



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number 170-2011

To approve the expropriation of certain lands for the construction of
James Potter Road south of Queen Street West

WHEREAS the Council of The Corporation of the City of Brampton, at its meeting of June 23, 2010, enacted By-law 247-2010 to authorize the expropriation of certain lands and interests in land for the construction of James Potter Road south of Queen Street West;

AND WHEREAS notice of Council's intention to expropriate the said lands were served on all persons with an interest in the lands and interests and in accordance with the provisions of the *Expropriations Act*, R.S.O. 1990, c.E.26, as amended;

AND WHEREAS a Hearing of Necessity was held on June 7, 2011 for the owner identified in Schedule "A" to this by-law. The Inquiry Officer's report found that the landowner has legitimate interests, but that in balancing the landowner's desire to retain their parcel intact with the public interest in having adequate and safe transportation, the private interest should be subordinate to the public interest. The Inquiry Officer concluded that the proposed expropriation is fair, sound and reasonably necessary, which conclusion is contained in a written report.

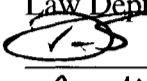
AND WHEREAS Council has received and reviewed the said report of the Inquiry Officer.

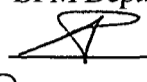
AND WHEREAS the City of Brampton has been unable to reach an agreement with the owner of the lands to convey the necessary interests required to meet the objectives of the expropriating authority.

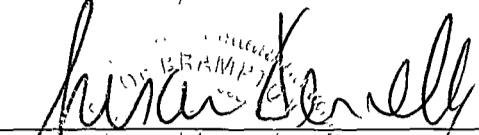
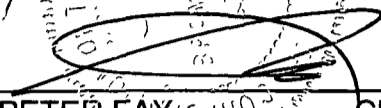
NOW THEREFORE the Council of The Corporation of the City of Brampton
ENACTS AS FOLLOWS:

1. That Council enact a by-law to approve the expropriation of the lands described in Schedule "A" for the written reasons attached hereto as Schedule "B" to this by-law.
2. That the Mayor and City Clerk, or their delegated authority, as the case may be, be authorized to execute all documents, and the Mayor and the City Clerk be authorized to execute, serve and publish on behalf of The Corporation of the City of Brampton, all notices, applications, advertisements and other documents required by the *Expropriations Act*, R.S.O. 1990, c.E.26, as amended, in order to effect the expropriation or acquisition of the said property rights, based on terms and conditions acceptable to the Commissioner of Works and Transportation, and in a form acceptable to the City Solicitor.

READ a FIRST, SECOND and THIRD TIME and PASSED in Open Council this 22nd day of June, 2011.

Approved
as to form
Law Dept.

13 Jun '11

Approved
as to content
BPM Dept.

June 10, 11


SUSAN FENNELL MAYOR

PETER FAY CLERK

SCHEDULE "A"

Summary of property interests to be expropriated
For the construction of James Potter Road south of Queen Street West

Property Owner Home and Mailing Address	Property Description (Address/Location, PIN, Legal Description)	Property Rights Required	Part(s) and Reference Plan Number
Beacon Hall Limited Pro M Centre 125 Traders Blvd. E. Mississauga, ON L4Z 2H3	South side of Queen St. W., west of Chinguacousy Rd. 140860016 (LT) Pt. Lot 5, Con. 3 W.H.S., Chinguacousy, as in RO486181	Fee Simple Temporary Working Easement (3 years)	Parts 1 & 3 43R-33452 Part 2 43R-33452

SCHEDULE "B"

Reasons for the Decision to Approve the Expropriation

After considering the decision of Inquiry Officer Victor L. Freidin, Q.C. from the inquiry relating to the proposed taking, the Council of the Corporation of the City of Brampton agrees that the expropriation of the lands set out in Schedule "A" is fair, sound and reasonably necessary in the achievement of the objectives of the expropriating authority for the following reasons:

