

Clause 10 in Report No. 3 of Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on February 15, 2018.

10
Expropriation Settlement
Viva Bus Rapid Transit Corridor
4500 Highway 7 West
City of Vaughan

Committee of the Whole recommends adoption of the following recommendations contained in the report dated January 25, 2018 from the Commissioner of Corporate Services:

1. Council authorize the settlement of the expropriation of the lands shown in Attachment 1 required for the construction of the bus rapid transit corridor on Highway 7 West, in the City of Vaughan, subject to approval by Metrolinx.
2. The Commissioner of Corporate Services be authorized to execute the Minutes of Settlement and all necessary documentation to complete the transaction in accordance with the Minutes of Settlement upon receipt of approval of the settlement by Metrolinx.

Report dated January 25, 2018 from the Commissioner of Corporate Services now follows:

1. Recommendations

It is recommended that:

1. Council authorize the settlement of the expropriation of the lands shown in Attachment 1 required for the construction of the bus rapid transit corridor on Highway 7 West, in the City of Vaughan, subject to approval by Metrolinx.
2. The Commissioner of Corporate Services be authorized to execute the Minutes of Settlement and all necessary documentation to complete the

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transaction in accordance with the Minutes of Settlement upon receipt of approval of the settlement by Metrolinx.

2. Purpose

This Report seeks Council approval to accept the Minutes of Settlement for land that has been acquired on Highway 7 West in Vaughan for the vivaNext project. The location of the subject property is shown on the map in Attachment 2.

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

3. Background and Previous Council Direction

The Region is constructing dedicated bus rapid transit lanes for the vivaNext project along Highway 7 West in Vaughan

To facilitate public transit along Highway 7 West, York Region Rapid Transit Corporation (YRRTC) on behalf of the Region, is undertaking road infrastructure improvements and constructing dedicated centre lanes for Viva buses, with enhanced street features and boulevards. Following approval from the Ministry of the Environment, construction of this portion of the new rapidway began in early 2016, with completion scheduled for December 2019.

Land requirements were identified to complete the project and steps were taken to obtain the lands

The Region identified land requirements as part of the vivaNext project on Highway 7 West. Lands required to facilitate the project were obtained through negotiations, expropriation, and site plan agreements. One of the properties is the subject of this report, which is a rectangular parcel at the northwest corner of Highway 7 West and Pine Valley Drive.

Negotiations were initiated based on appraisals for the fee simple interest, temporary and permanent easements

An appraisal was prepared, as required under the *Act*, and a section 25 offer of compensation was made to the owner, which was approved by Council in [June 2015](#). When the section 25 offer was sent it included a copy of the Region's

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appraisal which provided an opinion of market value for the expropriated lands. Negotiations were initiated when the owner provided an independent appraisal report to the Region for review and consideration.

4. Analysis and Implications

A settlement has been negotiated

The Region and the owner agreed to a full and final settlement of all expropriated land interests including market value, disturbance damages, interest and other costs that are to be reimbursed in accordance with the *Act*.

The Region will not incur additional expenses once the final settlement is completed

The negotiated full and final settlement is considered to be in the best interest of the Region, and will avoid continued accruing interest costs to the Region in accordance with the *Act*. Upon completion of this agreement, the Region will not incur any further claims and associated legal and litigation expenses from the owner in relation to the acquisition.

Environmental due diligence has been completed on the fee simple and permanent easement lands

Environmental due diligence has been completed. The results of the Phase One and Phase Two Environmental Site Assessments have been reviewed by staff in consultation with Legal Services. No environmental concerns have been identified with respect to the environmental condition of the lands.

5. Financial Considerations

The funding to complete this property settlement is included in the 2018 YRRTC Capital Budget. The project is funded by the Province, via the Metrolinx Master Agreement. This settlement is subject to approval by Metrolinx under the terms of the Master Agreement between the Region, YRRTC and Metrolinx.

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6. Local Municipal Impact

This project will improve public transit and streetscape along Highway 7 West for the residents of Vaughan and York Region.

7. Conclusion

The Region expropriated a fee simple interest, a permanent easement and a temporary easement from the subject property, for the vivaNext project. The site is located at the northwest corner of Highway 7 West and Pine Valley Drive, in Vaughan. The Region has negotiated a full and final settlement with the owner that represents good value to the Region.

It is recommended that Council authorize the expropriation settlement described in this report to conclude the land acquisition, settle all claims related to the expropriation of the subject property and come to a full resolution of the Region and the owners interests in the land acquired.

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

The Senior Management Group has reviewed this report.

January 25, 2018

Attachments (2)

Private Attachment 1

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Accessible formats or communication supports are available upon request

**Property Schedule
Expropriation Settlement
Viva Bus Rapid Transit Corridor
4500 Highway 7 West
City of Vaughan**

No.	Owner	Municipal Address	Legal Description	Interest Required
1.	Pine Seven Office Park Inc.	4500 Highway 7 West Vaughan	Part 4, 7, 10, 11, Expropriation Plan YR2278041 as amended by Expropriation Plan YR2294088	Fee Simple
			Part 3, 6, Expropriation Plan YR2278041 as amended by Expropriation Plan YR2294088	Permanent Easement
			Part 1, 2, 5, 8, 9, 12, Expropriation Plan YR2278041 as amended by Expropriation Plan YR2294088	Temporary Easement

A permanent easement or right in the nature of a permanent easement, in, under, over, along and upon the lands described herein for the purpose of 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 traffic turning loops and associated signalization equipment and controls, 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 may include but 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 of Highway 7 (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) traffic





No.	Owner	Municipal Address	Legal Description	Interest Required
<p>signals, (vi) fencing, and (vii) handrails, and (7) 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 Highway 7, Centre Street and Bathurst Street, including associated local roads, and to provide designated lands for the vivaNext transit system and works ancillary thereto is expropriated by The Regional Municipality of York, subject to an easement as in instrument No. YR926135 which is to remain over part 3.</p> <p>The temporary easement is for a period of five (5) years 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) 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 Highway 7, Centre Street and Bathurst Street, including associated local roads, and to provide designated lanes for the vivaNext transit system and works ancillary thereto is expropriated by the Regional Municipality of York, subject to an easement as in instrument No. YR926135 which is to remain over Parts 1 and 2.</p>				

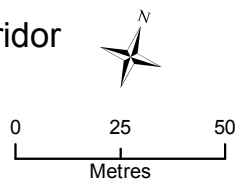



Location Plan

Expropriation Settlement
 Viva Bus Rapid Transit Corridor
 4500 Highway 7 West
 City of Vaughan
 February 8, 2018

Legend

-  Subject Property
-  Interest Required
-  Parcel
-  Road




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