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**TO:** GENERAL COMMITTEE

**SUBJECT:** EXPROPRIATION OF PORTION OF 2 VICTORIA STREET

**WARD:** 2

**PREPARED BY AND KEY CONTACT:** E. EMBACHER, REAL ESTATE SERVICES OFFICER, EXT #4479

**SUBMITTED BY:** I. PETERS, DIRECTOR OF LEGAL SERVICES 

**GENERAL MANAGER APPROVAL:** E. ARCHER, CMA, GENERAL MANAGER OF COMMUNITY AND CORPORATE SERVICES 

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**RECOMMENDED MOTION**

1. That the Director of Legal Services be authorized to commence expropriation proceedings to acquire a fee simple interest in land for the purpose of a daylighting triangle on lands legally described as Part of Common Elements, Simcoe Standard Condominium Plan 354, designated as Part 8 on Plan 51R-38766 (the "Lands").
2. That the Corporation of the City of Barrie make an application to City Council, as approving authority, for approval to expropriate the Lands and that the Mayor, and 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" be forwarded to the Chief Inquiring Officer and the Chief Inquiring Officer be requested to report to Council with respect to any such request.
4. That the Director of Legal Services have delegated authority to settle the expropriation in an amount up to a maximum of \$30,000 and that the Mayor and 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

5. This Staff Report is being put forward to provide staff with the authorization to proceed with expropriation of the Lands to ensure acquisition of the required property prior to summer 2014 to facilitate construction timelines.

Purpose & Background

6. The Lands are situated at the corner of the realigned Lakeshore Drive and Victoria Street, Barrie, which is presently part of the common elements of the condo development known as Nautica Condominiums.

7. The continuation of the Lakeshore Drive realignment project from Toronto Street to Tiffin Street received Council approval on April 4, 2011 by motion 11-G-072 as part of the approved 2011 Business Plan.
8. Two properties are required at the realigned intersection of Lakeshore Drive and Victoria Street for traffic daylighting triangles.
9. Completion of work for the Lakeshore Drive realignment project is to improve traffic flow through the relocation of Lakeshore Drive to the old rail bed and is part of the Waterfront Master Plan. Several portions of this work are already completed, including the Simcoe Street realignment and intersection with Toronto Street, as well as the Lakeshore/Tiffin/Essa/Bradford intersection, and associated park improvements. There are significant drainage improvements being completed as part of this work, including providing appropriately sized outlets for both Dyments and Bunkers Creeks, which allows much needed drainage works upstream to proceed.

### **ANALYSIS**

10. Staff have been requested to obtain the required property acquisitions as soon as possible to facilitate construction timelines and relocation of utilities.
11. The Condominium Act provides that 80% approval is required from individual owners and mortgage holders of a condominium in order to sell any portion of the common elements of a condominium corporation. It is nearly impossible to organize and gain approvals from the required individuals, corporations and mortgage companies to allow for acquisition through negotiation. As a result, it is a standard practice when acquiring property from condominium corporations to proceed directly to expropriation in order to ensure timely property acquisition.

### **ENVIRONMENTAL MATTERS**

12. There are no environmental matters related to the recommendation.

### **ALTERNATIVES**

13. There is one alternative available for consideration by General Committee:

#### **Alternative #1**

General Committee could reject the recommendation and direct staff to proceed with negotiations and attempt a negotiated settlement.

This alternative is not recommended given the City's immediate requirement for these lands and the difficulty with organizing and acquiring 80% approval from a large number of mortgagors and property owners.


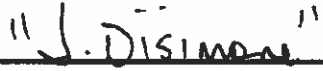
### **FINANCIAL**

14. The Lakeshore Drive realignment capital project for the portion of Toronto Street to Tiffin Street was approved as part of the 2011 Business Plan. The estimated funds required to acquire the subject property including all legal and other costs (\$30,000) are to be equally split between accounts 14-16-2510-1224 and 14-16-2510-1304.

**LINKAGE TO COUNCIL STRATEGIC PRIORITIES**

15. The recommendation(s) included in this Staff Report are not specifically related to the goals in the 2010-2014 City Council Strategic Plan.

APPENDIX "A"

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| <p>I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT AND THE REGISTRY ACT.</p> <p>DATE <u>    JANUARY 14    </u> 2013</p> <div style="text-align: center; margin-top: 20px;"> <br/> <hr style="width: 30%; margin: 0 auto;"/> <p><b>DINO R. S. ASTRI</b><br/>ONTARIO LAND SURVEYOR</p> </div> | <p style="font-size: 24pt; text-align: center;">PLAN 51R-38766</p> <hr/> <p>RECEIVED AND DEPOSITED</p> <p>DATE <u>    January 15, 2013    </u></p> <div style="text-align: center; margin-top: 20px;"> <br/> <hr style="width: 30%; margin: 0 auto;"/> <p>REPRESENTATIVE FOR THE LAND REGISTRAR FOR THE LAND TITLES AND REGISTRY DIVISION OF SIMCOE (51).</p> </div> |
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| PART | PART OF LOT          | CONCESSION/PLAN                      | P.I.N.                           | AREA       |
|------|----------------------|--------------------------------------|----------------------------------|------------|
| 8    | PART COMMON ELEMENTS | SIMCOE STANDARD CONDOMINIUM PLAN 354 | PART OF P.I.N. 59354-001 TO 0370 | 31.6 sq.m. |

APPENDIX "A" cont'd

