



TO: GENERAL COMMITTEE

SUBJECT: EXPROPRIATION - BRYNE DRIVE TRANSPORTATION IMPROVEMENTS – HARVIE ROAD TO CAPLAN AVENUE (EN1277)

WARD: 7

PREPARED BY AND KEY CONTACT: A. MILLS, MANAGER OF LEGAL SERVICES, EXTENSION 5051
A. TOTH, ENGINEERING PROJECT MANAGER, EXTENSION 4362

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

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 to acquire the property requirements necessary to facilitate the construction of Bryne Drive South between Harvie Road and Caplan Avenue being Parts 1 to 15 on Reference Plan 51R-43083 as identified in Appendix “A” to Staff Report INF009-21 (the “Subject Properties”).
2. That The Corporation of the City of Barrie 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” 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.
4. That the Director of Legal Services be 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

Report Overview

5. This Staff Report is being put forward to provide staff with the ability to commence expropriation proceedings to acquire the Subject Properties, if negotiated Agreements of Purchase and Sale are not in place by December 31, 2021, in order to meet the construction timelines of Bryne Drive South between Harvie Road and Caplan Avenue.

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6. To support the Harvie Road / Big Bay Point Road Highway 400 crossing and improve the overall roadway network performance in south Barrie, the City undertook a Class Environmental Assessment for improvements to Bryne Drive (Caplan Avenue to Essa Road) and reported on this assessment in Staff Report ENG013-17 on September 25, 2017.
 7. On October 2, 2017, City Council adopted motion 17-G-226 regarding Transportation Improvements Class EA - Bryne Drive / Harvie Road / Essa Road (Ward 6 And 7) as follows:
 - a) That the preferred design alternatives for Bryne Drive (Essa Road to Caplan Avenue), Harvie Road (Essa Road to future Bryne Drive) and Essa Road (Coughlin Road to Mapleview Drive) be adopted as outlined in Staff Report ENG013-17.
 - b) That in accordance with the requirements of the Class Environmental Assessment process, the Infrastructure Department publish a Notice of Completion for the Class Environmental Assessment Phases 3 and 4 Environmental Study Report.
 - c) That based on the successful conclusion of this Class Environmental Assessment process and available budgets being approved through the capital planning process:
 - i. The Engineering Department proceed with implementation of the preferred design alternative for transportation improvements on Bryne Drive (Essa Road to Caplan Avenue), Harvie Road (Essa Road to future Bryne Drive) and Essa Road (Coughlin Road to Mapleview Drive);
 - ii. The Director of Legal Services be authorized to commence negotiations for the acquisition of all required property interests subject to the property acquisition budget being approved;
 - iii. The Director of Legal Services be delegated the authority to settle any negotiated agreements up to the maximum amount budgeted for property acquisition; and
 - iv. The City Clerk be authorized to execute all associated and required documents in a form approved by the Director of Legal Services. (ENG013-17) (File: T05-BR).
 8. The completion of Bryne Drive will serve as a critical north/south link connecting Mapleview Drive and Essa Road. The strategy was to complete this roadway in phases based on development demands.
 9. Bryne Drive was identified as a major collector previously and has subsequently been upgraded to arterial as part of the 2019 Transportation Master Plan Update.
 10. Through evaluation of impacts to the physical, natural, social, economic, and cultural environments as well as comments and responses received from the Public Consultation the preferred design alternative selected for Bryne Drive from Essa Road to Caplan Avenue included a central alignment with four (4) through lanes (two per direction), a two-way-left-turn lane (TWLTL) in a 34 m ROW with buffered bike lanes and sidewalks on both sides plus various intersection improvements as show in Appendix "B" to Staff Report INF009-21.

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11. On October 25, 2021, Council adopted motion 21-G-237 regarding Bryne Drive Transportation Improvements - Harvie Road to Caplan Avenue (EN1277) (Ward 7) as follows:
 - a) That the property legally described as Parts 3, 4, and 5 on Plan 51R-43112, being part of PIN 58733-1051(LT), (the "Right of Way") as shown in Appendix "A" to Staff Report INF009-21, be purchased by the Corporation of the City of Barrie (the "City") from Barrie-Bryne Developments Limited ("SmartCentres") in accordance with the terms and conditions set out in the Agreement of Purchase and Sale (the "APS") attached as Appendix "B" to Staff Report INF009-21.
 - b) That the City remove its condition on Council approval contained within the APS and proceed to complete the acquisition process.
 - c) That notwithstanding the provisions of By-law 95-104, the Right of Way be declared surplus and transferred back to SmartCentres should the City not commence with construction of the Bryne Drive extension between Harvie Road and Caplan Avenue by January 1, 2024, as required by the terms and conditions of the APS.
 - d) That the City Clerk be authorized to execute all associated and required documents necessary to remove the condition on Council approval or amend any term contained in the APS on the recommendation of and in a form approved by the Director of Legal Services. (INF009-21) (File T04-BRY).
 12. The first significant acquisition of property necessary to construct Bryne Drive South was approved pursuant to motion 21-G-237. This transaction has now closed, and the City obtained title to the property on November 26, 2021.
 13. Staff have commenced negotiations with affected property owners to acquire the Subject Properties by way of negotiated Agreements of Purchase and Sale and these efforts have resulted in several Agreements being executed and others anticipated.

