

STAFF REPORT: ADMINISTRATION

REPORT TO: Council
MEETING DATE: November 10, 2008
REPORT NO.: A.08.08
SUBJECT: Ministry of Transportation
 Expropriation – Highway 26
PREPARED BY: Stephen Keast, Clerk

A. Recommendations

THAT Council receive Staff Report A.08.08, "Ministry of Transportation Expropriation – Highway 26" and has no objection to the transfer of lands described as part Lot 35, Concession 10 (Peel Street), Part 1, 16R-9316 to the Province for the amount of \$900.00 together with intersection reconstruction and relocation of a portion of the Georgian Trail and construction of a parking area on the remaining area of Peel Street that would be surplus following realignment at no charge to the Town; and

THAT Council has no objection to the transfer of lands described as parts of the 11th Concession and 36th Sideroad road allowances, Parts 14, 15 & 16, 16R-9253 to the Provincial Highway network for intersection reconstruction and assumption at no charge to the Town.

B. Background

On July 4, 2008 the Town received a Notice of Application for Approval to Expropriate Land from the Ministry of Transportation of Ontario (MTO). There are 44 proposed expropriations in all (12 in The Blue Mountains, the remainder in Meaford) and they are part of proposed improvements to Highway 26 from Thornbury to Meaford.

The expropriations in The Blue Mountains involve intersection improvements at Peel Street north and south of Highway 26, the 10th Line north and south and Lora Bay Drive north and the 11th Line south. As well, some existing entrances are being removed.

These intersection improvements centre on road reconfigurations such that the intersections with Highway 26 are as close to 90 degrees as possible so as to improve sightlines, traffic flow and safety.

The Town is named in two expropriations, Peel Street north being a portion of the Georgian Trail west of Peel Street (Attachment 1, Part 1) and the 11th Line south being a portion of the existing 11th Line and 36 Sideroad road allowances (Attachment 2, Parts 14, 16 & 16). It should be noted that while there are many

excess Parts identified on various surveys, only specific Parts required for reconstruction have been included in the expropriation process.

In the case of the Georgian Trail, the travelled Peel Street road surface would be moved west and the former travelled surface would be reconstructed at Provincial cost to form a replacement part of the Trail.

Town Policy POL.COR.07.02, "Sale and Other Disposition of Land" does not anticipate expropriation by the Province of Ontario

The MTO is currently offering compensation in the amount of \$900.00 for the Peel Street/Georgian Trail parcel only. While this amount may appear nominal, they are based on internal MTO valuations and it should be noted the Peel Street portion is within the 30 metre setback restriction of a tributary to the Little Beaver River. In the case of the 11th Line parcels, the writer was advised it is MTO Policy that portions of municipal road allowances are simply assumed into the Provincial highway network from the Town's with no compensation offered.

The Georgian Trail Board has requested two conditions related to any purchase and sale of the Peel Street portion, being reconstruction by MTO of the Trail surface on the former Peel Street road surface and construction of a parking area on the remaining area of Peel Street that would be surplus following realignment.

The matter has now been referred to the Ontario Municipal Board with mediation noted as an avenue of settlement. The position of Council in this matter would be presented initially at mediation in an effort to avoid Party status at any full Hearing.

Given the proposed improvements to the transportation infrastructure within The Blue Mountains, at no cost to the Town, it is recommended Council accept the offered amount for the Peel Street parcel and authorize transfer of the 11th Line parcels based on the aforementioned conditions and direct Staff to indicate same to the MTO and OMB.

C. The Blue Mountains' Strategic Plan

Actions: Advocate with other governments on transportation issues affecting the Town.

D. Environmental Impacts

Reconstruction of two Highway intersections and a portion of the Georgian Trail.

E. Budget Impact

\$900.00 received from the transfer of Peel Street lands to roads reserves.

F. Attached

1. Excerpt, 16R-9316, Part 1
2. Excerpt, 16R-9253, Parts 14, 15 & 16
3. Ontario Municipal Board File MM080051 correspondence

Respectfully submitted,



Stephen Keast, Clerk

LOT 3

LOT 2

LOT 1

16M

PIN
37131-
0006(LT)

PIN
37131-
0005(LT)

Trailwood subdiv.
BLOCK 31 (0.30 RESERVE)
PIN 37131-0035(LT)

Att. 1
BLOCK 30
(ROAD WIDENING)
PIN 37131-0034(LT)

