

THE REGIONAL MUNICIPALITY OF YORK

BYLAW NO. 2018-20

To acquire certain lands for or in connection with the
York Durham Sewage System Modifications component
of the Upper York Sewage Solutions Project,
Town of Newmarket

WHEREAS the Council of The Regional Municipality of York on May 19, 2016, by its adoption of Clause 17 of Report 9 of the Committee of the Whole authorized an application for approval to expropriate the lands therein referred to for or in connection with the construction of a new forcemain and ancillary infrastructure for the Newmarket and Bogart Creek Sewage Pumping Stations, as part of the York Durham Sewage System Modifications component of the Upper York Sewage Solutions Project, in the Town of Newmarket; 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WHEREAS a request for a hearing before an Inquiry Officer was received and subsequently withdrawn; and

WHEREAS the Council of The Regional Municipality of York on September 22, 2016, by its adoption of Clause 12 of Report 13 of the Committee of the Whole approved the expropriation of the hereinafter described lands.

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

1. The expropriation of the lands referred to in section 3 is hereby approved for or in connection with the construction of a new forcemain and ancillary infrastructure for the Newmarket and Bogart Creek Sewage Pumping Stations, as part of the York Durham Sewage System Modifications component of the Upper York Sewage Solutions Project, in the Town of Newmarket.

2. The Regional Chair and Regional Clerk are hereby authorized and directed to execute a certificate of approval and plan or plans showing the lands expropriated pursuant to the Act.

3. The Region, as expropriating authority, expropriate the following lands, by the preparation and registration of a certificate of approval and plan or plans of expropriation:

No.	Owner	Municipal Address	Legal Description	Interest Required
1.	Ole Poul Madsen and Lisbeth Hagen Madsen	160 Bayview Parkway Newmarket	Part 1, Plan 65R36338	Temporary Easement
2.	Hong's International Group Ltd.	567 Davis Drive Newmarket	Parts 4, 5, 6, Plan 65R36340	Permanent Easement
			Parts 1, 2, 3, Plan 65R36340	Temporary Easement
3.	York Region Standard Condominium Corporation No. 1047	543 Timothy Street Newmarket	Part 1, Plan 65R36342	Permanent Easement
4.	402 Mulock Investments Inc. (previously 2278899 Ontario Inc.)	402 Mulock Drive Newmarket	Parts 5, 6, 7, Plan 65R36343	Permanent Easement
			Parts 1, 2, 3, 4, 8, Plan 65R36343	Temporary Easement
5.	J.F.C. Developments Ltd.	w/s Silken Laumann Drive Newmarket	Part 1, Plan 65R36346	Permanent Easement
			Part 2, Plan 65R36346	Temporary Easement
6.	St. Andrews Valley Golf Club Ltd.	N/A Newmarket	Parts 4, 7, Plan 65R36344	Permanent Easement

No.	Owner	Municipal Address	Legal Description	Interest Required
			Parts 5, 6, 8, Plan 65R36344	Temporary Easement
7.	St. Andrews Valley Golf Club Ltd.	368 St. John's Sideroad Newmarket	Part 1, Plan 65R36344	Permanent Easement
			Part 2, Plan 65R36344	Temporary Easement

The temporary easements required are described as a temporary limited interest commencing on registration of the plan of expropriation and expiring on December 31, 2021 in, under, over, along and upon the lands for municipal purposes including, but not limited to, entering on the lands with all vehicles, machinery, workmen 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 the lands herein described, (7) the installation and removal of temporary (i) pedestrian access and walkways, (ii) parking measures including re-stripping of aisles, lanes, and parking stalls, (iii) shoring and formwork, (iv) drainage and erosion/sediment control measures, (v) fencing, and (vi) handrails, and (8) works ancillary to any of the foregoing and necessary to the works to be performed in association with the York Durham Sewage System Improvements.

The permanent easements required are described as a limited interest in perpetuity in, under, over, along and upon the land for municipal purposes including, but not limited to, entering on the lands with all vehicles, machinery, workmen and other material (i) to construct and maintain permanent municipal infrastructure which may include installation, maintenance, relocation and/or removal of retaining walls, shoring and formwork and/or drainage, erosion or sediment control measures such as watermains and storm sewers, and (ii) for construction purposes which include, but are not limited to, (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, (6) the installation and removal of temporary (i) pedestrian access and walkways, (ii) parking measures including re-stripping of aisles, lanes, and parking stalls, (iii) shoring and formwork, (iv) drainage and erosion/sediment control measures, (v) fencing, and (vi) handrails, and (7) works ancillary to any of the foregoing and necessary to the works to be performed in association with the York Durham Sewage System Improvements.

4. The Commissioner of Corporate Services is authorized to cause the said certificate of approval and plan or plans to be registered in the proper Land Registry Office, to give notice of such expropriation in accordance with the Act and to execute all necessary documents to effect the transaction.

5. The Plans referred to above, hereto attached, shall form part of this bylaw.

ENACTED AND PASSED on March 29, 2018.

Christopher Raynor
Regional Clerk

Wayne Emmerson
Regional Chair

Authorized by Clause 12 of Report 13 of the Committee of the Whole, adopted by Council at its meeting on September 22, 2016.