



City of  
**Peterborough**

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**To:** Members of the Committee of the Whole

**From:** Patricia Lester, City Solicitor and Director of Legal Services

**Meeting Date:** February 6, 2017

**Subject:** Report OCS17-001  
Expropriation of lands for road widening – portions of 13  
properties on Parkhill Road West

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## **Purpose**

A report to seek Council's approval to initiate proceedings to expropriate property frontage and easements on a portion of 13 properties located on Parkhill Road West for road widening.

## **Recommendations**

That Council approve the recommendations outlined in Report OCS17-001 dated February 6, 2017, of the City Solicitor and Director of Legal Services, as follows:

- a) That expropriation proceedings be commenced and the Application for Approval to Expropriate Land be made for widening, urbanization and reconstruction of Parkhill Road West from east of Ravenwood Drive to Brealey Drive, including intersection improvements and a roundabout at Brealey Drive, for public undertakings and for works ancillary thereto for the following 13 properties:

- i. 1216 Parkhill Road West  
Legal description – 28458-0028 (LT)  
PT LT 9 W1/2, CON 1 TOWNSHIP OF SMITH, AS IN R634630; SMI-ENN/PET  
  
Acquisition - Part 9 Plan 45R15962  
Temporary Construction Easement - Part 4 on Plan 45R16273
- ii. 1225 Parkhill Road West  
Legal description - 28472-1674 (LT)  
PT LT 8 CON 13 N MONAGHAN, PT 1, 45R15515; CITY OF PETERBOROUGH  
  
Acquisition - Part 11 Plan 45R15962  
Acquisition - Part 8 Plan 45R16273  
Temporary Construction Easement - Part 9 on Plan 45R16273
- iii. 1234 Parkhill Road West  
Legal description - 28458-0020 (LT)  
PT LT 8 S 1/2, Con 1 Township of Smith, Part 1, 45R11212; Smi-Lak-Enn; Pt 8 S1/2, Con 1 Township of Smith, Part 1, 45R7346; Peterborough  
  
Acquisition - Part 8 Plan 45R15962  
Temporary Construction Easement - Part 3 on Plan 45R16273
- iv. 1236 Parkhill Road West  
Legal description - 28458-0019 (LT)  
PT LT 8 S1/2, CON 1 TOWNSHIP OF SMITH, AS IN R638684, EXCEPT PART 1, 45R11212; SMI-ENN/PET  
  
Acquisition - Part 7 Plan 45R15962  
Temporary Construction Easement - Part 2 on Plan 45R16273
- v. 1248 Parkhill Road West  
Legal description - 28458-0021 (LT)  
PT LT 8 S1/2, CON 1 TOWNSHIP OF SMITH, AS IN R304852; SMI-ENN/PET  
  
Acquisition - Part 6 Plan 45R15962  
Temporary Construction Easement - Part 1 on Plan 45R16273

- vi. 1261 Parkhill Road West  
Legal description - 28472-1681 (LT)  
PT LT 8 CON 13 N MONAGHAN, PT 1, 45R15805; CITY OF PETERBOROUGH  
  
Acquisition - Part 7 Plan 45R16273  
Temporary Construction Easement - Part 6 on Plan 45R16273
- vii. 1289 Parkhill Road West  
Legal description - 28472-1316 (LT)  
PT LT 8 CON 13 (NORTH MONAGHAN), BEING THAT PT OF PT 1 PL 45R11202 LYING NORTH OF PLAN 45M224; PETERBOROUGH  
  
Acquisition - Part 10 Plan 45R15962  
Temporary Construction Easement - Part 5 on Plan 45R16273
- viii. 1324 Parkhill Road West  
Legal description - 28458-0013 (LT)  
PT LT 7, CON 1 TOWNSHIP OF SMITH, PART 1, 45R4087; S/T PT 3, R470204; SMITH-ENNISMORE-LAKEFIELD/PETERBOROUGH  
  
Acquisition – Part 2 Plan 45R15962  
Permanent Easement – Part 7 Plan 45R16219  
Temporary Construction Easement – Part 12 Plan 45R16301
- ix. 1374 Parkhill Road West  
Legal description - 28458-0208 (LT)  
PT LT 7 W1/2 CON 1 TOWNSHIP OF SMITH, AS IN R307754, LYING S OF PART 11 45R5653; S/T DEBTS IN R307754 & R635621; S/T R470204; SMI-ENN/PET; SUBJECT TO EXECUTION 96-0023; IF ENFORCEABLE  
  
