
TO: GENERAL COMMITTEE

SUBJECT: PROPERTY ACQUISITION - HOTCHKISS CREEK STORM PONDS IMPROVEMENTS AND DYMENTS CREEK POND IMPROVEMENTS

WARDS: 5 AND 8

PREPARED BY AND KEY CONTACT: A. KILEY, P.ENG., MANAGER OF LINEAR INFRASTRUCTURE PROJECTS, EXT 4759

SUBMITTED BY: S. DIEMERT, P.ENG., DIRECTOR OF INFRASTRUCTURE

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

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

RECOMMENDED MOTION

1. That Staff be directed to complete the following property acquisitions:
 - a) The properties described in Appendix "A" (Subject Properties) necessary to facilitate the Hotchkiss Creek watercourse improvements between the Barrie Collingwood Railway (BCRY) corridor and Tiffin Street, Project EN1396.
 - b) The properties described in Appendix "B" (Subject Properties) to facilitate Dyments Creek's new storm pond, north of Dunlop Street West and West of Ferndale Industrial Drive, Project EN1279.
2. That the Director of Legal Services be authorized to commence negotiations and/or expropriation proceedings to acquire fee simple interests or easements in the Subject Properties identified in Appendix "A" and Appendix "B". Where applicable, land acquisitions will be completed through the Planning Act.
3. That the Corporation of the City of Barrie make an application to Barrie 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.
4. 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", be forwarded to the Chief Inquiry Officer, and that the Chief Inquiry Officer be requested to report to Council with respect to any such request.
5. That the Director of Legal Services be delegated authority to settle any expropriations or 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

Report Overview

6. This Staff Report is being put forward to provide Staff with authorization to proceed with negotiations and/or expropriating the Subject Properties, to ensure that property acquisitions are completed in a timely manner to facilitate the design and construction timelines of the two projects.

7. To support the growth within the City of Barrie, and improve stormwater management, the City undertook a City-Wide Drainage Master Plan in accordance with the Master Planning process outlined in the Municipal Engineers Association Class Environmental Assessment (EA) guidelines, which was reported on in Staff Report ENG006-19 on May 9, 2019.
8. On May 13, 2019, City Council adopted the Drainage Master Plan through Motion 19-G-134.
9. The Drainage Master Plan provides recommendations for improvements to the City's drainage systems, identifying Hotchkiss Creek and Dyments Creek respective watersheds as critical elements of the City's drainage system. The Drainage Master Plan identifies that additional property is required to facilitate improvements for these two projects.
10. The design for Hotchkiss Creek will look to minimize the requirements for property, where possible.
11. As the detailed design progresses, a Reference Plan will be prepared and registered for the project to create the legal description and identify the boundaries of the Subject Properties.
12. City of Barrie By-law 90-92 provides that the City is progressively acquiring land, or an interest therein (easements) for drains, watercourses, and storage areas, crossing or upon private lands where it is considered to be in the City's interest to do so.
13. Project funding for Hotchkiss Creek Improvements, between BCRY and Tiffin Street, is included as part of the Capital Business Plan (Capital Plan), with funding associated to property acquisitions approved pursuant to Motion 21-G-280.
14. Project funding for Dyments Creek Pond Improvements, is included as part of the Capital Plan, with funding associated to property acquisitions approved pursuant to Motion 21-G-280.

ANALYSIS

15. Since approval of the Capital Plan, the detailed design phase has begun to determine the preferred design alternative. The design for Hotchkiss Creek Improvements is in preliminary stages, and Staff are evaluating alternative design solutions; primarily with property acquisition and obtaining background information pertaining to the design solution.
16. Hotchkiss Creek Improvements project requires the acquisition of property, as soon as possible, in order to meet the project schedule's construction commencement in 2026.
17. Design details for Dyments Creek Pond Improvements are in preliminary stages, which Staff are completing and obtaining background information pertaining to the design solution.
18. Dyments Creek Pond Improvements project requires the acquisition of the property, as soon as possible, in order to meet the project schedule's construction commencement in 2027.
19. Negotiated Agreements of Purchase and Sale are the preferred method of property acquisition and will be the initial approach. In certain circumstances, this is not always possible and as such, expropriation proceedings may become necessary to acquire the Subject Properties.
20. Should expropriation become necessary, Staff will continue 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

21. The following environmental and climate change impact matters have been considered:
- a) Reduced risk of flooding upstream of the BCRY crossing through increased culvert hydraulic capacity;
 - b) Reduced flooding downstream of Dunlop Street West with the addition of a significant amount of stormwater storage volume;
 - c) Reduced sediment and phosphorus loadings into Lake Simcoe, as well as protecting fish habitat through reduced erosion, and;
 - d) Increased natural storage volumes available within the watershed through increased length of exposed watercourse.

ALTERNATIVES

22. There is one alternative 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 all required acquisitions through negotiated Agreements of Purchase and Sale.

