

Clause 15 in Report No. 17 of Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on November 17, 2016.

15
Approval to Expropriate
Yonge Street Road Widening
17810, 17820 and 17830 Yonge Street
Town of Newmarket

Committee of the Whole recommends adoption of the following recommendation contained in the report dated October 26, 2016 from the :

1. Council, as approving authority, approve the expropriation of the following land, for the widening and reconstruction of Yonge Street, in the Town of Newmarket.

No.	Owner	Municipal Address	Legal Description	Interest Required
1.	Rio New Holdings Inc.	17810, 17820, and 17830 Yonge Street Newmarket	Parts 12, 15, Plan 65R35989	Fee Simple

2. The Commissioner of Corporate Services be authorized to execute and serve any notices under the *Expropriations Act (the "Act")*.
3. Council authorize the introduction of the necessary bylaw to give effect to these recommendations.

Report dated October 26, 2016 from the Commissioner of Corporate Services now follows:

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1. Recommendations

It is recommended that:

1. Council, as approving authority, approve the expropriation of the following land, for the widening and reconstruction of Yonge Street, in the Town of Newmarket.

No.	Owner	Municipal Address	Legal Description	Interest Required
1.	Rio New Holdings Inc.	17810, 17820, and 17830 Yonge Street Newmarket	Parts 12, 15, Plan 65R35989	Fee Simple

2. The Commissioner of Corporate Services be authorized to execute and serve any notices under the *Expropriations Act (the "Act")*.
3. Council authorize the introduction of the necessary bylaw to give effect to these recommendations.

2. Purpose

This report seeks Council approval, in accordance with the *Act*, to expropriate lands required for the widening of Yonge Street from Davis Drive in the Town of Newmarket to Green Lane in the Town of East Gwillimbury. The location of the property is shown in Attachment 1.

Under the *Act*, Council, as approving authority, must approve the expropriation of lands in order for staff to proceed with serving notice to affected owners.

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3. Background and Any Previous Council Direction

The Region is planning to widen Yonge Street from Davis Drive to Green Lane from four lanes to six lanes

The Environmental Study Report was completed in 2008 in accordance with the requirements of the *Environmental Assessment Act*. This work was done as part of the Viva bus rapid transit expansion along Yonge Street. The study recommended widening Yonge Street from four to six lanes from Davis Drive in the Town of Newmarket to Green Lane in the Town of East Gwillimbury.

Negotiations continue in order to acquire the necessary properties with a view to pre-construction commencing in 2017

The project originally required strips of land from 26 adjacent property owners. Possession of the lands is required by the spring of 2017 for utility relocations to commence in 2017 and roadway construction in 2020. It is estimated that utility relocations will require three years to complete.

Staff is working with property owners to obtain the required lands through negotiated agreements and development approvals. Pursuing the required properties through the expropriation process while negotiations are in progress provides certainty that construction will proceed on schedule.

Council previously approved the Application for Approval to Expropriate and the Approval to Expropriate lands required for this project

In [November 2015](#), Council received and approved an Application for Approval to Expropriate land from 26 property owners. The Notice of Application to Expropriate was served on April 22, 2016. Upon receipt of the Notice of Application to Expropriate, each owner had the right within 30 days, to request an inquiry (Hearing of Necessity) to determine whether the taking of the land by the Region is fair, sound and reasonably necessary. The Region received a request for a Hearing of Necessity from the owner of the property that is the subject of this report.

In [June 2016](#), Council approved the Approval to Expropriate land from 24 of the original 26 property owners. One property was abandoned as the road work was done by Viva. The owner of the property that is the subject of this report requested a Hearing of Necessity within the statutory time frame, and was removed from the June Council approval.

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One Request for inquiry (Hearing of Necessity) was received and withdrawn

The expropriation process has proceeded for the properties where no Hearing of Necessity was requested. The owner of 17810, 17820 and 17830 Yonge Street in Newmarket, requested a Hearing of Necessity. Staff worked with this commercial property owner to change the design requirements and the owner withdrew the request. Council may now proceed with the approval of the expropriation of this property, as set out in this report.

This is Step 2 in the Council approved process for property expropriation, as indicated on the following graphic.



4. Analysis and Implications

The Region will obtain ownership of the lands upon registration of the expropriation plan

An expropriation plan will be prepared for the subject properties. Upon obtaining approval of the expropriation by Council, the plan will be registered and Notices of Expropriation, Election and Possession will be served on the owner. The Region can take possession and obtain access to the required lands a minimum of three months after the service of the notices.

A future report to Council will be presented to seek approval to compensate the owner in accordance with the *Act*

After the expropriation plan is registered, an appraisal report will be prepared to support the offer of compensation to be made before possession can be taken. Following possession, the Region will be able to enter the land for construction purposes.

The offer of compensation will be made in accordance with section 25 of the *Act*. Service of the offer will secure possession for pre-construction/utility relocation

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activities. A future report will be presented to Council to approve service of offers of compensation.

Environmental due diligence has been completed

A contamination overview study was completed for the proposed corridor to identify potential environmental concerns. The results of the study did not identify any significant environmental concerns with this property. As a result, no further environmental site assessment work is planned at this location.

5. Financial Implications

The funding required to complete the property acquisition for this project is included in the 2016 Capital Budget for Transportation Services, Capital Delivery – Roads.

6. Local Municipal Impact

Once construction is complete and Yonge Street has been widened to six lanes in the Town of Newmarket and the Town of East Gwillimbury, the area will experience increased capacity and improved traffic operations for the travelling public. This upgrade will allow the Region to meet expected future growth in the area.

