

Clause 19 in Report No. 9 of Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on May 25, 2017.

19

Acquisition of Land  
Major Mackenzie Drive from  
Canadian Pacific Railway Crossing to Highway 50  
City of Vaughan

Committee of the Whole recommends adoption of the following recommendations contained in the report dated April 27, 2017 from the Commissioner of Corporate Services:

1. Council authorize the acquisition of the lands from the Canadian Pacific Railway Company (CPR) required for the widening and reconstruction of Major Mackenzie Drive, in the City of Vaughan, as set out in Attachment 1.
2. The Commissioner of Corporate Services be authorized to execute all necessary documents to complete the transaction.

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Report dated April 27, 2017 from the Commissioner of Corporate Services now follows:

1. Recommendations

It is recommended that:

1. Council authorize the acquisition of the lands from the Canadian Pacific Railway Company (CPR) required for the widening and reconstruction of Major Mackenzie Drive, in the City of Vaughan, as set out in Attachment 1.
2. The Commissioner of Corporate Services be authorized to execute all necessary documents to complete the transaction.

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## 2. Purpose

This report seeks Council approval to acquire land for the widening and reconstruction of Major Mackenzie Drive, from the Canadian Pacific Railway Crossing to Highway 50, in the City of Vaughan, as shown in Attachment 2.

## 3. Background

The Region is planning to reconstruct Major Mackenzie Drive from the Canadian Pacific Railway Crossing to Highway 50

The Western Vaughan Individual Environmental Assessment (IEA) was approved by Council on [February 17, 2011](#). There is northward expansion of the residential/commercial land base both approved and under construction, creating transportation pressures in the western portion of the City of Vaughan.

With these transportation pressures, along with the planned extension of Highway 427 to Major Mackenzie Drive, the IEA identified the immediate need for Major Mackenzie Drive from Highway 400 to Highway 50 to be improved to six lanes, including transit-HOV lanes and off-street cycling facilities. In addition, the preferred design includes a grade separation at the CPR tracks east of the Highway 427 interchange.

Privately owned lands associated with the project are subject to expropriation

On [September 24, 2015](#) and [June 23, 2016](#), Council authorized the expropriation of the privately owned properties along Major Mackenzie Drive between Islington Avenue and Highway 50. The Region anticipates possession of all privately owned lands by the end of 2017.

The subject lands are associated with the projects for which expropriations were previously approved, but are being acquired based on a negotiated agreement.

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#### 4. Analysis and Implications

Negotiations have been successfully completed for the acquisition of Region requirements

Staff has completed negotiations with CPR to acquire the subject lands. The compensation for the acquisition of these lands is based on market value as detailed in the independent appraisal report commissioned by the Region in 2016, for Property 1.

To save the cost of an additional appraisal and the increase of land values in the area, both parties agreed to the same appraised value rate from 2016 for both Property 1 and Property 2.

Environmental due diligence will be completed prior to the Region taking ownership of the lands

A Contamination Overview Study was completed in July 2016 and identified the CPR lands as an area of potential environmental concern. Phase One Environmental Site Assessments were also completed for these properties in August 2016 and it was recommended that a Phase Two Environmental Site Assessment be conducted. Staff is in the process of completing this environmental investigation. In the event environmental impacts are identified, staff will consult with Legal Services to take the necessary steps to minimize the potential risk to the Region.

Canadian Pacific Railway requires the Region to purchase the land in an "as is, where is" condition

CPR is only willing to convey the lands to the Region if the Region acquires the lands "as is, where is" with no representations and warranties as to the condition of the land upon closing. Under the terms of the agreement of purchase and sale, the Region has until the end of the Inspection Period to complete all necessary environmental due diligence investigations.

#### 5. Financial Considerations

The funding required to complete this property acquisition, as detailed in Private Attachment 1, has been included in the 2017 Capital Budget for Transportation Services, Capital Planning and Delivery.

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## 6. Local Municipal Impact

Once construction is complete, road improvements on Major Mackenzie Drive, in the City of Vaughan, will provide upgraded capacity to improve traffic operations for the travelling public and will support the accommodation of the forecasted growth in accordance with the York Region Official Plan.

## 7. Conclusion

Staff has concluded negotiations for the acquisition of the subject lands, which are required to facilitate the widening and reconstruction of Major Mackenzie Drive between the CPR Crossing to Highway 50.

A fee simple interest in the subject lands is needed for the grade separation to be constructed where the CPR line currently crosses Major Mackenzie Drive at grade. It is therefore recommended that Council approve the acquisition of the subject lands.

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.