Acquisition – Part 6 Plan 45R16219  
Acquisition – Part 14 Plan 45R16219  
Acquisition – Part 15 Plan 45R16219  
Temporary Construction Easement – Part 8 Plan 45R16301  
Temporary Construction Easement – Part 10 Plan 45R16301  
Temporary Construction Easement – Part 11 Plan 45R16301

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- x. 1424 Parkhill Road West  
Legal description - 28417-0156 (LT)  
PT LT 5 CON 1 SMITH; PT LT 6 CON 1 SMITH AS IN R663953; S/T  
R470205, R571416, T12475, T17186, T18768, T18775 SMITH-  
ENNISMORE  
  
Acquisition – Part 3 Plan 45R16219  
Acquisition – Part 13 Plan 45R16219  
Acquisition – Part 5 Plan 45R16301  
Temporary Construction Easement – Part 7 Plan 45R16301
- xi. 17 Ackison Road  
Legal description - 28458-0010 (LT)  
PT LT 7 W1/2, CON 1 TOWNSHIP OF SMITH, AS IN R344817; SMITH-  
ENNISMORE  
  
Acquisition – Part 4 Plan 45R16219  
Temporary Construction Easement – Part 9 on Plan 45R16301
- xii. 1500 Brealey Drive  
Legal description - 28037-0185 (LT)  
PART OF LOT 6, CON 13 NORTH MONAGHAN BEING PTS 1, 2, 3, 4, 5,  
6 & 7 45R15081; S/T OVER PT 2 45R15081 AS IN R592366;  
PETERBOROUGH/CVN-MIL-NMO  
  
Acquisition – Part 2 Plan 45R16219  
Acquisition – Part 12 Plan 45R16219
- xiii. 1810 Brealey Drive  
Legal description - 28472-0003 (LT)  
PT LT 7 CON 13 N MONAGHAN, PT 1, 45R5263; PETERBOROUGH  
  
Acquisition – Part 1 Plan 45R16219  
Acquisition – Part 9 Plan 45R16219  
Acquisition – Part 10 Plan 45R16219  
Acquisition – Part 11 Plan 45R16219  
Temporary Construction Easement – Part 1 Plan 45R16301  
Temporary Construction Easement – Part 2 Plan 45R16301  
Temporary Construction Easement – Part 3 Plan 45R16301

- b) That the City Solicitor and Director of Legal Services be authorized to execute the Application for Approval to Expropriate Land and the Notice of Application for Approval to Expropriate Land, and to serve and publish the Notice as required under the **Expropriations Act**;
- c) That any valid request from an owner for an inquiry that is received be forwarded to the Chief Inquiry Officer for the appointment of an Inquiry Officer, and that the City be represented at any Hearing of Necessity, as necessary, under the **Expropriations Act**;
- d) That in the event that there are inquiries (Hearings of Necessity) conducted at the request of an owner(s), the recommendation(s) of the Inquiry Officer be reported to City Council for its consideration and decision as the approving authority under the **Expropriations Act**;
- e) That the City Solicitor and Director of Legal Services be authorized to engage such appraisal, business valuation, survey or other professional services in connection with the expropriations as are necessary and advisable; and
- f) That the Initiation of Expropriation Proceedings By-law, as set out in Appendix “A” of Report OCS17-001, be approved.

## **Budget and Financial Implications**

The City as the expropriating authority will pay the property owners such compensation as is determined in accordance with the **Expropriations Act**.

## **Background**

It is recommended that Council approve the initiation of expropriation proceedings for the 13 properties on Parkhill Road West, as listed in this report and authorize the City Solicitor and Director of Legal Services to commence the expropriation process and execute all necessary documents and notices as required under the Act.

