



The Corporation of the Town of LaSalle

To: Mayor and Members of Council

Prepared by: Domenic J. Dadalt, Legal Counsel

Department: Administration

Date of Report: April 21, 2020

Report Number: AD-03-2020

Subject: Acquisition of Waterfront Properties, Front Road

Recommendation

That the report of the Legal Counsel of LaSalle dated April 21, 2020 (AD-03-2020) regarding the approval of acquisition of waterfront properties be RECEIVED and that Council APPROVES that:

1. The expropriation of Part Lot 32, Concession 1, in the Town of LaSalle, in the County of Essex, designated as Parts 1 & 3 on Reference Plan 12R-10440 (the "Vacant Land") and the expropriation of Part Lot 32, Concession 1, as in R784261 except R825702, in the Town of LaSalle, in the County of Essex ("1010 Front Road") for the purposes of expansion of parkland and waterfront development west of Front Road and north of Laurier Drive is fair, sound and reasonably necessary for the Town of LaSalle to achieve its objectives;
2. That the Application for Approval to Expropriate this parcel of land be approved, and that the draft By-law No. 8426 be passed during the by-law stage of this Agenda; and
3. The Town solicitor be authorized to prepare written reasons for the granting of this approval, and to present those reasons to the Mayor and the Clerk for review and execution.

Report

At the Council meeting held on May 28, 2019, representations were made to Council by myself and by Richelle Dolan, owner of 1010 Front Road and Michael Byrd, the President of Mosquito Coast Investments Inc., the registered owner of the Vacant Land,

regarding this matter. By-law 8316 was passed by Council authorizing the Town Administration and the Town solicitor to take steps to acquire 1010 Front Road and the Vacant Land along with two other properties, which steps included the potential expropriation of those parcels of land.

I confirm that the Town has come to agreements with the other two properties subject to By-law 8316, and has taken possession of one and will be acquiring possession of the other with a closing date set for May 29, 2020.

The owners of the two properties subject to this report requested a Hearing of Necessity under the *Expropriations Act*. Prior to the Hearing, the owner of 1010 Front Road withdrew the request for a Hearing. The Hearing was conducted on December 9, 2019 at Town Hall in front of Inquiry Officer Gillian Burton. The Inquiry Officer provided a report initially dated December 30, 2019, and an amended report dated January 11, 2020 wherein she determined that the expropriation of the Vacant Land was fair, sound and reasonable. The reason for the amendment surrounded a correction with respect to the state of negotiations with 1010 Front Road and did not impact on the Inquiry Officer's determination regarding the Vacant Land. With respect to the Vacant Land, the Inquiry Officer stated:

In my opinion the Town's evidence shows a clear need for this parcel to be incorporated into the publically owned, waterfront park design. It must be part of the redesigned storm sewer system, as well as remain at a low density because of the sanitary sewer capacity.

...

After considering all the evidence and arguments, I conclude that the proposal meets the test in the *Expropriations Act* and the summation of it as set out Re Parkins: whether the proposal is "reasonably defensible in the achievement of the authority's objectives."

Since the passing of By-law 8316, the Town has also acquired or will soon be acquiring the properties municipally described as 1390 Front Road, 670 Front Road and 690 Front Road which surround the areas identified within the said by-law. These acquisitions, along with previous acquisitions that include but are not limited to the land known as Gil Maure Park (1977), the Riverdance property (2007) and the Westport Marina (2018), outline the initiative taken by the Town to secure waterfront property in this area.

In an attempt to come to an agreement without resorting to formal expropriation, the Town forwarded the appraisal of 1010 Front Road along with the terms of an offer on November 19, 2019. The Town forwarded the appraisal of the Vacant Land along with

the terms of an offer on March 17, 2020. An agreement has not yet been reached with either party.

As a result, it is my opinion that while the Town of LaSalle is still open to finalizing an agreement with the owners of both 1010 Front Road and the Vacant Land, we should keep the process moving forward with respect to the expropriation of Part Lot 32, Concession 1, in the Town of LaSalle, in the County of Essex, designated as Parts 1 & 3 on Reference Plan 12R-10440 and the expropriation of Part Lot 32, Concession 1, as in R784261 except R825702, in the Town of LaSalle, in the County of Essex.

I am therefore asking the Council of the Town of LaSalle, as the Approving Authority under the *Expropriations Act*, to approve the attached Application for Approval to Expropriate Land, which would allow the expropriation to proceed.

All of which is respectively submitted.

Domenic J. Dadalt, Legal Counsel

Consultations

Kevin Miller, Deputy Clerk

Financial Implications

Compensation for the properties will be provided in accordance with the terms and provisions of the *Expropriations Act*.

Prepared By:



Legal Counsel

Domenic J. Dadalt

Link to Strategic Goals

	Enhancing organizational excellence
Yes	Sustain strong public services and infrastructure
Yes	Strengthen the community's engagement with the Town
	Grow and diversify the local economy
	Build on our high-quality of life

Communications

	Not applicable
	Website
	Social Media
	News Release
	Local Newspaper
	Bids & Tenders
	Notification pursuant to the Planning Act

Notifications

Name	Address	Email
Mosquito Coast Investments Inc. c/o Michael Byrd, President		
Edwin Hooker Wolf Hooker Professional Corporation	Suite 100 - 72 Talbot St. North Essex, Ontario N8M 1A2	ehooker@wolfhooker.com
Richelle Dolan		
Shayne Rayman Conner Harris Rayman Beitchman LLP	250 Yonge St, Suite 2200 PO Box 4 Toronto, Ontario M5B 2L7	Shane@rbllp.com Conner@rbllp.com

Report Approval Details

Document Title:	AD-03-2020 - Acquisition of Waterfront Properties, Front Road.docx
Attachments:	- Form 1 Applicaton for Approval 2019June14.pdf - Form 2 Notice of Application 2019June28.pdf
Final Approval Date:	Apr 21, 2020

This report and all of its attachments were approved and signed as outlined below:



Chief Administrative Officer

Joe Milicia