the storm water management pond as well as for the extension of Commercial Boulevard and Lanoue Street. Administration's goal is to commence construction in the summer of 2020. Therefore, it is imperative that the Required Lands be acquired as quickly as possible.

COMMENTS:

Lands to be Acquired

The lands for the extension of Commercial Boulevard and much of Lanoue Street are being obtained from benefitting developers without cost pursuant to the recently executed cost sharing agreements. These lands are shown as parts 7, 8, 9 and 10 on the reference plan attached as Appendix 1 to this report. Negotiations

are ongoing for the balance of the lands required for Lanoue as well as for the storm water facility expansion. It is recommended, however, that due to the timelines associated with this project that these lands be included in the expropriation process in case negotiations breakdown. The remaining lands required for the Lanoue extension, being parts 2, 3 and 4 as well as the balance of parts 1 and 5, will need to be purchased or expropriated.

Land Owners

Current ownership of the lands required for the construction of Lanoue Street and the extension of Commercial Boulevard is as follows (the numbers listed in the first column are those marked on the attached reference plan labelled as Appendix 1).

1 & 2	RKL Animal Health Care Ltd.
3, 4 & 5	Individually Owned
7	Already Acquired from Beachside Development Ltd.
8, 9, &10	1298417 Ontario Ltd. (to be acquired by way of cost sharing agreement)

The current owner of the lands required for the expansion of the storm water management facility is an Individual. These lands are depicted as part 1 on the attached reference plan labelled as Appendix 2.

The commencement of the expropriation process is recommended to ensure that the Town will ultimately have title to the required lands in a timely fashion.

Attached to this report is the formal application for Council approval of the expropriation of the required lands.

The expropriation process, in general, consists of the following.

1. Council, as the expropriation authority, authorizes Administration to make application to commence the expropriation process.
2. The application for expropriation is given to the Clerk and the Clerk issues Notice of Application for Expropriation to the owners and publishes the notice in an appropriate newspaper once a week for 3 consecutive weeks.
3. Property owners have 30 days after the first publication of the notice to request a Hearing of Necessity.
4. Council, as the approval authority, considers the recommendations arising from the Hearing of Necessity, if any, and determines whether or not to approve the expropriation and, as Council of the expropriating authority (The Corporation of the Town of Lakeshore), passes a by-law to expropriate the lands.

5. If a by-law is passed to expropriate the lands, a Plan of Expropriation is registered and a Notice of Expropriation is served upon the owners.
6. Compensation is offered to the owners. If an amount for compensation can be agreed upon the process is complete. If appropriate compensation cannot be agreed upon this issue is referred to the Board of Negotiation and/or to the Board of Arbitration (LPAT).

OTHERS CONSULTED:

The Director of Legislative Services, Director of Finance Services and Jim Renick, Barrister & Solicitor was consulted in the preparation of this report.

FINANCIAL IMPACTS:

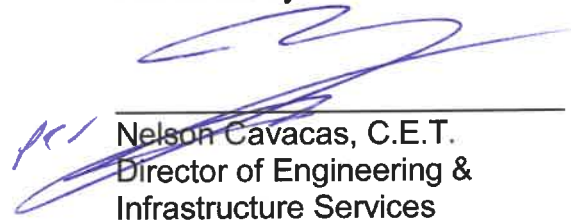
It is anticipated the acquisition of the required lands will be accomplished within the overall construction cost estimate that forms part of the recently approved Amy Croft area cost sharing agreements.

