



City of  
**Peterborough**

---

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

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

**Meeting Date:** June 19, 2017

**Subject:** Report OCS17-008  
Approval of Expropriation of Lands for Improvements to  
Parkhill Road West

---

## Purpose

A report to seek Council's approval to expropriate property frontage and easements on a portion of 13 properties and all of 1400 Parkhill Road West 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 associated works.

## Recommendations

That Council approve the recommendations outlined in Report OCS17-008 dated June 19, 2017, of the City Solicitor and Director of Legal Services, as follows:

- a) That Council, as approving authority under the **Expropriations Act**, approves the expropriation of the following lands:

Address	Description	Interest Required
1216 Parkhill Road West	Part 9 Plan 45R15962 Part 4 on Plan 45R16273	Fee Simple Temporary Easement

<b>Address</b>	<b>Description</b>	<b>Interest Required</b>
1225 Parkhill Road West	Part 11 Plan 45R15962 Part 8 Plan 45R16273 Part 9 on Plan 45R16273	Fee Simple Fee Simple Temporary Easement
1234 Parkhill Road West	Part 8 Plan 45R15962 Part 3 on Plan 45R16273	Fee Simple Temporary Easement
1236 Parkhill Road West	Part 7 Plan 45R15962 Part 2 on Plan 45R16273	Fee Simple Temporary Easement
1248 Parkhill Road West	Part 6 Plan 45R15962 Part 1 on Plan 45R16273	Fee Simple Temporary Easement
1261 Parkhill Road West	Part 7 Plan 45R16273 Part 6 on Plan 45R16273	Fee Simple Temporary Easement
1289 Parkhill Road West	Part 10 Plan 45R15962 Part 5 on Plan 45R16273	Fee Simple Temporary Easement
1324 Parkhill Road West	Part 2 Plan 45R15962 Part 7 Plan 45R16219 Part 8 Plan 45R16219 Part 12 Plan 45R16301	Fee Simple Permanent Easement Permanent Easement Temporary Easement
1374 Parkhill Road West	Part 6 Plan 45R16219 Part 14 Plan 45R16219 Part 15 Plan 45R16219 Part 8 Plan 45R16301 Part 10 Plan 45R16301 Part 11 Plan 45R16301	Fee Simple Fee Simple Fee Simple Temporary Easement Temporary Easement Temporary Easement

Address	Description	Interest Required
1424 Parkhill Road West	Part 3 Plan 45R16219 Part 13 Plan 45R16219 Part 5 Plan 45R16301 Part 7 Plan 45R16301	Fee Simple Fee Simple Fee Simple Temporary Easement
17 Ackison Road	Part 4 Plan 45R16219 Part 9 on Plan 45R16301	Fee Simple Temporary Easement
1500 Brealey Drive	Part 2 Plan 45R16219 Part 12 Plan 45R16219	Fee Simple Fee Simple
1810 Brealey Drive	Part 1 Plan 45R16219 Part 9 Plan 45R16219 Part 10 Plan 45R16219 Part 11 Plan 45R16219 Part 1 Plan 45R16301 Part 2 Plan 45R16301 Part 3 Plan 45R16301	Fee Simple Fee Simple Fee Simple Fee Simple Temporary Easement Temporary Easement Temporary Easement
1400 Parkhill Road West	Part 5 Plan 45R16219	Fee Simple

- b) That Council authorizes and directs that all steps required to expropriate and take possession of the lands described herein be taken in accordance with the **Expropriations Act**;
- c) That Council authorizes and directs the Clerk to execute a Certificate of Approval and the City Solicitor and Director of Legal Services to execute the Notices and documents required under the **Expropriations Act**; and
- d) That the By-law to Approve the Expropriation of Land for the Parkhill Road West Improvement Project, as set out in Appendix "A" of Report OCS17-008, be approved.

## Budget and Financial Implications

The funding required to complete the property acquisitions for this project has been included in the 2016 Capital Budget, Reference Item 5-2.01 “Parkhill Road West”.

