

Clause 14 in Report No. 5 of Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on March 29, 2018

14

Disposition of Land  
Elgin Mills Road East and Highway 404  
City of Markham

Committee of the Whole recommends adoption of the following recommendations contained in the report dated March 1, 2018 from the Commissioner of Corporate Services:

1. Council authorize the disposition of the land in the City of Markham as outlined in the table within the report.
2. The Commissioner of Corporate Services be authorized to execute a temporary easement for access on the property identified in Recommendation 1 in favour of the owner(s) at 2716 and 2730 Elgin Mills Road East and any successor, or until such time as the lands to the north are transferred to the City of Markham.
3. The Commissioner of Corporate Services be authorized to execute the agreement of purchase and sale and all necessary documents to complete the transaction.

---

Report dated March 1, 2018 from the Commissioner of Corporate Services now follows:

1. Recommendations

It is recommended that:

1. Council authorize the disposition of the following land, in the City of Markham.

No.	Owner	Municipal Address	Legal Description	Interest
-----	-------	-------------------	-------------------	----------

Disposition of Land  
 Elgin Mills Road East and Highway 404  
 City of Markham

1.	The Regional Municipality of York	N/A (N/E corner of Elgin Mills Road E. and Highway 404	Part of Part 1 on Expropriation Plan D857, being parts 1,2, 4 and 5 on draft survey, File No. 15-064RP04	Fee Simple
----	-----------------------------------	--	--	------------

2. The Commissioner of Corporate Services be authorized to execute a temporary easement for access on the property identified in Recommendation 1 in favour of the owner(s) at 2716 and 2730 Elgin Mills Road East and any successor, or until such time as the lands to the north are transferred to the City of Markham.
3. The Commissioner of Corporate Services be authorized to execute the agreement of purchase and sale and all necessary documents to complete the transaction.

2. Purpose

This report seeks Council authority to dispose of the subject land that the Region expropriated in 2002, related to the construction of the Elgin Mills Road East and Highway 404 interchange, ramp and approach.

The location of this property is shown on the map in Attachment 1.

Private Attachment 1 to this report will be considered in private session because it relates to the disposition of land by the Region.

3. Background and Previous Council Direction

The construction of the Elgin Mills Road East and Highway 404 interchange required the subject land

In 2002, the Region acquired property as part of the Highway 404 and Elgin Mills Road interchange construction. As a result of the acquisition, three property owners fronted the newly formed controlled highway access. On [June 27, 2002](#) Council approved the expropriation of the subject land to provide continuous access to the three property owners.

The adjacent property owner has requested to purchase the subject land to incorporate into a residential development

Staff met to discuss the disposition of the subject land with the adjacent owners. The owner to the north requested to acquire the subject land to include in the proposed development. The owner to the south does not have a development plan or an interest in purchasing the subject land.

The adjacent property to the north contains approximately 5.65 hectares (13.96 acres) that is in the process of being developed for residential use. The Draft Plan of Subdivision consists of 184 freehold townhomes and includes the subject land. The City of Markham circulated the Draft Plan of Subdivision to the Region for review and comment. Among the Region's conditions, prior to final approval, is a requirement that the owner purchase the subject land from the Region. The owner's Draft Plan of Subdivision included the subject land to be used as a municipal road.

Property owners require continued access to the subject land

The three adjacent owners have used the subject land for access since 2002. A City of Markham Development Services report for Application for Zoning By-law amendment in 2016 proposed that Vehicular access to the site will be from Lord Melbourne Street to the north. The other two properties will continue to require access to Elgin Mills Road East until the local road is transferred. The Region will register a temporary easement for access on the subject land in favour of the two properties until access to the properties is provided by an internal road network in the proposed residential development.

The disposition is being completed in accordance with the Region's Sale and Disposition of Regional Land Policy

The disposition is being completed in accordance with the Council approved policy for the Sale and Disposition of Regional Land, which sets out the procedures to be followed in connection with the disposal of surplus lands. Staff commissioned two appraisals which concluded this property is not a standalone property and has value in contribution to the adjoining land owner to the north and the adjoining land owner to the south. The adjoining land owner to the south does not currently have a development plan.

All Regional Departments were approached to determine their interest in the subject land. No future Regional requirement was identified for the property. Additionally, the Region does not have any infrastructure on the property that would require the lands to be retained.

A circulation letter was sent to the Ministry of Transportation Ontario, which requested the access be closed when the residential development was completed. The Region will maintain a one foot reserve to control access.

A circulation letter was sent to the City of Markham and no expressions of interest were received.

#### 4. Analysis and Implications

The Subject Land has limited marketability

The subject land has limited market demand because of its narrow width, physical configuration and location. The property does not meet current zoning requirements as a standalone parcel. The Region's Sale and Disposition of Land Policy states, that the Director of Property Services shall identify any potential purchaser and invite submission from interested parties. The adjacent land owners are the only viable purchasers.

In keeping with the Region's policy for land disposition, two appraisal reports were completed. The appraisals note both adjacent owners as being viable purchasers and value the land in contribution to each owner at the same per acre value. The adjoining property owner to the north agreed to purchase the subject land for the appraised value in the November 24, 2017 appraisal report.

Environmental due diligence was completed

A Phase One Environmental Site Assessment was completed and no significant issues were identified. No further investigation was recommended.

#### 5. Financial Considerations

The subject land has been identified as surplus to the Region's needs. The proceeds will be distributed in accordance with the Region's Reserve and Reserve Fund Policy.

#### 6. Local Municipal Impact

Circulation of the proposal to dispose of the subject land indicated the City of Markham had no need or interest in acquiring the subject land. Through the

Disposition of Land  
Elgin Mills Road East and Highway 404  
City of Markham

planning process, the subject land will form part of a new local municipal road and provide future access for the adjacent lands to the south.

## 7. Conclusion

The subject land was acquired to provide access to property owners that lost access when the Elgin Mills Road East and Highway 404 ramp and approach was constructed. The adjacent lands to the north are to be developed for residential use and the owner's wish is to include the subject land within their development. The shape, size and location of the subject land provide limited opportunity to sell on the open market.

Selling the subject land to the adjacent property owner to the north at the appraised value provides maximum benefit to the Region.

For more information on this report, please contact Michal Shatil, Director, Property Services at 1-877-464-9675 ext. 71684.

The Senior Management Group has reviewed this report.

March 1, 2018

Attachments (1)

Private Attachments (1)

eDOCS# 8248628

Accessible formats or communication supports are available upon request



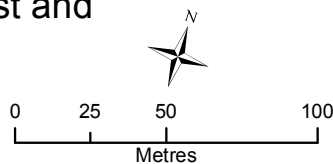
**York Region**

Produced by:  
The Regional Municipality of York  
Property Services, Corporate Services  
January 2018

Data: © Queen's Printer for Ontario 2003-2018

Imagery:  
See York.ca for disclaimer information.  
© First Base Solutions Inc. 2017

**Location Plan**  
Disposition of Land  
Elgin Mills Road East and  
Highway 404  
City of Markham  
March 22, 2018



Legend	
	Subject Property
	Parcel
	Road