Prepared by:



Tony DiCiccio, C.E.T.
Manager of Engineering Services

Reviewed by:



Nelson Cavacas, C.E.T.
Director of Engineering &
Infrastructure Services


Submitted by:

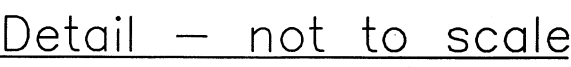


Truper McBride, MPlan, MCIP, RPP
Chief Administrative Officer

Attachments:

1. Appendix 1 - Reference Plan for Roadway
2. Appendix 2 - Reference Plan for Storm Water Management

<p>I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.</p> <p>DATE <u>NOVEMBER 25, 2019</u></p> <p> JAY A. SIMONE ONTARIO LAND SURVEYOR</p>	<p>PLAN 12R-28020</p> <p>RECEIVED AND DEPOSITED</p> <p>DATE <u>2019 NOV 2</u></p> <p>JAMILA BARRETT</p> <p>REPRESENTATIVE FOR LAND REGISTRAR FOR THE LAND TITLES DIVISION OF ESSEX (12)</p>
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"METRIC" DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

LEADS AND GOLD NERVES

BEARINGS ARE UTM GRID COORDINATES FROM OBSERVED REFERENCE POINTS "A" AND "D" TO "R". THE NERVEN OPERATIONS.

DESTINATIONS ON THE PLAN ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTPLYING BY THE CONVERSION SCALE FACTOR 0.00000033

ALL MONUMENTS SHOWN THUSLY G ARE IRON BARS (B) ARE UNLESS OTHERWISE NOTED

1. DENOTES 25mm x 25mm x 0.01m STANDARD IRON BAR

2. DENOTES 25mm x 25mm x 0.01m STAINLESS IRON BAR

3. DENOTES 19mm diameter x 0.01m ROUNDED IRON BAR

4. DENOTES 19mm diameter x 0.01m ROUNDED IRON BAR

5. DENOTES 50mm x 50mm STEEL PILE

6. DENOTES MONUMENT FOUND MORE THAN 1744

7. DENOTES WITNESS

8. DENOTES PERPENDICULAR

9. DENOTES OBSERVED REFERENCE POINT

10. DENOTES THIS PLAN IS BASED ON IN LIEU OF SP'S WHERE THE POSSIBILITY THAT UNDERGROUND LINES EXIST.

11. DENOTES ORIGIN UNKNOWN

12. DENOTES PLAN 128-21957

13. DENOTES PLAN 128-124

14. DENOTES PLAN 128-654

15. DENOTES PLAN OF EXPROPRIATION C2349040

16. DENOTES PLAN 128-364

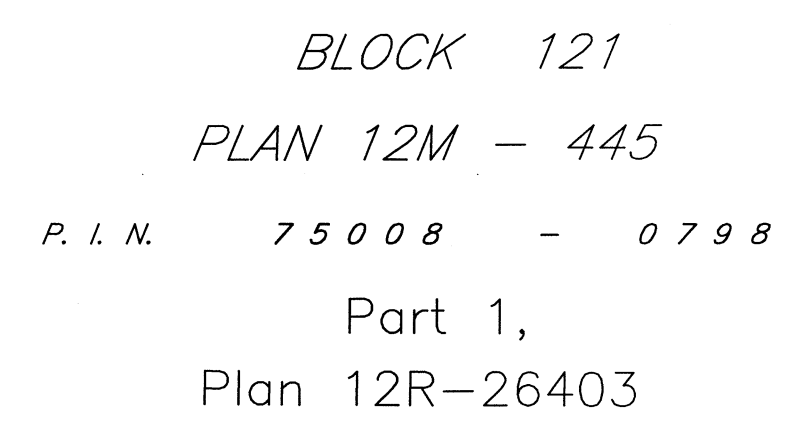
17. DENOTES PLAN 128-124

18. DENOTES FIELD NO. BP(1440) GAYD. AVERSIUS S. 1182. (B-306)

19. DENOTES STATIONED STEELHARD HANDED BRONZE BEARING ON O.S.L.

20. DENOTES WILSON J. SETTERBERG, O.S.L.

Appendix #1





VERHAEGEN

LAND SURVEYORS

A DIVISION OF J.D. BARNES LTD.

