



TO: GENERAL COMMITTEE

SUBJECT: PROPERTY ACQUISITION – WHISKEY CREEK CULVERT AND CHANNEL IMPROVEMENTS, THE BOULEVARD TO BRENNAN AVENUE, PROJECT EN1486

WARD: 8

PREPARED BY AND KEY CONTACT: A. MILLS, MANAGER OF LEGAL SERVICES, EXT. 5051
N. COUPERUS, ENGINEERING PROJECT MANAGER, EXT. 4303

SUBMITTED BY: I. PETERS, DIRECTOR OF LEGAL SERVICES
S. DIEMERT, DIRECTOR OF INFRASTRUCTURE

GENERAL MANAGER APPROVAL: B. ARANIYASUNDARAN, P. ENG., GENERAL MANAGER OF INFRASTRUCTURE AND GROWTH MANAGEMENT

CHIEF ADMINISTRATIVE OFFICER APPROVAL: M. PROWSE, CHIEF ADMINISTRATIVE OFFICER

RECOMMENDED MOTION

1. That the Director of Legal Services be authorized to commence expropriation proceedings, if required, to obtain the property interests necessary to facilitate the construction of the Whiskey Creek Culvert and Channel Improvements, The Boulevard to Brennan Avenue, being a portion of 199 The Boulevard shown as Part 1 in Figure 1, and the full acquisition of 7 Brennan Avenue shown in Figure 2 as identified in Appendix "A" of Staff Report INF006-24 (the "Subject Properties").
2. That the Corporation of the City of Barrie (City) make an application to City Council, as approving authority, for approval to expropriate the Subject Properties, and that the City Clerk be authorized to execute the necessary forms of application.
3. That the "Notice of Application for Approval to Expropriate" be served and published and that any requests for inquiries received, pursuant to the "Notice of Application for Approval to Expropriate Land" be forwarded to the Ontario Land Tribunal. And that the City attend hearings(s) to present the City's position and report the Inquiry Officer's recommendations to Council for its consideration with respect to any such requests.
4. That the Director of Legal Services be the delegated authority to settle the expropriations or any negotiated agreements relating to the Subject Properties and, that the City Clerk be authorized to execute all associated and required documents in a form approved by the Director of Legal Services.

PURPOSE & BACKGROUND

5. This Staff Report is intended to provide staff with authorization to proceed with expropriating the Subject Properties, in the event that negotiated Agreements of Purchase and Sale are not in place by September 30, 2024, in order to meet the design and construction timelines of the Whiskey Creek Culvert and Channel Improvements – The Boulevard to Brennan Avenue.
6. On May 31, 2021, City Council adopted motion 21-G-127 regarding Whiskey Creek at Minet's Point Drainage Improvements Report as follows:
 - a) That the preferred alternative identified in the Municipal Class Environmental Assessment Report for Whiskey Creek Drainage Improvements at Minet's Point dated April 2021, be endorsed. (CAM002-21) (File: D03-WH2)
7. The preferred alternative is Alternative 3, which encompasses a significant amount of work. This work is recommended to be implemented in two phases, with the most urgently needed and impactful work proceeding first. Phase 1 of the preferred alternative is to replace and enlarge two (2) culverts (Whiskey Creek under The Boulevard and Brennan Avenue), with 1 in 50 year storm culverts and upgrade the channel in between the two (2) culverts. The alternative would increase the flows conveyed from 3.5 m³/s to 42 m³/s. The project does not take private property out of the floodplain but reduces the frequency and severity of flooding with respect to creek flows. A sidewalk is being built to connect White Oaks Road over the Brennan culvert to the Minet's Point Park entrance. An overview of the 60% design can be seen in Appendix "C".
8. The preferred alternative recommends the acquisition of two (2) properties, one (1) full property at 7 Brennan Avenue and one (1) partial property at 199 The Boulevard. Staff have been in communication with the affected property owners as part of the Municipal Class Environmental Assessment (EA) process.
9. The property is requested one (1) year ahead of timelines established in Staff Report CAM002-21 due to the additional geotechnical investigation required and site preparation ahead of utility relocations.
10. Phase 1 incorporates the 2019 Drainage Master Plan Projects 174A, 175, and 176 which are Whiskey Creek Watershed Drainage priorities 2, 3, and 4 out of 25 identified projects. These projects were prioritized within the Drainage Master Plan (Motion 19-G-134 from the April 6, 2019, General Committee meeting).
11. Negotiated Agreements of Purchase and Sale are the preferred methods of property acquisition. In certain circumstances, that is not always possible and as such, expropriation proceedings may become necessary to acquire the Subject Properties.
12. Should expropriation become necessary, staff will continue in their efforts to negotiate Agreements of Purchase and Sale concurrently with expropriation proceedings until such time as the expropriations have been completed and it is no longer feasible to do so.