April 27, 2017

Attachments (3)

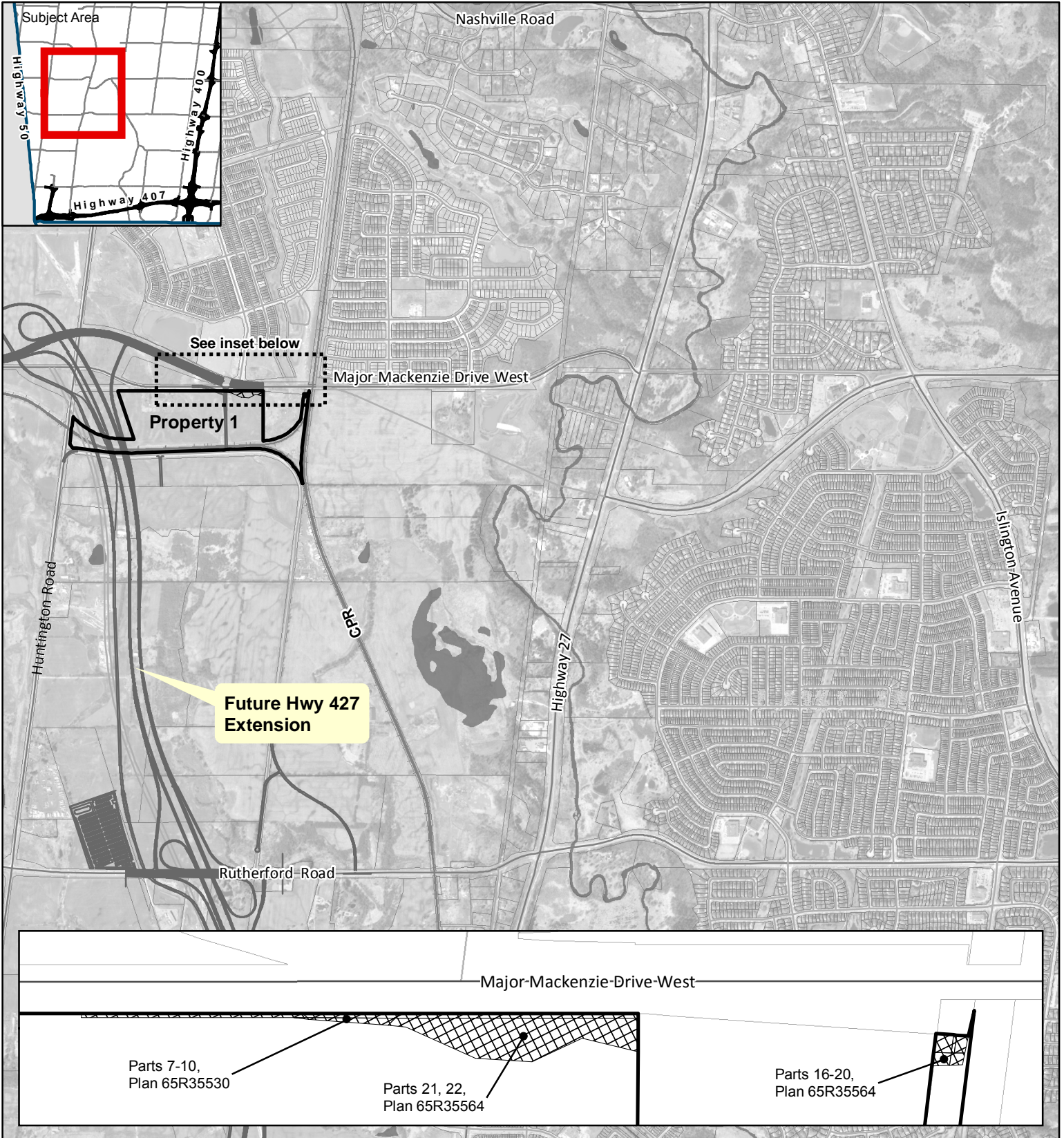
Private Attachments (1)

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Accessible formats or communication supports are available upon request

**Property Schedule  
Acquisition of Land  
Major Mackenzie Drive from Canadian Pacific Railway Crossing  
to Highway 50, City of Vaughan**

No.	Owner	Municipal Address	Legal Description	Interest Required
1.	Canadian Pacific Railway Company	6611 Major Mackenzie Drive	Parts 7, 8, 9, 10, Plan 65R35530	Fee Simple
			Parts 16, 17, 18, 19, 20, 21, 22, Plan 65R35564 Save and Except Part 1 on Reference Plan 65R36868	
2.	Canadian Pacific Railway Company	6830 Rutherford Road	Parts 1, 2, 3, 4, Plan 65R36391	Fee Simple