As the expropriating authority, the City will pay the owners such compensation as is determined in accordance with the **Expropriations Act**. The City will also pay the reasonable legal, appraisal and other costs actually incurred for the purposes of determining final compensation. Under the Purchasing By-law 14-127, Section 9.2 real property payments for expropriations do not require a bid solicitation process.

## Background

Staff received Council approval to initiate the expropriation process in August 2016 to acquire the property located at 1400 Parkhill Road West (Report OCS16-005) and in February 2017 to initiate the proceedings to expropriate portions of 13 properties required for the Parkhill Road improvement project (Report OCS17-001). The expropriation of 1400 Parkhill Road West was initiated first because the acquisition involved the full taking of a tenanted residential property required to construct the roundabout at Brealey Drive.

In order to continue the legislative expropriation process, Council approval is required to expropriate the remaining lands not yet purchased by the City and complete the Parkhill Road West project in a timely manner. Possession of the lands is required for tree clearing and utility relocations which are scheduled to begin in winter 2017-2018 and road reconstruction is tentatively scheduled to be undertaken from May 2019 to October 2021.

Fee Simple acquisition of a portion of 13 properties and the entire property located at 1400 Parkhill Road West is required for 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 associated works. In addition, Temporary Construction Easements are required on lands for the purpose of relocating existing services and utilities, construction staging, grading and reshaping the lands to the limit of the municipal road, and other works necessary for the completion of the City’s road and intersection improvements along Parkhill Road West.

Lastly, a Permanent Easement (1324 Parkhill Road West) is required for the purpose of constructing, installing, maintaining, reconstructing, inspecting, repairing and altering storm sewer works, ditches, swales and any other drainage works on, over, under and across the lands.

It is recommended that Council continue the expropriation process and approve the expropriation of the lands listed in this report, to secure timely possession of the lands in accordance with project timelines.

Submitted by,

Patricia Lester  
City Solicitor and Director of Legal Services

Contact Name:  
Phone – 705.742.7777 Ext. 1603  
Fax – 705.742.3947  
E-Mail – [plester@peterborough.ca](mailto:plester@peterborough.ca)

Attachments: Appendix “A” –By-law

**Appendix “A”**

---

**The Corporation of the City of Peterborough****By-Law Number 17-XXX**

Being a By-law to Approve the Expropriation of Land for the Parkhill Road West Improvement Project

---

**Whereas** The Council of the Corporation of the City of Peterborough enacted By-Law Number 16-087 on August 2, 2016 and By-Law Number 17-011 on February 13, 2017, authorizing commencement of the expropriation of the lands described in Schedule “A” attached hereto (the “Lands”) 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** The Corporation of the City of Peterborough (the “City of Peterborough”) now seeks approval of the expropriation of the Lands in accordance with the **Expropriations Act, R.S.O. 1990, c. E.26**, as amended (the “**Expropriations Act**”);

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

**And Whereas** Section 6 of the **Municipal Act** 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 June 26, 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 expropriation of the Lands is hereby approved.

2. That the Clerk is hereby authorized and directed to sign and execute a Certificate of Approval as required by the **Expropriations Act**.
3. That a plan of expropriation be prepared and registered in the proper land registry office.
4. That the City Solicitor and Director Legal Services is hereby authorized and directed to execute and serve all Notices and other documents which are necessary to carry out the provisions of this By-law and/or required by the **Expropriations Act**.
5. That a Notice of Expropriation be served upon the registered owners, together with a Notice of Election form as to the date of the assessment of compensation and a Notice of Possession as to the date the expropriating authority requires possession of the expropriated lands, all in accordance with the **Expropriations Act**.
6. That an appraisal report be obtained in respect of the market value of the expropriated lands and, if applicable, damages for injurious affection and other compensation.
7. That an offer of full compensation and an offer for immediate payment of 100 per cent of the market value of the expropriated lands as estimated by the expropriating authority be served, together with a copy of the appraisal report, all in accordance with section 25 of the **Expropriations Act**.
8. That compensation be paid to owner(s) following the acceptance of the offer made pursuant to section 25 of the **Expropriations Act**.
9. That all necessary steps be taken to obtain possession of the expropriated lands.