This alternative is not recommended because of the timely requirement for the Subject Properties and the potential of unsuccessful negotiations which could significantly delay construction.

FINANCIAL

23. The costs associated with these projects have been included in the City's 2022-2031 Capital Plan. Capital expenditures related to the recommendations in this staff report are included in accounts EN1396.21.24 and EN1279.21.24.

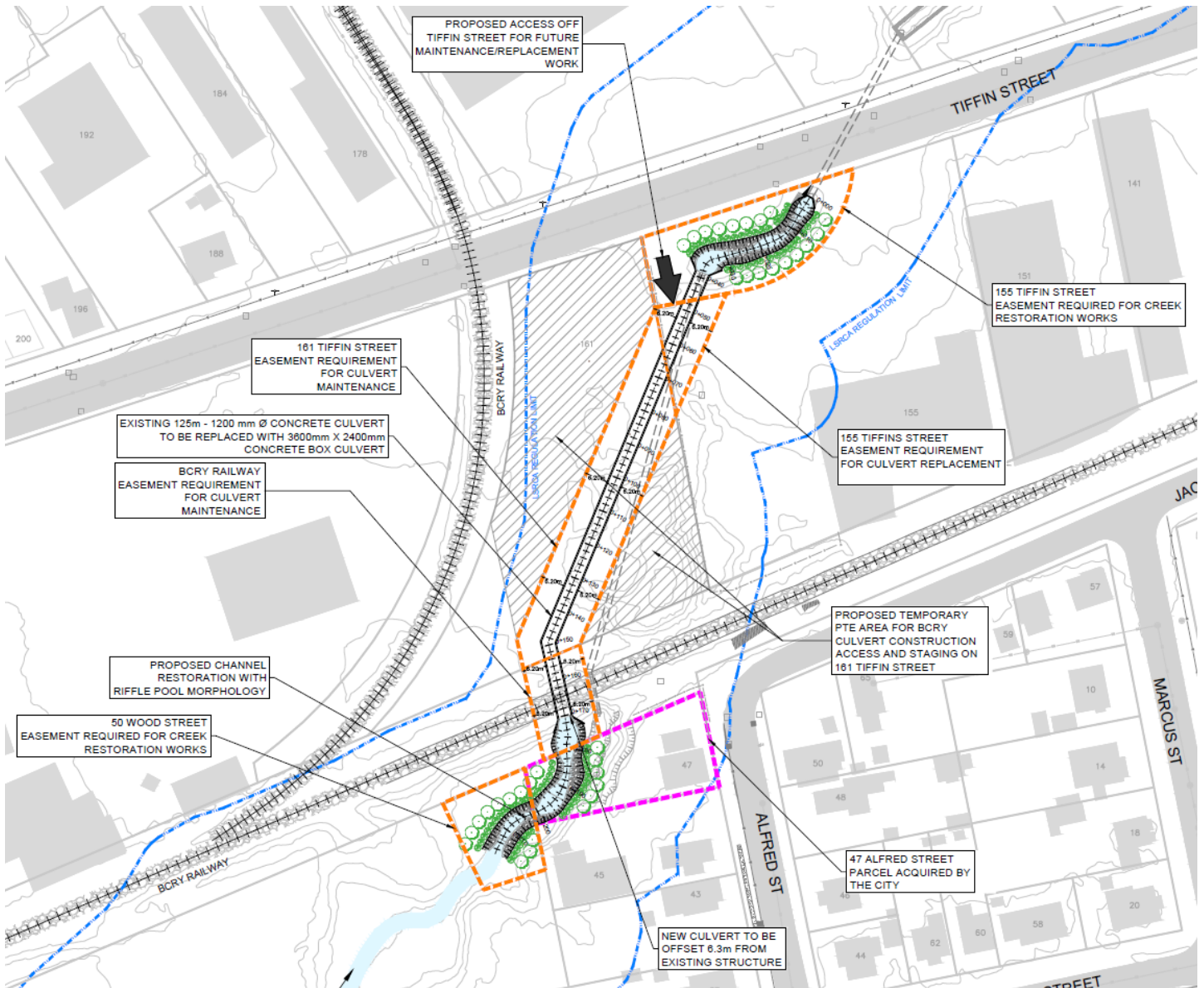
LINKAGE TO 2022–2026 STRATEGIC PLAN

24. The recommendation(s) included in this Staff Report support the following goals identified in the 2022-2026 Strategic Plan:
- Community Safety
 - Thriving Communities
 - Infrastructure Investments
25. The recommendations support the Drainage Master Plan by providing improvements to the Hotchkiss Creek and Dyments Creek watersheds, while reducing flooding of roads and private properties.
26. Acquisition of the Subject Properties will allow the projects, when completed, to improve the City's commitment to Infrastructure Investments by updating and improving infrastructure, as well as mitigate climate change impacts.

