

Clause 24 in Report No. 1 of Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on January 26, 2017.

24
 Expropriation Settlement
 Viva Bus Rapid Transit Corridor
 8825 Yonge Street
 Town of Richmond Hill

Committee of the Whole recommends adoption of the following recommendations contained in the report dated December 15, 2016 from the Commissioner of Corporate Services:

1. Council authorize the settlement of the expropriation of the following land required for the construction of the bus rapid transit corridor on Yonge Street, in the Town of Richmond Hill, on the terms set out in this report and subject to approval by Metrolinx.

| No. | Owner | Municipal Address | Legal Description | Interest Required |
|-----|---------------------------------|------------------------------------|---------------------------|--------------------|
| 1. | Saltwhistle Bay Properties Inc. | 8825 Yonge Street Richmond Hill | Parts 1, Plan YR2257041 | Fee Simple |
| | | | Parts 2, 3 Plan YR2257041 | Temporary Easement |

The temporary easement is for a period of four 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.

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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 December 15, 2016 from the Commissioner of Corporate Services now follows:

1. Recommendations

It is recommended that:

1. Council authorize the settlement of the expropriation of the following land required for the construction of the bus rapid transit corridor on Yonge Street, in the Town of Richmond Hill, on the terms set out in this report and subject to approval by Metrolinx.

| No. | Owner | Municipal Address | Legal Description | Interest Required |
|-----|---------------------------------|------------------------------------|---------------------------|--------------------|
| 3. | Saltwhistle Bay Properties Inc. | 8825 Yonge Street Richmond Hill | Parts 1, Plan YR2257041 | Fee Simple |
| | | | Parts 2, 3 Plan YR2257041 | Temporary Easement |

The temporary easement is for a period of four 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-stripping 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.

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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.

2. Purpose

This Report seeks Council approval to accept the Minutes of Settlement for land that has been acquired on Yonge Street in Richmond Hill for the vivaNext project, as shown in Attachment 1.

3. Background and Previous Council Direction

The Region is constructing dedicated bus rapid transit lanes for the vivaNext project along Yonge Street in Richmond Hill

To facilitate public transit along the Yonge Street corridor in Richmond Hill, the Region, via York Region Rapid Transit Corporation (YRRTC), is constructing dedicated centre bus lanes and enhanced street features and boulevards along Yonge Street from Highway 7 to Major MacKenzie Drive in Richmond Hill. Following approval from the Ministry of the Environment, construction of the new rapidway along the Yonge Street corridor began in June 2015, commencing with the relocation of utilities.

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

The Region identified land requirements from 56 property owners as part of the vivaNext project on the Yonge Street corridor between Highway 7 and Major MacKenzie Drive. All lands required to facilitate the project were obtained through amicable negotiations, expropriation, and Regional site plan approvals. One of the properties is a rectangular parcel fronting Yonge Street, south of Beresford Drive and north of High Tech Road, which is the subject of this report.

Negotiations were initiated based on appraisals for the fee simple interest and temporary easement

An appraisal was prepared, as required under the *Act*, and used to make an offer of compensation under Section 25 of the *Act*, which was approved by Council in

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[April 2015](#). The appraisal provided an opinion of market value for the lands expropriated and the offer of compensation was based on it. The owner did not agree with the appraiser's final estimate of the acquired lands. The initial appraisal obtained by the Region formed the basis for the Region's offer served on the owners.

As subsequent negotiations progressed, the owner obtained an independent appraisal of the acquired lands, which delivered a higher value than the Region's appraisal for the expropriated lands.

The Region obtained an additional appraisal of the fee simple interest and temporary easement

Given the difference in opinion between the owner's and Region's appraisal, Region staff believed an additional appraisal was necessary. The appraisal valued the subject property at a rate higher than that of the Region's original appraisal and a rate less than the owner's appraisal, and formed the basis of the Region's position during final negotiations with the owner. In total, three appraisals were used to achieve a settlement.

4. Analysis and Implications

A settlement has been negotiated

The Region and the owner have negotiated a full and final settlement of all the expropriated land interests including market value, business loss and other 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.

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Environmental due diligence has been completed on the fee simple lands

Environmental due diligence has been completed. The results have been reviewed by staff in consultation with Legal Services. No contamination or other 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 2017 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.

6. Local Municipal Impact

Upon completion, this project will improve public transit facilities and enrich the Yonge Street streetscape in Richmond Hill.

7. Conclusion

The Region expropriated a fee simple interest and temporary easement from the subject property fronting on to Yonge Street, south of Beresford Drive and north of High Tech Road, in Richmond Hill for the vivaNext project. The Region has negotiated a full and final settlement with the owner that represents good value to the Region. The proposed settlement will include releases from the owner and registered interest to finalize the arrangement.

