

THE REGIONAL MUNICIPALITY OF YORK

BYLAW NO. 2018-39

To acquire certain lands for or in connection with the construction of the Viva Bus Rapid Transit Corridor along Yonge Street, Town of Richmond Hill (Y2.2)

WHEREAS the Council of The Regional Municipality of York on September 21, 2017, by its adoption of Clause 35 of Report 12 of the Committee of the Whole approved of the expropriation of the lands therein referred to for or in connection with the construction of the Viva Bus Rapid Transit Corridor along Yonge Street from Levendale Road to Gamble Road/19th Avenue, in the Town of Richmond Hill, provided that there were no requests for a hearing of necessity; and

WHEREAS Notice of Application for Approval to Expropriate Land has been served upon the registered owners of the lands and has been published pursuant to the provisions of the *Expropriations Act*, R.S.O. 1990, c. E.26, as amended (the "Act"); and

WHEREAS a request for a hearing before an Inquiry Officer was received and subsequently withdrawn; and

Now, therefore, the Council of The Regional Municipality of York HEREBY ENACTS as follows:

1. The expropriation of the lands referred to in section 2 is hereby approved and the Regional Chair and Regional Clerk are authorized to execute any required documents in accordance with the Act.

2. The lands described and designated as follows:

No.	Owner	Municipal Address	Legal Description	Interest Required
1.	Natweiss Investments Limited Grall Corporation Limited 967933 Ontario Limited Sitzer Group Holdings No. 1 Limited	10520 Yonge Street Richmond Hill	Part 1, Plan 65R-37298	Permanent Easement
			Parts 1 and 2, Plan 65R-37281	Temporary Easement

A permanent easement or rights in the nature of a permanent easement for the purpose of entering on the lands with all vehicles, machinery, workers and other material (I) to construct and maintain permanent municipal infrastructure which may include retaining walls, shoring and formwork and/or drainage, erosion or sediment control measures such as water mains and storm sewers; (II) to construct, operate, inspect/test, maintain, repair, and revise a traffic control signal system including but not limited to pedestrian ramps, signs, detectors and pavement markings; (III) to prohibit any works and/or placements (above and/or underground) in order to maintain the accessibility, visibility, and structural integrity of the traffic control signals system; and (IV) for construction purposes which may include (1) relocation of existing services and utilities, (2) staging and storage of materials and equipment, (3) geotech testing, borehole testing, and other investigative works, (4) removal, relocation and/or installation of signage, (5) hard and soft landscaping, paving, grading and reshaping the lands to the limit of the reconstruction of Yonge Street, (6) 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 (7) works ancillary to any of the foregoing.

A temporary easement or rights in the nature of a temporary easement commencing on March 12, 2019 and expiring on April 30, 2021, for the purpose of entering on the lands with all vehicles, machinery, workers 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 Region's permanent takings, (3) staging and storage of materials and equipment, (4) geotech 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 Yonge Street, (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)

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drainage and erosion/sediment control measures, (v) traffic signals, (vi) fencing, and (vii) handrails, and (8) works ancillary to any of the foregoing.				

are to be expropriated for or in connection with the construction of the Viva Bus Rapid Transit Corridor along Yonge Street from Levendale Road to Gamble Road/19th Avenue, in the Town of Richmond Hill.

3. (1) The Regional Chair and Regional Clerk are hereby authorized and directed to sign a certificate of approval and plan or plans showing the lands expropriated.

(2) When so signed, the Commissioner of Corporate Services is directed to cause the said certificate of approval and plan or plans to be registered in the proper Land Registry Office and to pay all expenses incidental to the registration.

4. Plan Nos. 65R-37298 and 65R-37281, hereto attached, shall form part of this bylaw.

ENACTED AND PASSED on April 19, 2018.

CHRISTOPHER RAYNOR

Regional Clerk

WAYNE EMMERSON

Regional Chair

Authorized by Clause 35 of Report 12 of the Committee of the Whole, adopted by Council at its meeting on September 21, 2017.