APPENDIX "A"

Subject Properties – Hotchkiss Creek

Property Acquisitions as part of Hotchkiss Creek Improvements from BCRY to Tiffin 155 and 161 Tiffin Street and, 50 Wood Street.



Easement interests from #155 Tiffin Street, Barrie, required for the Hotchkiss Creek improvements from BCRY to Tiffin Street as approximately represented above.

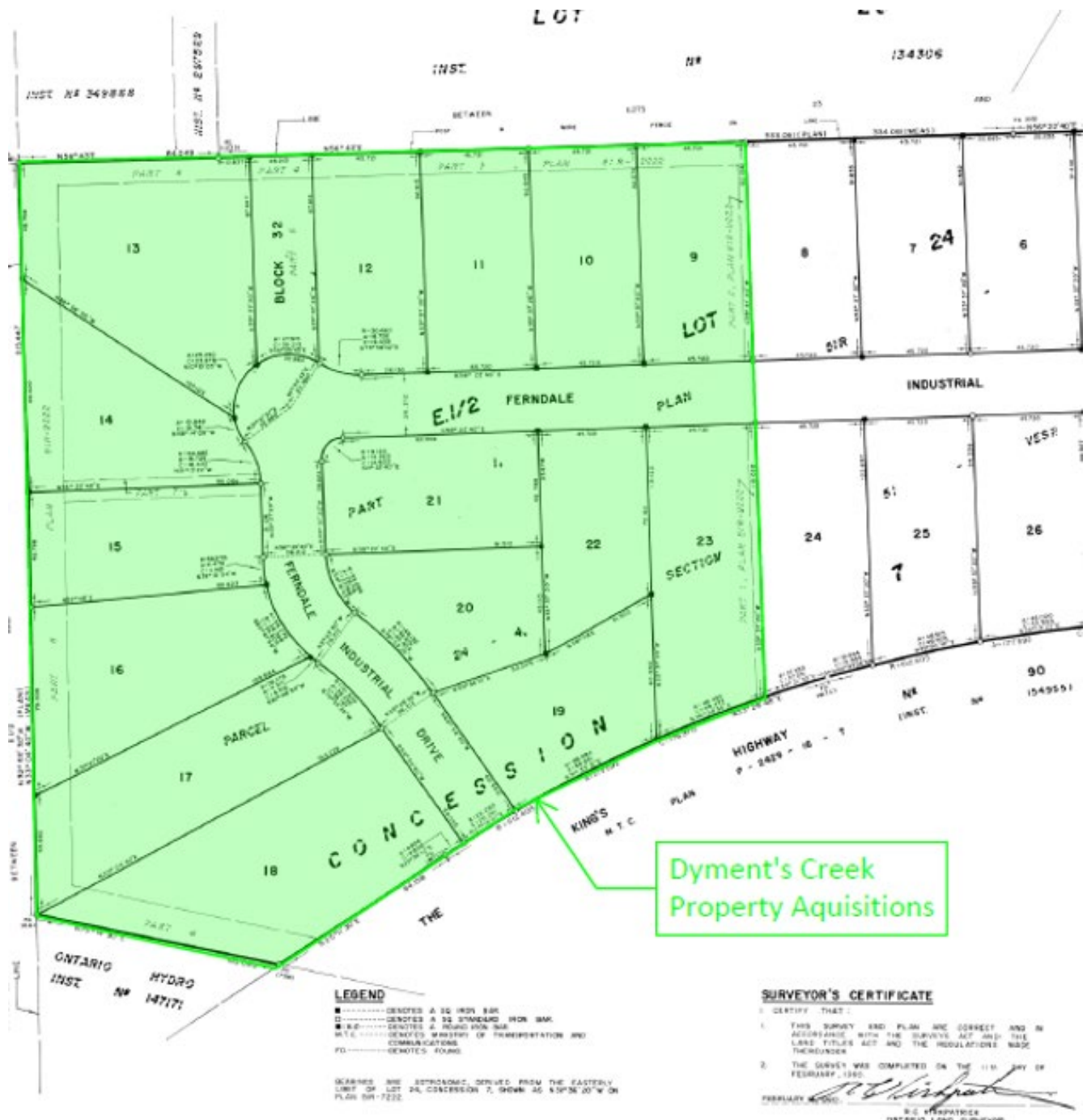
Easement interests from #161 Tiffin Street, Barrie, required for the Hotchkiss Creek improvements from BCRY to Tiffin Street as approximately represented above.

Easement interest from #50 Wood Street, Barrie, required for the Hotchkiss Creek improvements from BCRY to Tiffin Street as approximately represented above.

APPENDIX "B"

Subject Properties – Dyments Creek

Property Acquisitions as part of Dyments Creek new storm pond include properties in the Ferndale Industrial Drive, Plan M169 – Lots 9-23, including the right of ways.





Fee Simple purchase from Plan M169, lots 9-23, including all right of ways, Barrie, required for the Dyments Creek Improvements as approximately represented above.