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 owners interests in the land acquired.

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

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The Senior Management Group has reviewed this report.

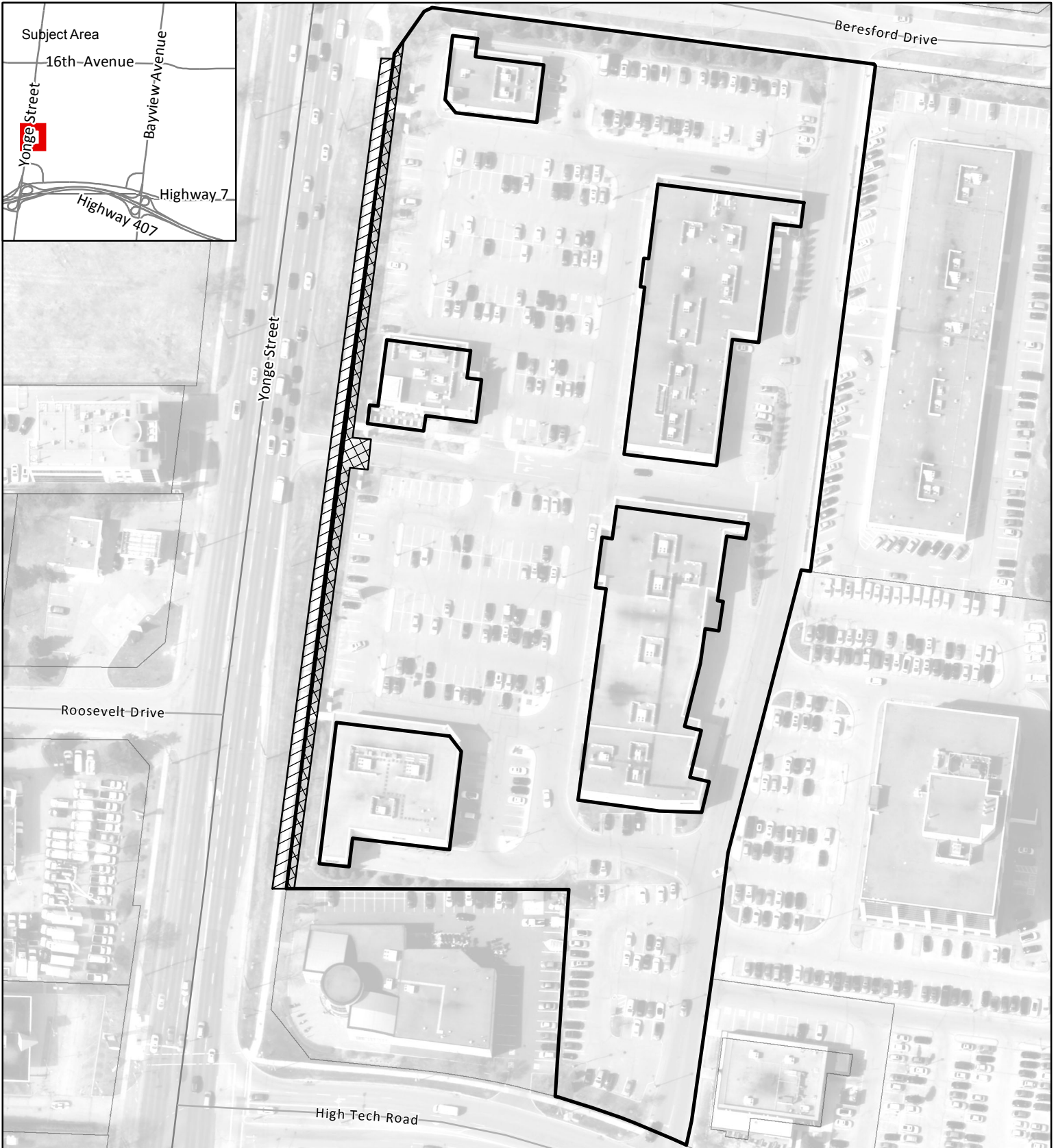
December 15, 2016

Attachments (1)

Private Attachments (1)

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Accessible formats or communication supports are available upon request



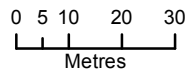
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Location Plan

Expropriation Settlement
Viva Bus Rapid Transit Corridor
8825 Yonge Street
Town of Richmond Hill
January 19, 2017



Legend

-  Subject Property
-  Fee Simple
-  Temporary Easement
-  Parcel
-  Road