R=863.170
N49°25'30"W
A=45.850 C=45.840

R=863.170
N50°57'35"W
A=C=410

R=863.170
N51°59'25"W
A=C=30.650

GEORGIAN
(FORMERLY
STRUMENT
CANADIAN
No. 281590
IB(ZUMO)
0.08 SOUTH WEST

RAIL
PART 1
PLAN 16R-9286
(P-1671-154)

SOUTHERLY CORNER
OF BLOCK 30
PLAN 16M-14

59.220
PART 7, PLAN 16R-9286 (P-1671-154)

N74°44'45"E
PART 4

N86°52'05"E
47.887

26.259
5'20"W
1.290

SSIB (1857)
A=C=5.846
N51°48'50"W
R=883.290

A=C=31.105
N50°37'00"W
R=883.290

PART 2, PLAN 16R-9286 (P-1671-154)

(P-1671-12)

CONCESSION
SHIP OF

10
COLLINGWOOD

MOUNTAINS
No. 26

1671-12)

PART 1

PART 2

PART 6

PART 3

PART 13,
INSTRUMENT

R=883.290
N55°45'00"W
A=64.732 C=64.717

A=155

(P-1671-14)

THE KING'S HIGHWAY No. 26

CONCESSION
SHIP OF

10
COLLINGWOOD

(P-1671-14)

THE KING'S HIGHWAY No. 26

1671-12)

PART 5
PLAN 16R-9286
(P-1671-154)

PART 12
PLAN 16R-9286
(P-1671-154)

PART 9

PART 14, PLAN 1
ARTHUR ST
PLAN 452 (P-1671-12)

TRANSFERRED BY ORDER-IN-COUNCIL O.C. 2552
22nd, 1961, AND REGISTERED AS INSTRUMENT
(P-1671-27)

ENLARGEMENT "B" (NOT TO SCALE)

PART 5, PLAN 16R-9286 (P-1671-154)

LOT 35, CONCESSION OF 10
(GEOGRAPHIC TOWNSHIP OF COLLINGWOOD)

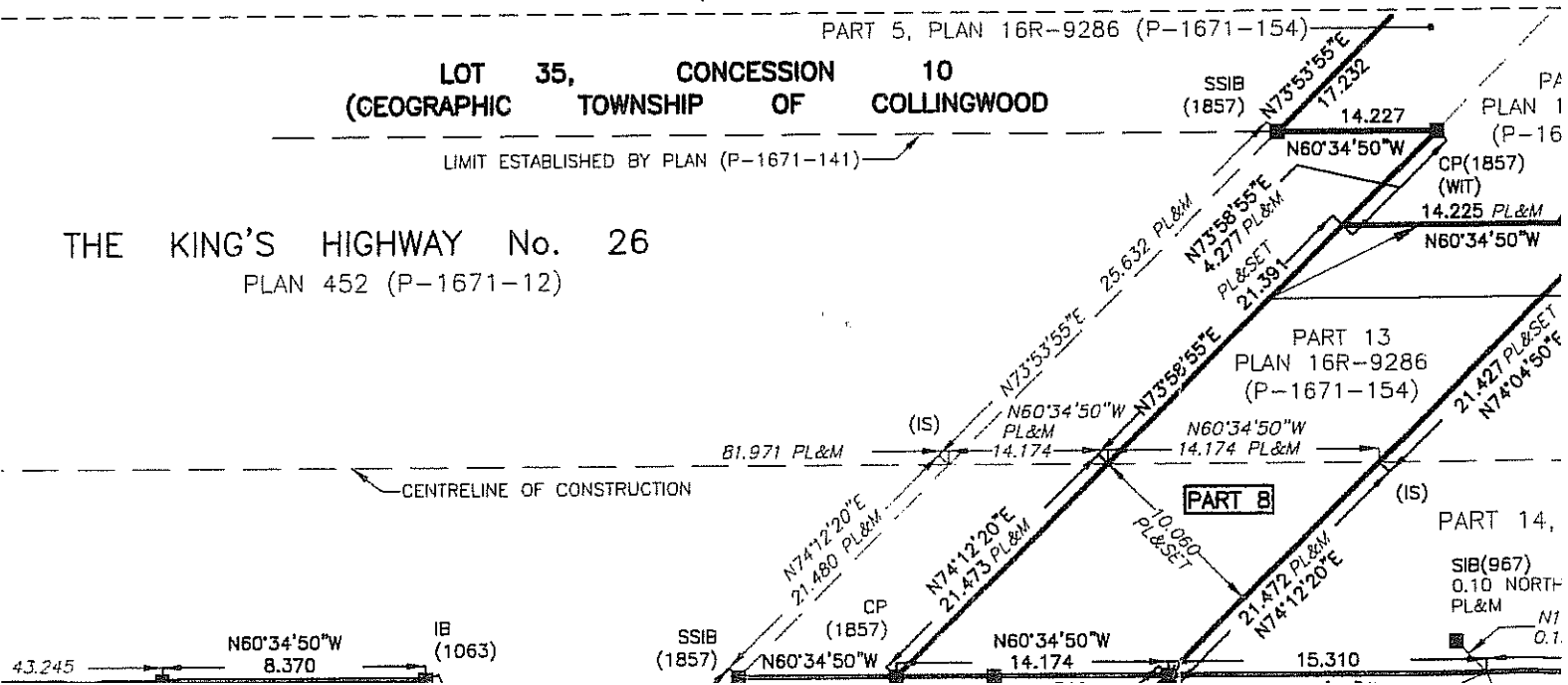
LIMIT ESTABLISHED BY PLAN (P-1671-141)