1. The lands to be taken are required for or in connection with the following objectives:
 - (a) to implement the approved Environmental Study Report prepared in April, 2008 in respect of the project (the "ESR");
 - (b) to facilitate the construction of a north-south arterial road, known as James Potter Road, to accommodate future development in the Credit Valley Secondary Plan ("CVSP") area, and to service Sub-Area 5 of the CVSP and surrounding development;
 - (c) to implement the City's Official Plan, the Credit Valley Secondary Plan, and the City's Transportation and Transit Master Plan ("TTMP"), which designate James Potter Road as a four-lane minor arterial roadway, secondary transit corridor and part of the Citywide pathway network;
 - (d) to address infrastructure requirements in the City in a planned and organized manner;
 - (e) to coordinate the staging and sequencing of development growth in conjunction with the provision of infrastructure and services required to support that growth, in accordance with the Brampton Growth Management Program;
 - (f) to create an integrated and expanded transportation network to provide a high level of service tied to the rate and distribution of growth within the City and to enhance accessibility for all residents;
 - (g) to encourage the development of a traffic circulation system that enhances personal mobility, travel choices, transit access and service throughout the CVSP area and the lands adjacent thereto;
 - (h) to implement a road design which discourages through trips from penetrating residential neighbourhoods, thereby protecting these areas from noise and air pollution and excessive vehicular traffic, while ensuring that the accessibility and functionality of the transit system is not impeded;
 - (i) to provide connections between Sub-Area 5 of the CVSP and surrounding blocks for vehicles, pedestrians and cyclists;
 - (j) to provide a framework for organizing patterns of different land uses within Sub-Area 5 of the CVSP;
 - (k) to provide access to internal areas within Sub-Area 5 of the CVSP;
 - (l) to create optimal opportunities for the location of major community facilities (e.g. schools and other public spaces) as well as higher intensity and live-work forms of housing; and,
 - (m) to implement the Provincial Growth Plan.

2. The required lands best achieve the above objectives, including minimizing and mitigating damage by way of injurious affection, business loss and disturbance damage; in that connection:
- (a) in 2002, the Credit Valley Secondary Plan Transportation Study recommended a road system to accommodate development anticipated in the CVSP. The CVSP (adopted by City Council on September 30, 2002, and approved with modifications by the Ontario Municipal Board on January 14, 2004), reflected the Transportation Study recommendations, including the need for the new James Potter Road, and a new east-west collector road, known as Bonnie Braes Drive;
 - (b) in 2004, the TTMP identified the need for a four-lane James Potter Road, from Steeles Avenue to North of Bovaird Drive, by 2011;
 - (c) in 2007, the Traffic Impact Study for Sub-Area 5 of the CVSP concluded that four-lanes are required on James Potter Road to carry the combination of Sub-Area 5 generated traffic plus through traffic travelling to and from development to the north;
 - (d) the existing roadway network surrounding Sub-Area 5 of the CVSP will not be able to accommodate the travel demand growth anticipated from the development of the CVSP area and surrounding area;
 - (e) the creation of James Potter Road will provide capacity to accommodate travel demand in the CVSP and surrounding areas;
 - (f) the creation of James Potter Road is also important to the CVSP policy to maintain Creditview Road as a two-lane scenic road;
 - (g) the new James Potter Road was set out conceptually in the CVSP to provide capacity to accommodate travel demand in the CVSP and surrounding areas. The specific location, width and design of James Potter Road was determined by the ESR, and has been reflected in draft plans of subdivision in Sub-Area 5 of the CVSP and in the plan of subdivision which Beacon Hall Limited itself submitted for approval in respect of its own lands;
 - (h) the new James Potter Road will provide accessibility and the capacity needed to service the approved land use plans in Sub-Area 5; and, together with the creation of a new east-west collector road known as Bonnie Braes Drive, will complete the grid of major roads needed for the larger CVSP area;
 - (i) the block plan development policies of the CVSP require that James Potter Road, from Queen Street West to Steeles Avenue, be provided prior to occupancy within Sub-Area 5 in order to provide traffic capacity for the development of the Block 5 Plan area; and
 - (j) in summary, the James Potter Road, in this location, has been an integral part of the City's planning process for the CVSP for a number of years. The project has been considered and approved by the ESR; and, the location of the road has formed an accepted and integral part of the planning submissions that the City has received from individual land owners in the CVSP, including Beacon Hall Limited. The proposed expropriation is needed to complete the road and implement these planning and environmental initiatives.