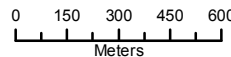


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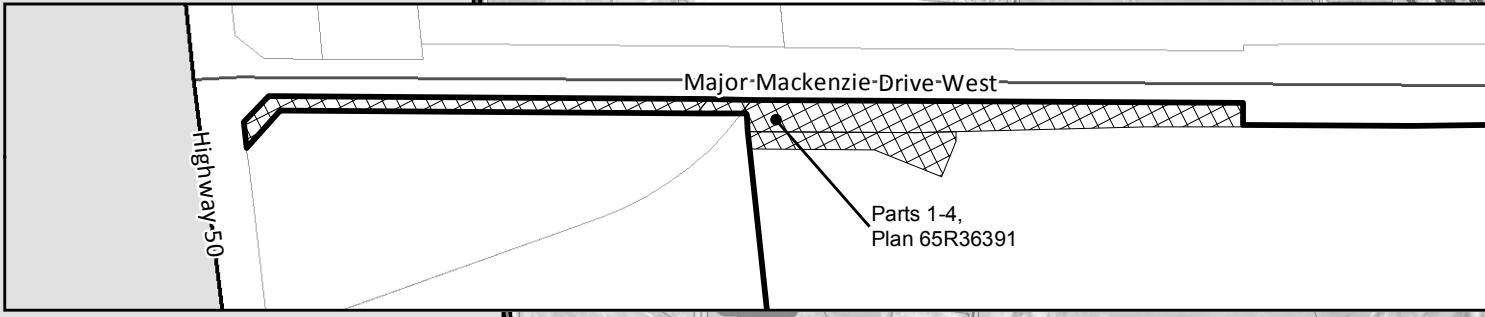
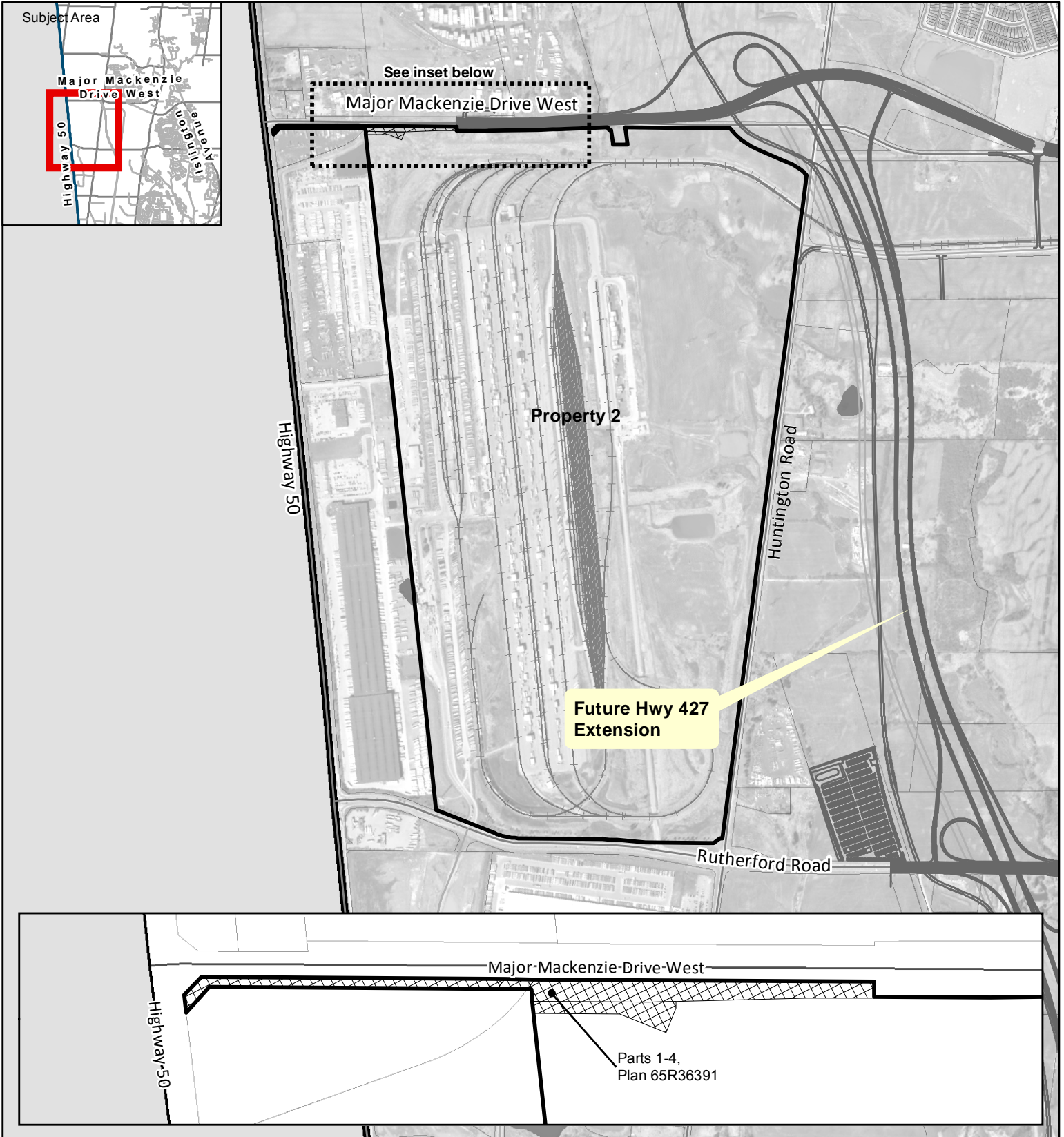
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**Location Plan**  
Acquisition of Land  
Major Mackenzie Drive from  
Canadian Pacific Railway Crossing to  
Highway 50  
City of Vaughan  
May 18, 2017



**Legend**

- Subject Property
- Interests Required
- Parcel
- Road
- Railway

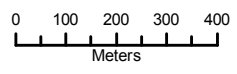


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**Legend**

-  Subject Property
-  Interests Required
-  Parcel
-  Road
-  Railway