



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number 74-2011

To approve the expropriation of certain lands for the reconstruction of Countryside Drive from Torbram Road to 500 meters east of Goreway Drive

WHEREAS the Council of The Corporation of the City of Brampton, at its meetings of June 10, 2009 and June 23, 2010, enacted By-laws 185-2009 and 246-2010 to authorize the expropriation of certain lands and interest in land for the reconstruction of Countryside Drive from Torbram Road to 500 meters east of Goreway Drive;

AND WHEREAS notice of Council's intention to expropriate the said lands were served on all persons with an interest in the lands and in accordance with the provisions of the Expropriations Act, R.S.O. 1990, c.E26, as amended;

AND WHEREAS a Hearing of Necessity was held on January 27, 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 dated February 9, 2011.

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 owners 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 30th day of March, 2011.

Approved
as to form
Law Dept.
KP
Mar 17/11

Approved
as to content
BPM Dept.
[Signature]
Mar 16/11

[Signature]
SUSAN FENNELL MAYOR
[Signature]
PETER FAY CLERK

SCHEDULE "A"

Summary of property interests to be expropriated
 In connection with the reconstruction of Countryside Drive from Torbram Road to
 500 meters east of Goreway Drive

Property Owner Home and Mailing Address	Property Description (Address/Location, PIN, Legal Description)	Property Rights Required	Part(s) and Reference Plan Number
Modesta Manias 60 Friuli Court Apartment 703 Woodbridge, ON L4L 8G8	3024 Countryside Drive 142191526 Pt. Lot 16, Con. 7 ND, Toronto Gore, as in RO833456 save and except Part 2 on Expropriation Plan PR824499	Fee Simple Temp Grading (3 years)	Part 19 43R-33311 Part 18 43R-33311

SCHEDULE "B"

IN THE MATTER OF AN APPLICATION FOR APPROVAL TO EXPROPRIATE LAND BEING THE LANDS DESCRIBED IN SCHEDULE "A" TO THIS BYLAW

Reasons for the Decision to Approve the Expropriation

After considering the decision of Inquiry Officer Douglas Colbourne dated February 9, 2011 from the inquiry relating to the proposed taking, the Council of the Corporation of the City of Brampton agrees that the expropriation of the Inquiry Land 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:

- (a) to implement the approved Environmental Study Report prepared in November 2005 in respect of the project (the "ESR");
- (b) to improve roadway capacity due to the projected increase in population and employment which will have significant impact on traffic increase of all types including cars, trucks, transit vehicles and pedestrians;
- (c) to widen Countryside Drive between Torbram Road and Goreway Drive to four lanes with a centre turning lane, intersection improvements, sidewalks and a multi-use pathway;
- (d) to widen Countryside Drive to provide additional through lanes throughout the corridor;
- (e) to install traffic control signals and/or adjust traffic control signal/turning phasing to accommodate future traffic demand;
- (f) to provide a safe public road;
- (g) to ensure a safe, consistent and proper alignment of all roads through intersections at Countryside Drive;
- (h) to provide intersection improvements including, but no limited to, traffic signals left and right turn lane and improving sight distances;
- (i) to provide safe passage for pedestrians, cyclists and motorists;
- (j) to provide safe ingress and egress to and from Countryside Drive;
- (k) to reduce the potential for unsafe traffic conditions;
- (l) to respond to increased traffic demands;
- (m) to improve traffic capacity at intersections along Countryside Drive;
- (n) to increase the number of traffic lanes to minimize hazard and inconvenience, while improving operational efficiency;
- (o) to provide for an urbanized road design to improve and lessen the impact of noise and vibration;
- (p) to provide access to properties to grade to the limit of construction;
- (q) to implement the City's Official Plan and related Policies and the Provincial Growth Plan;
- (r) to address infrastructure requirements of the City in a planned and organized manner;