ANALYSIS

14. Since the approval of the Environmental Study Report in October 2017, the City continued to the detailed design stage of the preferred design alternative towards the development of an Issued for Tender (IFT) package.
15. Through the detailed design process, it became necessary to split the Bryne Drive corridor into two segments – Bryne North (north of Harvie to Essa) and Bryne South (south of Harvie to Caplan), as it became evident the south segment may be implemented sooner.
16. The design for Bryne South is complete and City staff are currently coordinating pre-works, pertaining primarily with property acquisition and utility relocations.
17. Staff have been requested to acquire the Subject Properties as soon as possible to facilitate construction timelines for Bryne Drive South which is scheduled to commence in 2022.
18. Negotiated Agreements of Purchase and Sale are the preferred method of property acquisition. In certain circumstances, that is not always possible and as such expropriation proceedings may become necessary to acquire the Subject Properties.

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19. 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

20. This project has followed the guidelines for a Municipal Class EA, and physical, natural, social, cultural /heritage and economic environmental matters have been considered in the development of the recommendations and subsequent detailed design. Environmental matters have been considered in the development of the final design for Bryne Drive South.
21. There are no environmental and climate change impact matters related to this project.

ALTERNATIVE

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 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

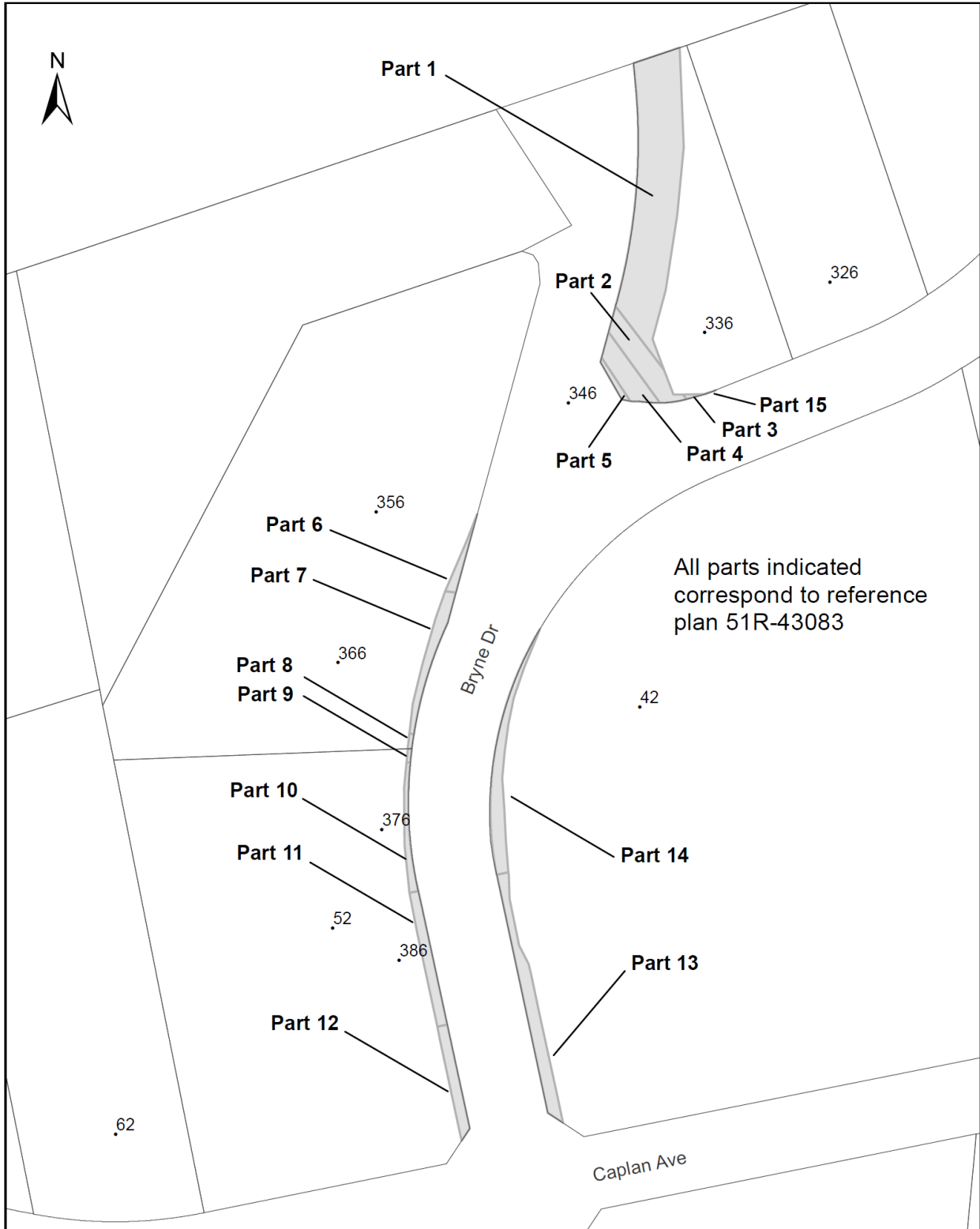
23. The costs associated with EN1277 have been included in the 2022-2031 Business Plan. EN1277 was included in the 2022 Capital Plan.

LINKAGE TO 2018–2022 STRATEGIC PLAN

24. The recommendation(s) included in this Staff Report support the following goals identified in the 2018-2022 Strategic Plan:
- Growing Our Economy
 - Fostering a Safe and Healthy City
 - Improving the Ability to Get Around Barrie
25. The recommendations support the Harvie Road / Big Bay Point Road Highway 400 crossing by providing a more complete area roadway network.
26. The implementation of Bryne Drive South will improve traffic flow in south Barrie and provide an alternative to Mapleview Drive for motorists, cyclists and improve pedestrian safety.

APPENDIX "A"

Subject Properties



APPENDIX "B"

Bryne Drive Cross Section