Submitted by,

Patricia Lester  
City Solicitor and Director of Legal Services

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Fax – 705.742.3947  
E-Mail – [plester@peterborough.ca](mailto:plester@peterborough.ca)

Attachment:  
Appendix “A” – By-law

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Appendix “A”



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## The Corporation of the City of Peterborough

### By-Law Number 17-XXX

Being a By-law to approve the Initiation of Expropriation Proceedings of portions of 13 properties on Parkhill Road West

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**Whereas** The Corporation of the City of Peterborough (the “City of Peterborough”) requires lands described in Schedule “A” hereto for the purposes of the widening, urbanization and reconstruction of Parkhill Road West from east of Ravenwood Drive to Brealey Drive, including intersection improvements and a roundabout at Brealey Drive, for public undertakings, and for works ancillary thereto;

**And Whereas** Section 11 of the **Municipal Act, 2001, S.O. 2001, c.25**, as amended (the “**Municipal Act, 2001**”) confers on the City of Peterborough jurisdiction in respect of highways and public utilities;

**And Whereas** Section 6 of the **Municipal Act, 2001** confers on the City of Peterborough the power to expropriate land;

**And Whereas** the Council of the City of Peterborough has by resolution passed on February 13, 2017 authorized the commencement of procedures to expropriate land;

**Now Therefore** The Council of The Corporation of the City of Peterborough hereby enacts as follows:

1. That Application for Approval to Expropriate Land be made by the City of Peterborough in respect of the lands described in Schedule “A” and that the Application be executed by the City Solicitor and Director Legal Services.

2. That a Notice of Application for Approval to Expropriate Land be executed on behalf of the City of Peterborough by the City Solicitor and Director Legal Services and that the Notice be served and published in accordance with the **Expropriations Act, R.S.O. 1990, c. E.26**, as amended (the “**Expropriations Act**”).
3. That any valid request from an owner for an inquiry be forwarded to the Chief Inquiry Officer for the appointment of an Inquiry Officer, and that the City of Peterborough be represented at any hearing of necessity, as necessary, under the **Expropriations Act**.
4. That, in the event that there is an inquiry (hearing of necessity) conducted and a recommendation of the Inquiry Officer issued, the report of the Inquiry Officer shall come before The Council of The Corporation of the City of Peterborough for consideration.

By-law read a first, second and third time this 13<sup>th</sup> day of February, 2017.

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Daryl Bennett, Mayor

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John Kennedy, City Clerk



## **Schedule A**

**Fee Simple:** All right, title and interest in the lands.

**Permanent Easement:** A limited interest in perpetuity being a permanent easement or rights in the nature of a permanent easement, with the free uninterrupted and unobstructed access to and from, in, under, over, along, across and upon the lands for the purpose of entering on the lands with all vehicles, machinery, equipment, workmen, contractors, agents and material and supplies for the purposes of surveying, laying, constructing, installing, maintaining, operating, inspecting, replacing, altering, reconstructing, repairing, relocating, supplementing, and keeping in good condition a storm sewer/drain, including ditches, swales and all works, appurtenances, attachments, apparatus, appliances, markers, fixtures and equipment necessary or incidental thereto. The owner of the said lands shall not construct or erect any buildings, fences, structures, berms or swales, in, under, over, along, across or upon the said lands which would or could interfere, in any way, with the permanent easement or the aforementioned unobstructed access.

**Temporary Construction Easement:** A temporary limited interest being a temporary easement or rights in the nature of a temporary easement for a term of six (6) years commencing on registration of the plan of expropriation in, under, over, along and upon the lands for municipal purposes including, but not limited to, entering on the lands with all vehicles, machinery, workmen and other material for construction purposes, which may include (1) relocation of existing services and utilities, (2) work that supports the construction of municipal infrastructure within the City's permanent takings, (3) staging and storage of materials and equipment, (4) geo-technical testing, borehole testing, and other investigative works, (5) removal, relocation and/or installation of signage, (6) hard and soft landscaping, paving, grading and reshaping the lands to the limit of the reconstruction of the municipal road fronting the lands herein described, (7) the installation and removal of temporary (i) pedestrian access and walkways, (ii) parking measures including re-striping of aisles, lanes, and parking stalls, (iii) shoring and formwork, (iv) drainage and erosion/sediment control measures (v) traffic signals, (vi) fencing, and (vii) handrails and (8) works ancillary to any of the foregoing and necessary to the works to be performed in association with the purpose of implementing road and intersection improvements along Parkhill Road West.