By-law read a first, second and third time this 26<sup>th</sup> day of June, 2017.

---

Daryl Bennett, Mayor

---

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.



Property		Requirements
i	<b>1216 Parkhill Road West</b> Part Lot 9 Concession 1 Township of Smith, City of Peterborough, County of Peterborough	Fee Simple: Part 9, 45R-15962 Temporary Easement: Part 4, 45R-16273
ii	<b>1225 Parkhill Road West</b> Part Lot 8 Concession 13 North Monaghan, City of Peterborough, County of Peterborough	Fee Simple: Part 11, 45R-15962 Fee Simple: Part 8, 45R-16273 Temporary Easement: Part 9, 45R-16273
iii	<b>1234 Parkhill Road West</b> Part Lot 8 Concession 1 Township of Smith, City of Peterborough, County of Peterborough	Fee Simple: Part 8, 45R-15962 Temporary Easement: Part 3, 45R-16273
iv	<b>1236 Parkhill Road West</b> Part Lot 8 Concession 1 Township of Smith, City of Peterborough, County of Peterborough	Fee Simple: Part 7, 45R-15962 Temporary Easement: Part 2, 45R-16273
v	<b>1248 Parkhill Road West</b> Part Lot 8 Concession 1 Township of Smith, City of Peterborough, County of Peterborough	Fee: Simple Part 6, 45R-15962 Temporary Easement: Part 1, 45R-16273
vi	<b>1261 Parkhill Road West</b> Part Lot 8 Concession 13 North Monaghan, City of Peterborough, County of Peterborough	Fee Simple: Part 7, 45R-16273 Temporary Easement: Part 6, 45R-16273
vii	<b>1289 Parkhill Road West</b> Part Lot 8 Concession 13 North Monaghan, City of Peterborough, County of Peterborough	Fee Simple: Part 10, 45R-15962 Temporary Easement: Part 5, 45R-16273
viii	<b>1324 Parkhill Road West</b> Part Lot 7 Concession 1 Smith, City of Peterborough, County of Peterborough	Fee Simple: Part 2, 45R-15962 Permanent Easement: Parts 7 & 8, 45R-16219 Temporary Easement: Part 12, 45R-16301

Property		Requirements
ix	<b>1374 Parkhill Road West</b> Part Lot 7 Concession 1 Smith, City of Peterborough, County of Peterborough	Fee Simple: Parts 6, 14 & 15, 45R-16219 Temporary Easement: Parts 8, 10 & 11, 45R-16301
x	<b>1424 Parkhill Road West</b> Part Lot 6 Concession 1 Smith, City of Peterborough, County of Peterborough	Fee Simple: Parts 3 & 13, 45R-16219 Fee Simple: Part 5, 45R-16301 Temporary Easement: Part 7, 45R-16301
xi	<b>17 Ackison Road</b> Part Lot 7 Concession 1 Smith, City of Peterborough, County of Peterborough	Fee Simple: Part 4, 45R-16219 Temporary Easement: Part 9, 45R-16301
xii	<b>1500 Brealey Drive</b> Part Lot 6 Concession 13 North Monaghan, Township of Cavan Monaghan & City of Peterborough, County of Peterborough	Fee Simple: Parts 2 & 12 45R-16219
xiii	<b>1810 Brealey Drive</b> Part Lot 7 Concession 13 North Monaghan, City of Peterborough, County of Peterborough	Fee Simple: Parts 1, 9, 10 & 11, 45R- 16219 Temporary Easement: Parts 1, 2 & 3, 45R- 16301
xiv	<b>1400 Parkhill Road</b> Part Lot 7 Concession 1 Smith, City of Peterborough, County of Peterborough	Fee Simple: Part 5, 45R-16219