

THE REGIONAL MUNICIPALITY OF YORK

BYLAW NO. 2018-10

To acquire certain lands for or in connection with the construction of the Viva Bus Rapid Transit Corridor along Yonge Street, Town of Newmarket (Y3.2)

WHEREAS the Council of The Regional Municipality of York on September 21, 2017, by its adoption of Clause 33 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 Sawmill Valley Drive/Savage Road to Davis Drive, in the Town of Newmarket, 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 no notification of a desire for a hearing has been received and the time for giving such notification has expired.

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.	Gapper-Duncan Inc.	16581-16599 Yonge Street Newmarket	Parts 1, 3, Plan 65R37291	Fee Simple
			Part 2, Plan 65R37291	Temporary Easement

The temporary easement required is described as a temporary limited interest commencing on registration of the plan of expropriation and expiring on December 31, 2019 in, under, over, along and upon and 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 municipal road fronting the lands herein described, (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) drainage and erosion/sediment control measures (v) traffic signals, (vi) fencing, and (vii) handrails, and (8) works ancillary to any of the foregoing and necessary to the works to be performed in association with the purpose of implementing road and intersection improvements along Yonge Street, including associated local roads, and to provide designated lanes for the vivaNext transit system and works ancillary thereto.

are to be expropriated for or in connection with the construction of the Viva Bus Rapid Transit Corridor along Yonge Street from Sawmill Valley Drive/Savage Road to Davis Drive, in the Town of Newmarket.

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

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registered in the proper Land Registry Office and to pay all expenses incidental to the registration.

4. Plan No. 65R-37291, hereto attached, shall form part of this bylaw.

ENACTED AND PASSED on February 15, 2018.

Christopher Raynor

Regional Clerk

Wayne Emmerson

Regional Chair

Authorized by Clause 33 of Report 12 of the Committee of the Whole, adopted by Council at its meeting on September 21, 2017.

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