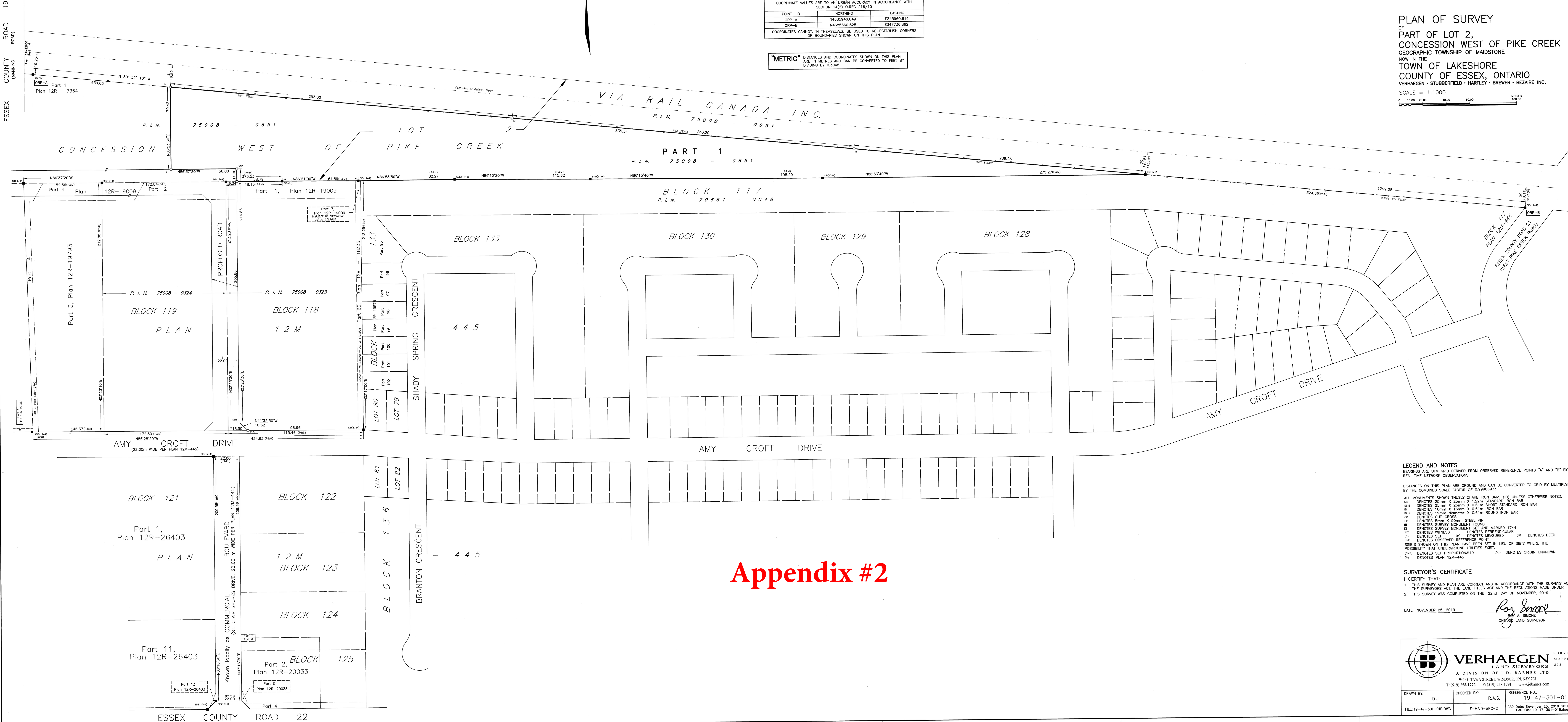
944 OTTAWA STREET, WINDSOR, ON, N6X 2E1

T: (519) 258-1772 F: (519) 258-1791 www.jdbarnes.com

SURVEYING
MAPPING
GIS

DRAWN BY: <div style="border: 1px solid black; padding: 2px; text-align: center;">D.J.</div>	CHECKED BY: <div style="border: 1px solid black; padding: 2px; text-align: center;">R.A.S.</div>	REFERENCE NO: <div style="border: 1px solid black; padding: 2px; text-align: center;">19-47-301-01</div>
FILE: 19-47-301-01A.DWG	E-MAD-WPC-2	CAD DATE: November 25, 2019 10:40 AM CAD FILE: 19-47-301-01A.dwg

ESSEX COUNTY ROAD 19



Appendix #2

PARTS SCHEDULE			
PART	LOT	CON/PLAN	P.I.N.
1	PART OF LOT 2	CONCESSION WEST OF PIKE CREEK	75008-0651
			AREA
			3.321 Ha.