- i. 1216 Parkhill Road West  
Legal description – 28458-0028 (LT)  
PT LT 9 W1/2, CON 1 TOWNSHIP OF SMITH, AS IN R634630; SMI-ENN/PET  
  
Fee Simple – Part 9 Plan 45R15962  
Temporary Construction Easement – Part 4 on Plan 45R16273
- ii. 1225 Parkhill Road West  
Legal description - 28472-1674 (LT)  
PT LT 8 CON 13 N MONAGHAN, PT 1, 45R15515; CITY OF PETERBOROUGH  
  
Fee Simple – Part 11 Plan 45R15962  
Fee Simple – Part 8 Plan 45R16273  
Temporary Construction Easement – Part 9 on Plan 45R16273
- iii. 1234 Parkhill Road West  
Legal description - 28458-0020 (LT)  
PT LT 8 S 1/2, Con 1 Township of Smith, Part 1, 45R11212; Smi-Lak-Enn; Pt 8 S1/2, Con 1 Township of Smith, Part 1, 45R7346; Peterborough  
  
Fee Simple – Part 8 Plan 45R15962  
Temporary Construction Easement – Part 3 on Plan 45R16273
- iv. 1236 Parkhill Road West  
Legal description - 28458-0019 (LT)  
PT LT 8 S1/2, CON 1 TOWNSHIP OF SMITH, AS IN R638684, EXCEPT PART 1, 45R11212; SMI-ENN/PET  
  
Fee Simple – Part 7 Plan 45R15962  
Temporary Construction Easement – Part 2 on Plan 45R16273
- v. 1248 Parkhill Road West  
Legal description - 28458-0021 (LT)  
PT LT 8 S1/2, CON 1 TOWNSHIP OF SMITH, AS IN R304852; SMI-ENN/PET  
  
Fee Simple – Part 6 Plan 45R15962  
Temporary Construction Easement – Part 1 on Plan 45R16273

- vi. 1261 Parkhill Road West  
Legal description - 28472-1681 (LT)  
PT LT 8 CON 13 N MONAGHAN, PT 1, 45R15805; CITY OF PETERBOROUGH  
  
Fee Simple – Part 7 Plan 45R16273  
Temporary Construction Easement – Part 6 on Plan 45R16273
- vii. 1289 Parkhill Road West  
Legal description - 28472-1316 (LT)  
PT LT 8 CON 13 (NORTH MONAGHAN), BEING THAT PT OF PT 1 PL 45R11202 LYING NORTH OF PLAN 45M224; PETERBOROUGH  
  
Fee Simple – Part 10 Plan 45R15962  
Temporary Construction Easement – Part 5 on Plan 45R16273
- viii. 1324 Parkhill Road West  
Legal description – 28458-0013 (LT)  
PT LT 7, CON 1 TOWNSHIP OF SMITH, PART 1, 45R4087; S/T PT 3, R470204; SMITH-ENNISMORE-LAKEFIELD/PETERBOROUGH  
  
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- ix. 1374 Parkhill Road West  
Legal description - 28458-0208 (LT)  
PT LT 7 W1/2 CON 1 TOWNSHIP OF SMITH, AS IN R307754, LYING S OF PART 11 45R5653; S/T DEBTS IN R307754 & R635621; S/T R470204; SMI-ENN/PET; SUBJECT TO EXECUTION 96-0023; IF ENFORCEABLE  
  
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Fee Simple– Part 3 Plan 45R16219  
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- xi. 17 Ackison Road  
Legal description - 28458-0010 (LT)  
PT LT 7 W1/2, CON 1 TOWNSHIP OF SMITH, AS IN R344817; SMITH-  
ENNISMORE  
Fee Simple – Part 4 Plan 45R16219  
Temporary Construction Easement – Part 9 on Plan 45R16301
- xii. 1500 Brealey Drive  
Legal description - 28037-0185 (LT)  
PART OF LOT 6, CON 13 NORTH MONAGHAN BEING PTS 1, 2, 3, 4, 5,  
6 & 7 45R15081; S/T OVER PT 2 45R15081 AS IN R592366;  
PETERBOROUGH/CVN-MIL-NMO  
  
Fee Simple – Part 2 Plan 45R16219  
Fee Simple – Part 12 Plan 45R16219  
Temporary Construction Easement – Part 4 Plan 45R16301
- xiii. 1810 Brealey Drive  
Legal description - 28472-0003 (LT)  
PT LT 7 CON 13 N MONAGHAN, PT 1, 45R5263; PETERBOROUGH  
  
Fee Simple – Part 1 Plan 45R16219  
Fee Simple – Part 9 Plan 45R16219  
Fee Simple – Part 10 Plan 45R16219  
Fee Simple – Part 11 Plan 45R16219  
Temporary Construction Easement – Part 1 Plan 45R16301  
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Temporary Construction Easement – Part 3 Plan 45R16301