7. Conclusion

Council approved the initiation of the expropriation process in November, 2015 for the 26 properties required for the Yonge Street project. Council approved the expropriation of 24 of those properties in June, 2016, as one property was abandoned and one owner (this owner) requested a Hearing of Necessity.

This report requests Council approval for the expropriation of the remaining property, for which a Hearing of Necessity was requested and withdrawn. This owner requested a change in the requirement, which through more design work was accommodated without impact to the project.

The report also seeks authorization to register the outstanding expropriation plan, and to serve Notices of Expropriation, Election and Possession on the owner. This is the second step toward obtaining the authority to obtain possession of the

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land required to widen and reconstruct Yonge Street, from Davis Drive in the Town of Newmarket to Green Lane in the Town of East Gwillimbury.

Pre-construction activities and utility relocations are scheduled to commence in 2017. In order to ensure possession of the lands to proceed with utility relocations, it is recommended that Council approve the expropriation of the required property interests.

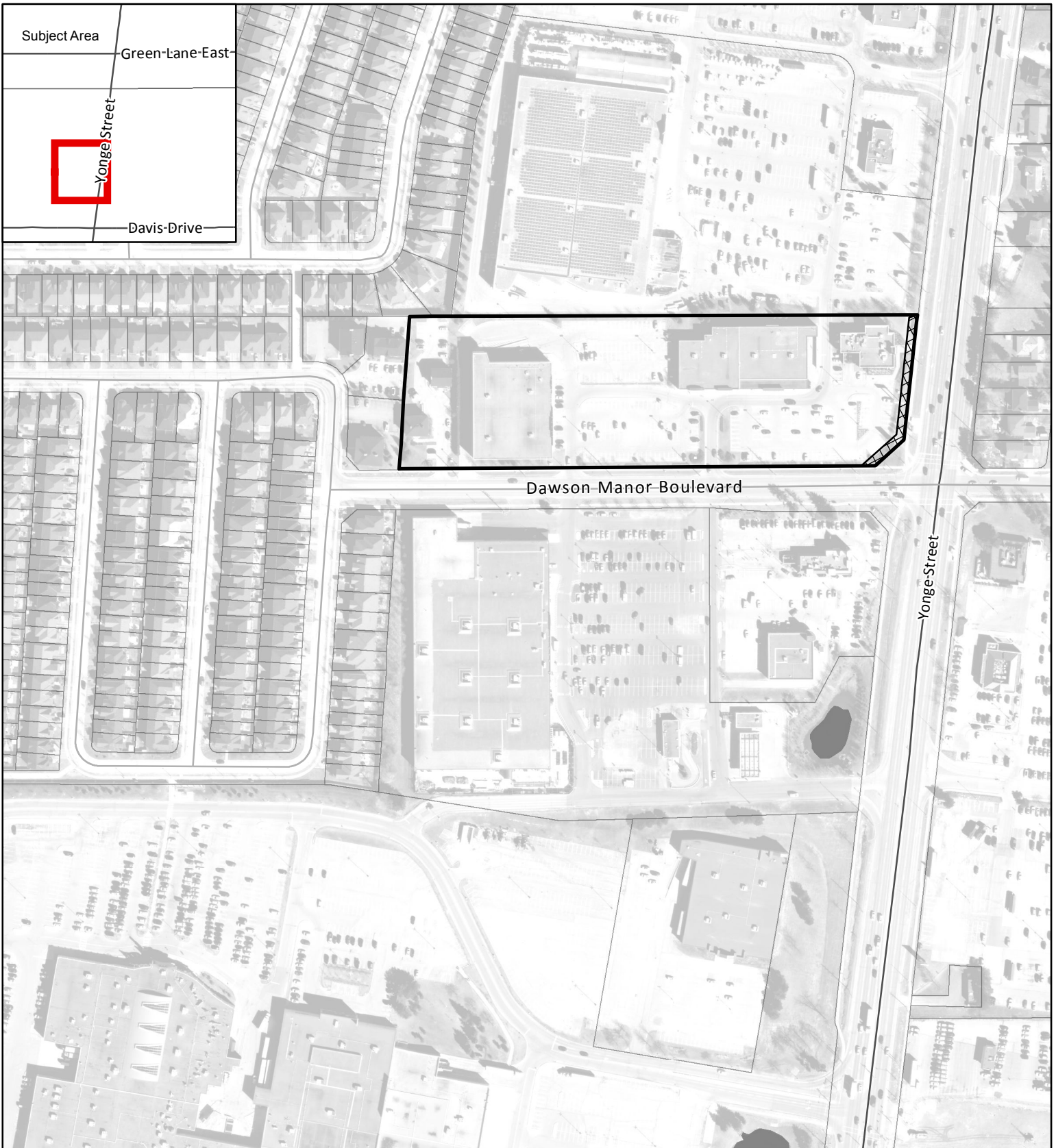
For more information on this report, please contact Michael Shatil, Director, Property Services at ext. 71684.

The Senior Management Group has reviewed this report. October 26, 2016

Attachments (1)

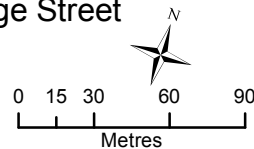
eDOCS 7100368

Accessible formats or communication supports are available upon request





Location Plan

Approval to Expropriate
 17810, 17820 and 17830 Yonge Street
 Yonge Street Road Widening
 Town of Newmarket
 November 10, 2016



Legend

-  Subject Property
-  Interest Required
-  Parcel
-  Road



Produced by:
 The Regional Municipality of York
 Property Services, Corporate Services
 October 2016

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