THIS PLAN COMPRISES PART OF P.I.N. 75008-0651.

I REQUIRE THIS PLAN TO BE RECEIVED AND DEPOSITED UNDER THE LAND TITLES ACT.	
DATE	NOVEMBER 25, 2019

ROY A. SIMONE
ONTOARIO LAND SURVEYOR

PLAN 12R-26403	
RECEIVED AND DEPOSITED	
DATE	NOV 25 2019

JAMILA BARRETT
REPRESENTATIVE FOR LAND REGISTRATION FOR THE LAND TITLES DIVISION OF ESSEX (12)

PLAN OF SURVEY
OF
PART OF LOT 2,
CONCESSION WEST OF PIKE CREEK
GEOGRAPHIC TOWNSHIP OF MAIDSTONE
NOW IN THE
TOWN OF LAKESHORE
COUNTY OF ESSEX, ONTARIO
VERHAEGEN • STUBBERFIELD • HARTLEY • BREWER • BEZARE INC.
SCALE = 1:1000
0 10.00 20.00 40.00 60.00 80.00 100.00 METRES

LEGEND AND NOTES
BEARINGS ARE UTM GRID DERIVED FROM OBSERVED REFERENCE POINTS "A" AND "B" BY REAL TIME NETWORK OBSERVATIONS.
DISTANCES ON THIS PLAN ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999999333.
ALL MONUMENTS SHOWN THUSLY □ ARE IRON BARS (□) UNLESS OTHERWISE NOTED.
SIB DENOTES 25mm X 25mm X 1.22m STANDARD IRON BAR
SIB DENOTES 25mm X 25mm X 0.61m SHORT STANDARD IRON BAR
SIB DENOTES 16mm X 16mm X 0.61m IRON BAR
SIB DENOTES 19mm diameter X 0.61m ROUND IRON BAR
SIB DENOTES CUT-CROSS
SIB DENOTES 5mm X 50mm STEEL PIN
SIB DENOTES SURVEY MONUMENT FOUND
SIB DENOTES SURVEY MONUMENT SET AND MARKED 1744
SIB DENOTES SET
SIB DENOTES WITNESS
SIB DENOTES PERPENDICULAR
SIB DENOTES SET
SIB'S SHOWN ON THIS PLAN HAVE BEEN SET IN LIEU OF SIB'S WHERE THE POSSIBILITY THAT UNDERGROUND UTILITIES EXIST.
(S/P) DENOTES SET PROPORTIONALLY
(P) DENOTES PLAN 12M-445

SURVEYOR'S CERTIFICATE
I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
2. THIS SURVEY WAS COMPLETED ON THE 22nd DAY OF NOVEMBER, 2019.
DATE NOVEMBER 25, 2019
ROY A. SIMONE
ONTOARIO LAND SURVEYOR

VERHAEGEN
LAND SURVEYORS
A DIVISION OF J.D. BARNES LTD.
940 OTTAWA STREET, WINDSOR, ON, N9X 2E1
T: (519) 258-1772 F: (519) 258-1791 www.jdbarnes.com

DRAWN BY:	D.J.	CHECKED BY:	R.A.S.	REFERENCE NO.:	19-47-301-01
FILE:	19-47-301-01B.DWG	E-MAIL:	WPC-2	CAD Date:	November 25, 2019 10:12 AM
				CAD File:	19-47-301-01B.dwg

ESSEX COUNTY ROAD 22