ENVIRONMENTAL AND CLIMATE CHANGE IMPACT MATTERS

13. The following environmental and climate change impact matters have been considered in the development of the recommendation:

This project has followed the guidelines for a Municipal Class EA process and the EA Report discusses how environmental matters have been considered in the development of the recommended preferred design alternative. The evaluation process considered criteria for natural, social, cultural/heritage and economic environmental matters and physical environment criteria such as traffic, pedestrians, cyclists, transit, property, noise, utilities, municipal services and driveway grades/operations. The recommendations have taken the impact of climate change into consideration when determining the scope of infrastructure required.

ALTERNATIVES

14. The following alternatives are available for consideration by General Committee:

Alternative #1

General Committee could amend the recommendation by removing the ability for staff to commence expropriation and direct staff to complete the required acquisitions through negotiated Agreements of Purchase and Sale.

This alternative is not recommended given the City's timely requirement for the Subject Properties and the potential for unsuccessful negotiations which could significantly delay construction.

FINANCIAL

15. The costs associated with the property acquisitions have been included in the 2024-2033 Business Plan. There are no additional operating expenditures related to the recommendation. No additional staff resources will be required to implement the recommendation.

LINKAGE TO 2022-2026 STRATEGIC PLAN

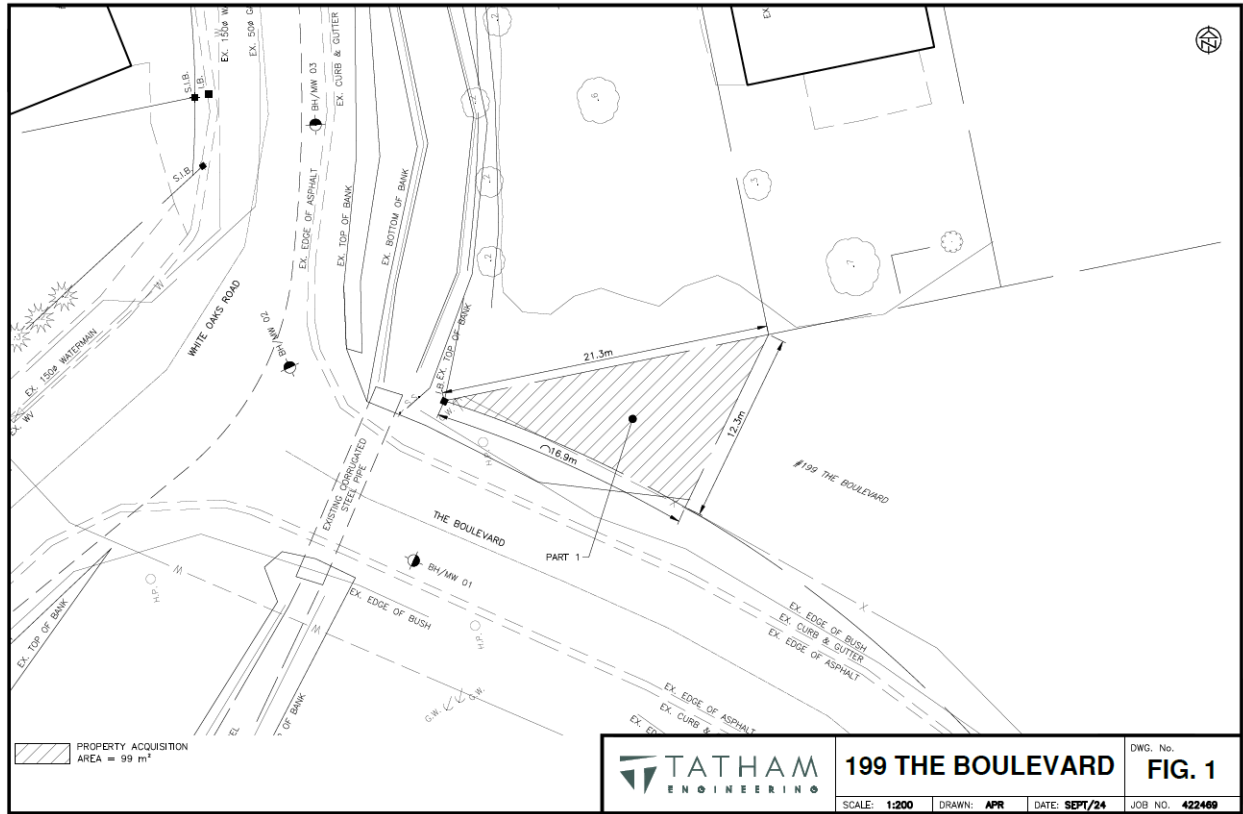
16. The recommendation(s) included in this Staff Report support the following goals identified in the 2022-2026 Strategic Plan:

- Make it easier to move around the City
- Update and improve infrastructure
- Support active transportation and pedestrian connections
- Implement climate action plans

17. The design increases the size of the culverts to accommodate anticipated flows due to climate change and adds pedestrian connectivity from White Oaks Road to Minet's Point Park.

APPENDIX "A"

Figure 1 – 199 The Boulevard



Filename: 422469-W03-2022-111-004-FIG.1.dwg, Plotted: Sep 04, 2024

Figure 2 – 7 Brennan Avenue

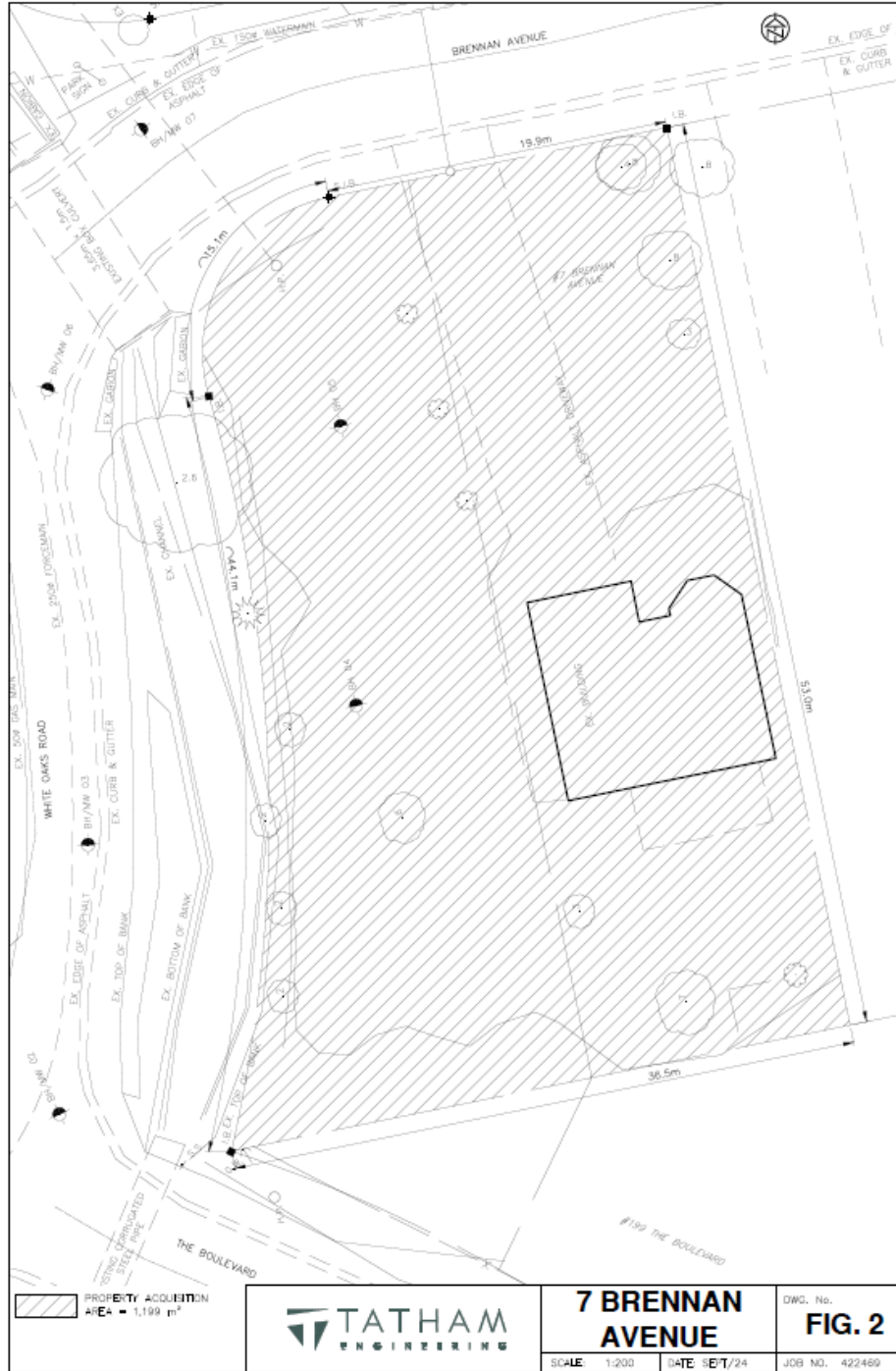
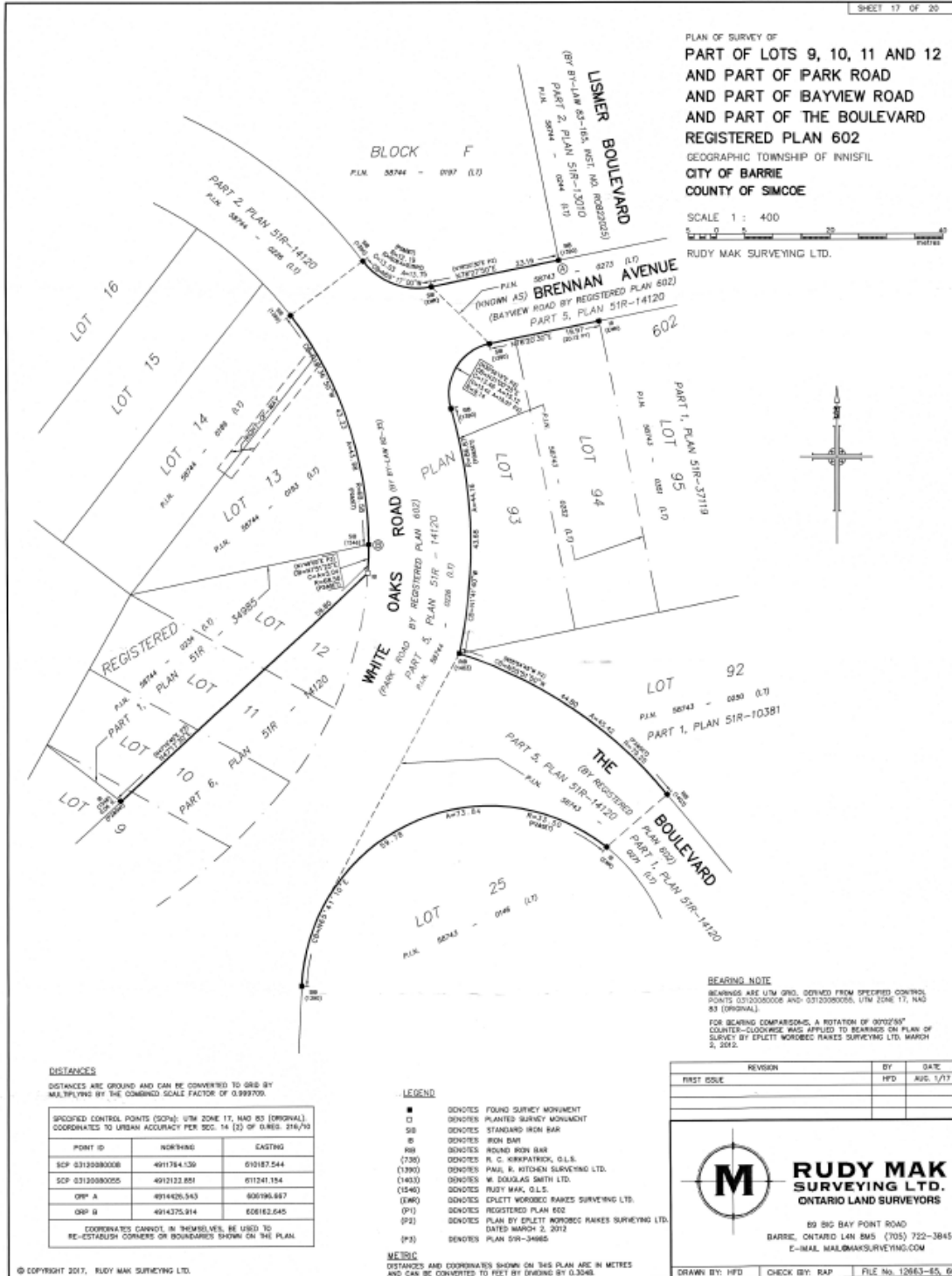
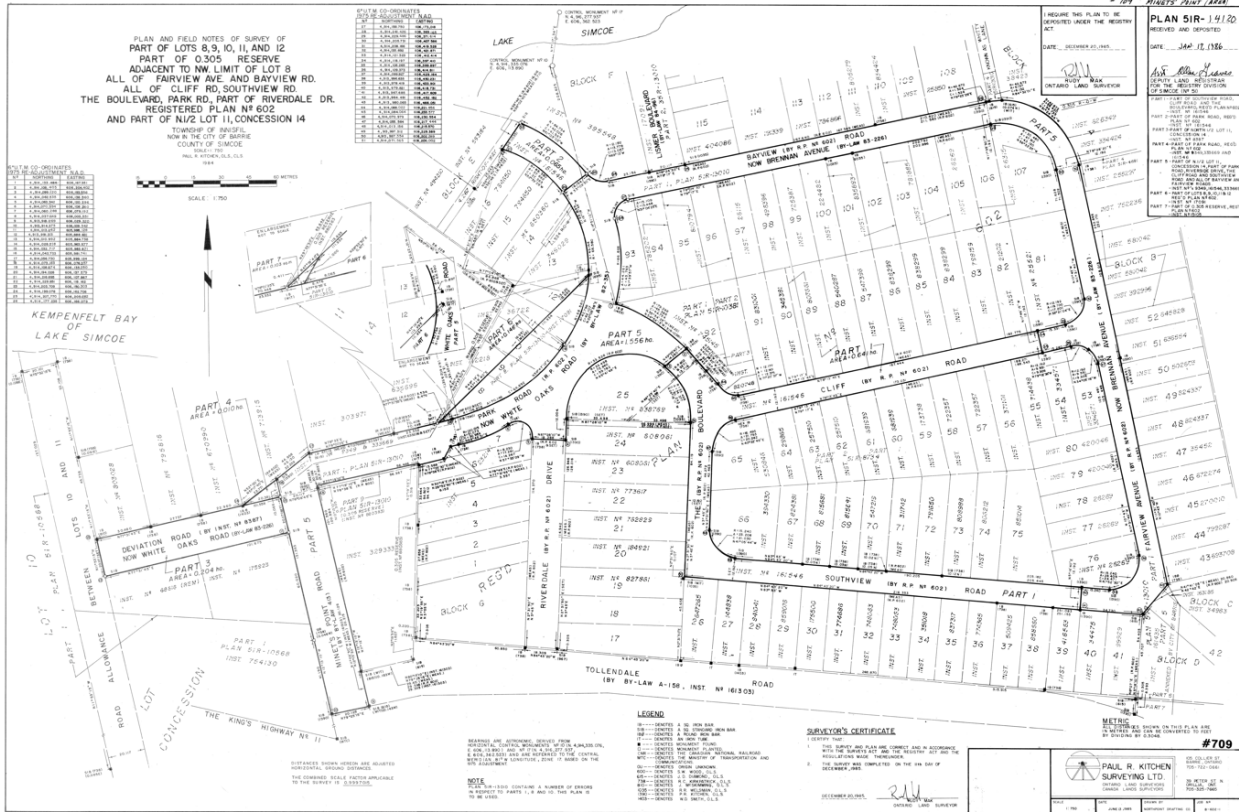


Figure 3 – Survey for 7 Brennan Avenue



APPENDIX "B"

Plan 51R-14120



APPENDIX "C"

Whiskey Creek Culvert and Channel Improvements 60% Design

