

THE REGIONAL MUNICIPALITY OF YORK

BYLAW NO. 2016-46

To acquire certain lands for or in connection with the construction of the bus rapid transit corridor along Yonge Street, Town of Newmarket

WHEREAS the Council of The Regional Municipality of York on September 11, 2014, by its adoption of Clause 51 of Report 13 of the Committee of the Whole authorized an application for approval to expropriate the lands therein referred to for or in connection with the construction of the bus rapid transit corridor along Yonge Street from Sawmill Valley Drive/Savage Road to Davis Drive, in the Town of Newmarket;

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;

AND WHEREAS the Council of The Regional Municipality of York on June 23, 2016, by its adoption of Clause 21 of Report 11 of the Committee of the Whole approved the expropriation of the hereinafter described lands.

Now, therefore, the Council of The Regional Municipality of York HEREBY ENACTS as follows:

1. The expropriation of the lands referred to in section 3 is hereby approved for or in connection with the construction of the bus rapid transit corridor along

Yonge Street from Sawmill Valley Drive/Savage Road to Davis Drive in the Town of Newmarket.

2. The Regional Chair and Regional Clerk are hereby authorized and directed to execute a Certificate of Approval pursuant to the Act.

3. The Region, as expropriating authority, expropriate the following lands, by the preparation, execution and registration of a plan of expropriation:

No.	Owner	Municipal Address	Legal Description	Interest Acquired
1.	Skamari Investments Inc.	16635 Yonge Street Newmarket	Part 1, Plan YR2071896	Temporary Easement
2.	Tavco Realty Holdings Inc.	16655 Yonge Street Newmarket	Part 1, Plan YR2071898	Temporary Easement
3.	275057 Ontario Limited	16715 Yonge Street Newmarket	Part 2, Plan YR2071904	Temporary Easement
4.	The Canada Trust Company (Trustee of the Joyce Mulock Trust) Deborah Jane Barbour (Trustee of the Joyce Mulock Trust)	16780 Yonge Street Newmarket	Part 2, Plan YR2071906	Temporary Easement
5.	York Region Condominium Corporation No. 877	Brandy Lane Way Newmarket	Parts 5, 6, 7, Plan YR2071922	Temporary Easement
6.	York North Condominium Corporation No. 5	20 William Roe Boulevard Newmarket	Parts 1, 4,7, Plan YR2071942	Temporary Easement
7.	Invivo Investments Limited	16925 Yonge Street Newmarket	Parts 9, 10, 11, Plan YR2071954	Temporary Easement
8.	1209104 Ontario Limited	Vacant Lands w/s Yonge Street Newmarket	Part 2, Plan YR2071956	Temporary Easement

No.	Owner	Municipal Address	Legal Description	Interest Acquired
9.	LT Realities Inc.	16995 Yonge Street Newmarket	Parts 10, 13, 14, 15, 16, 18, 19, 20, Plan YR2071962	Temporary Easement
10.	H.J. Pfaff Motors Limited	17065 Yonge Street Newmarket	Part 4, Plan YR2071977	Temporary Easement
11.	993113 Ontario Inc.	17089 Yonge Street Newmarket	Part 3, Plan YR2071484	Temporary Easement
12.	2089929 Ontario Limited	17095 Yonge Street Newmarket	Part 3, Plan YR2071503	Temporary Easement
13.	Suncor Energy Inc.	17111 Yonge Street Newmarket	Parts 5, 6, Plan YR2071509	Temporary Easement
14.	Imperial Oil Limited	17145 Yonge Street Newmarket	Part 2, Plan YR2073974	Temporary Easement
15.	Seven Star Investments Inc.	17175 Yonge Street Newmarket	Part 4, Plan YR2071513	Temporary Easement
16.	Calgas Investments Limited	17215 Yonge Street Newmarket	Part 3, Plan YR2092380	Temporary Easement
17.	Brillinger Investments Limited	17295 Yonge Street Newmarket	Part 3, Plan YR2071516	Temporary Easement
18.	Yongemill Group Inc.	17310 Yonge Street Newmarket	Parts 7, 8, Plan YR2071518	Temporary Easement
19.	Moshoian Productions Limited	17315 Yonge Street Newmarket	Part 2, Plan YR2071519	Temporary Easement
20.	2143811 Ontario Limited	17365 Yonge Street Newmarket	Parts 3, 4, Plan YR2071524	Temporary Easement

No.	Owner	Municipal Address	Legal Description	Interest Acquired
21.	2143811 Ontario Limited	17395 Yonge Street Newmarket	Parts 1, 2, Plan YR2071524	Temporary Easement
22.	Crossland Centre (1990) Inc.	17380 – 17410 Yonge Street Newmarket	Parts 4, 5, Plan YR2071526	Temporary Easement
23.	Loblaw Properties Limited	20 Davis Drive Newmarket	Parts 2, 3, 4, Plan YR2071545	Temporary Easement

The temporary easements will commence on December 8, 2016, and will expire on January 1, 2019, and are required for the purpose of 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.

4. The Commissioner of Corporate Services is authorized to cause the said plan or plans to be registered in the proper Land Registry Office, to give notice of such expropriation in accordance with the Act and to execute all necessary documents to effect the transaction.

5. Expropriation Plan Nos. YR2071896, YR2071898, YR2071904, YR2071906, YR2071922, YR2071942, YR2071954, YR2071956, YR2071962, YR2071977, YR2071484, YR2071503, YR2071509, YR2073974, YR2071513,

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YR2092380, YR2071516, YR2071518, YR2071519, YR2071524, YR2071526 and YR2071545, hereto attached, shall form part of this bylaw.

ENACTED AND PASSED on June 23, 2016.

Denis Kelly

Wayne Emmerson

Regional Clerk

Regional Chair

Authorized by Clause 21 of Report 11 of the Committee of the Whole, adopted by Council at its meeting on June 23, 2016.

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