THE KING'S HIGHWAY No. 26
PLAN 452 (P-1671-12)

CENTRELINE OF CONSTRUCTION

43.245
N60°34'50"W
8.370
IB (1063)

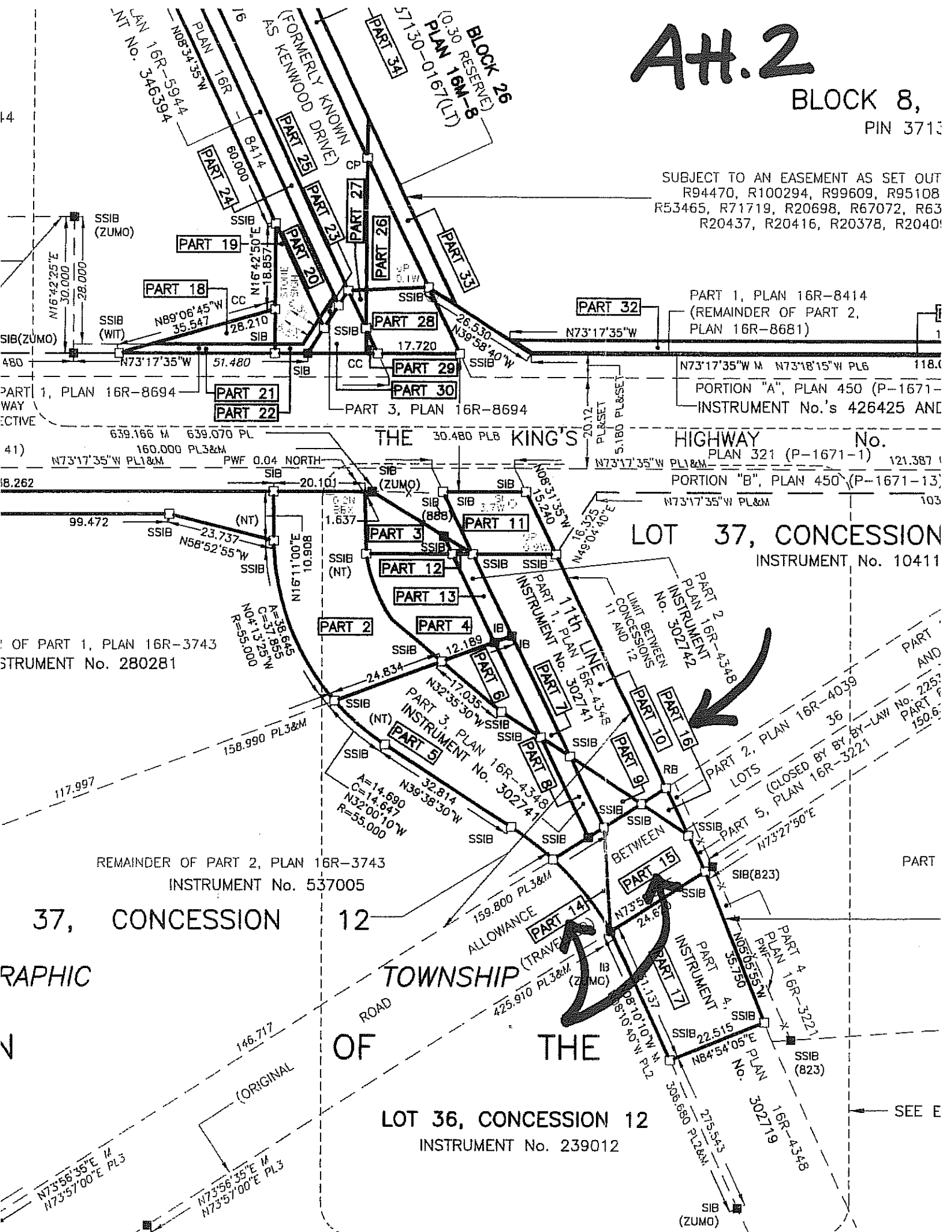
SSIB (1857)
N60°34'50"W
14.174
N60°34'50"W
14.174
15.310
SIB(967)
0.10 NORTH
PL&M
N1
0.1



Att. 2

BLOCK 8,
PIN 3713

SUBJECT TO AN EASEMENT AS SET OUT
R94470, R100294, R99609, R95108
R53465, R71719, R20698, R67072, R63
R20437, R20416, R20378, R20401



14

PART 1, PLAN 16R-8694
WAY
CTIVE

OF PART 1, PLAN 16R-3743
STRUMENT No. 280281

REMAINDER OF PART 2, PLAN 16R-3743
INSTRUMENT No. 537005

GRAPHIC

V

LOT 36, CONCESSION 12
INSTRUMENT No. 239012

LOT 37, CONCESSION
INSTRUMENT No. 10411

PART 1, PLAN 16R-8414
(REMAINDER OF PART 2,
PLAN 16R-8681)

PORTION "A", PLAN 450 (P-1671-
INSTRUMENT No.'s 426425 AND

THE KING'S HIGHWAY No.
PLAN 321 (P-1671-1) 121.387 1

PORTION "B", PLAN 450 (P-1671-13)
103

CONCESSIONS
LIMIT BETWEEN
11 AND 12

PART 1, PLAN 16R-4348
INSTRUMENT No. 302742

PART 2, PLAN 16R-4039
36

LOTS
(CLOSED BY BY-LAW
PLAN 16R-3221

PART 5, PLAN 16R-3221
N73°27'50"E

PART 15
SIB(823)

PART 14
ALLOWANCE

TOWNSHIP (TRAVEL)
(ZUMCO)

PART 17
INSTRUMENT

PART A,
PLAN 16R-3221

PART 4, PLAN 16R-3221
PWF

PART 16R-4348
302719

SEE E

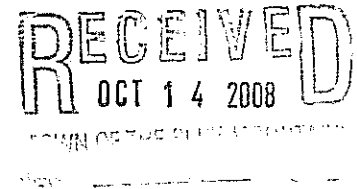
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AH.3



October 6, 2008

Robert Freedman, Solicitor
Ministry of the Attorney General
Crown Law Office
720 Bay Street, 8th Floor
Toronto, ON M5G 2K1

Subject:

File number: MM080051
Case number: MM080051
Municipality: Various municipalities in the County of Grey
Applicant: Ministry of Transportation
Property location: Various locations
MTO Work Project: 57-00-00
Re: Road closures

The Board acknowledges receipt of the above referenced file. When communicating with the Board please quote the Board's case and/or file number.

This file has been assigned to **Kimberly Livingstone, Planner**. For specific questions about this case, you may contact the Planner at **(416) 326-6773**.

The Planner will review the file to ensure that all the required material has been received and will identify if there are other related matters that may come to the Board. The Planner may contact the parties to:

- Identify issues
- Discuss whether the matter may be a candidate for a mediation meeting
- Discuss whether a prehearing conference may be beneficial (Prehearings are normally only held on complex cases where the hearing length is expected to be over five days)
- Discuss the time that may be required for the hearing.

Mediation is an option available where the parties consent to this process. Mediation is intended to provide the parties with a more satisfactory manner in which to reach a resolution in the same or lesser timeframe as the traditional adjudicative process. Parties should contact the Planner if they are interested in mediation.

The Board will schedule this case for the earliest available date on the Board's calendar. Parties should be prepared to proceed at any time. Parties will receive notice of the hearing event. Notice for prehearings and hearings are generally mailed 35 days before the hearing. Notice for mediation meetings can be given on shorter notice.

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cc Planning

Once dates are set, adjournments are not granted except where compelling circumstances exist and with the consent of all parties and/or the approval of the Board.

For general information concerning the Board's policies and procedures visit our website at www.omb.gov.on.ca or you may contact the Board's offices at (416) 326-6800. You may wish to obtain a copy of the publication 'A Guide to the Ontario Municipal Board' to learn more about participating in matters before the Board and the hearing process. This publication is available on the Board's website or by calling the Board's offices.

Yours truly,

(Signed)

Alix de la Haye
Case Management Administrative Assistant

c.c. The Clerk, County of Grey
The Clerk, Municipality of Meaford
The Clerk, Town of The Blue Mountains ✓