

Clause 21 in Report No. 11 of Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on June 23, 2016.

21

Approval to Expropriate
Viva Bus Rapid Transit Corridor
Yonge Street from Sawmill Valley Drive/Savage Road to
Davis Drive
Town of Newmarket

Committee of the Whole recommends adoption of the following recommendations contained in the report dated June 2, 2016 from the Commissioner of Corporate Services:

1. Council, as approving authority, approve the expropriation of the lands set out in Attachment 1, for the construction of the bus rapid transit corridor on Yonge Street, from Sawmill Valley Drive/Savage Road to Davis Drive, in the Town of Newmarket.
2. The Commissioner of Corporate Services be authorized to execute and serve any notices required under the *Expropriations Act* (the "Act").
3. Council authorize the introduction of the necessary bylaw to give effect to these recommendations.

Report dated June 2, 2016 from the Commissioner of Corporate Services now follows:

1. Recommendations

It is recommended that:

1. Council, as approving authority, approve the expropriation of the lands set out in Attachment 1, for the construction of the bus rapid transit corridor on Yonge Street, from Sawmill Valley Drive/Savage Road to Davis Drive, in the Town of Newmarket.
2. The Commissioner of Corporate Services be authorized to execute and serve any notices required under the *Expropriations Act* (the "Act").

Approval to Expropriate
Viva Bus Rapid Transit Corridor
Yonge Street, from Sawmill Valley Drive/Savage Road to Davis Drive
Town of Newmarket

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 temporary easement extensions required for the vivaNext bus rapid transit project on Yonge Street, from Sawmill Valley Drive/Savage Road to Davis Drive, in the Town of Newmarket. The location of the required lands is shown on the map in Attachment 2.

3. Background

The Region is constructing dedicated bus rapid transit lanes for vivaNext along Yonge Street in Newmarket

York Region Rapid Transit Corporation (YRRTC) is undertaking improvements to facilitate public transit along Yonge Street by constructing dedicated centre lanes for Viva buses, along with enhanced street features and boulevards. The project as a whole is referred to as vivaNext, with this section of the project consisting of lands on Yonge Street from Sawmill Valley Drive/Savage Road to Davis Drive.

The Region previously acquired property interests which included fee simple, permanent easements and three-year temporary easements. Staff determined that the temporary easements would need to be extended until January 1, 2019 to allow sufficient time for construction.

Possession of the lands is required by December 2016

Possession of the temporary easement extensions is required by December 2016, in order to fulfill contract obligations related to construction of this portion of the corridor. Completion of this section of the corridor and the opening of the bus rapid transit lanes is anticipated for the end of 2018.

In September 2014 Council authorized the initiation of the expropriation process for this section of Yonge Street

In September 2014 Council authorized an application for approval to expropriate temporary easement extensions from 35 property owners. Following Council approval, the Notice of Application for Approval to Expropriate was served on the

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Viva Bus Rapid Transit Corridor
Yonge Street, from Sawmill Valley Drive/Savage Road to Davis Drive
Town of Newmarket

owners. Interests from 12 property owners have since been acquired through negotiations and are no longer subject to expropriation. This reduces the land interests for approval in this report to 23 properties.

This is the second step in the Council approval process for property expropriation, as indicated in the graphic below. The purpose of this step is to obtain the approval to proceed with the expropriations by registering expropriation plans, which will vest ownership of the lands in the Region.



A Hearing of Necessity was not requested by any owners

Each owner had 30 days from the date the owner was served the Notice of Application for Approval to Expropriate Lands to request an inquiry (Hearing of Necessity) as to whether the taking of the lands by the Region is fair, sound and reasonably necessary. No requests for a Hearing of Necessity were received from any owners.

4. Analysis and Options

Negotiations are proceeding to acquire the temporary easements

Although property acquisition negotiations are currently ongoing, it may be necessary to expropriate property interests from those parties where acquisition cannot be achieved through the negotiation process.

Approval to expropriate will secure access to the lands by December 2016

Under the *Act*, the expropriating authority obtains title to the lands by registration of an expropriation plan. Once certain procedural steps are taken by the Region, possession of the lands will be obtained approximately three months after the expropriation plans are registered.

Draft expropriation plans have been prepared for the 23 properties. Upon obtaining approval of the expropriation by Council, it is anticipated the plans will

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Viva Bus Rapid Transit Corridor
Yonge Street, from Sawmill Valley Drive/Savage Road to Davis Drive
Town of Newmarket

be registered in August 2016. Upon registration of the expropriation plans, notice of the expropriation and possession will be served upon the owners. Appraisals are anticipated to be completed in the third quarter of 2016. These will support offers of compensation to be made before the December 2016 possession.

Environmental due diligence was undertaken when the lands were originally acquired

Environmental Site Assessments were completed by an independent environmental consulting firm on the original expropriation as part of the Region's due diligence process. Further testing is not required for the temporary easement extensions since the Region is in possession of the lands and construction is underway on the corridor.

Link to key Council-approved plans

The proposed acquisition for the vivaNext project supports the objectives of Vision 2051, the Regional Official Plan and the 2015 to 2019 Strategic Plan.

One of the goal areas of Vision 2051 is Interconnected Systems for Mobility, which the project addresses by enhancing public transit. As well, the vivaNext project provides convenient and accessible transit service, in accordance with the Regional Official Plan. Another strategic objective identified in the Strategic Plan is the focus on networks and systems that connect people, goods and services.

5. Financial Implications

The funding to complete the property acquisition is included in the 2016 YRRTC Capital Budget. The project is funded by the Province, via the Metrolinx Master Agreement.

Under section 25 of the *Act*, the Region is obligated to serve offers of compensation on owners within three months of registration of the expropriation plan.

The compensation payable to the owners will be based on independently commissioned appraisals.

Approval to Expropriate
Viva Bus Rapid Transit Corridor
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Town of Newmarket

6. Local Municipal Impact

The construction of dedicated bus lanes and related facilities, as well as road and intersection improvements, along Yonge Street, from Sawmill Valley Drive/Savage Road to Davis Drive, is critical to achieving the Region's vision for the corridor.

Additionally, upon completion of construction, this project will improve public transit facilities and enrich the streetscapes in Newmarket to support the Region's goal for higher density mixed use transit-oriented development.

7. Conclusion

The construction of the vivaNext project on Yonge Street, from Sawmill Valley Drive/Savage Road to Davis Drive, requires the acquisition of temporary easement extensions from 23 property owners. Council authorized the application for approval to expropriate in September 2014.

This report pertains to the approval to proceed to register the expropriation plans and serve notice of expropriation and possession upon the owners. The Region acquires title to the land when the expropriation plans are registered at the Land Registry Office. Registration is the next step toward possession of the lands which is required to facilitate construction of the bus rapid transit corridor.

In order to ensure timely possession of the land to continue construction, it is recommended that Council approve the expropriation of the required interests. A report to Council will be presented in the third quarter of 2016, requesting the authority to serve property owners with offers of compensation, which will in turn, correspond to the Region obtaining possession of the lands.

For more information on this report, please contact Michael Shatil, Director, Property Services Branch at ext. 71685.

The Senior Management Group has reviewed this report.

June 2, 2016

Attachments (2)

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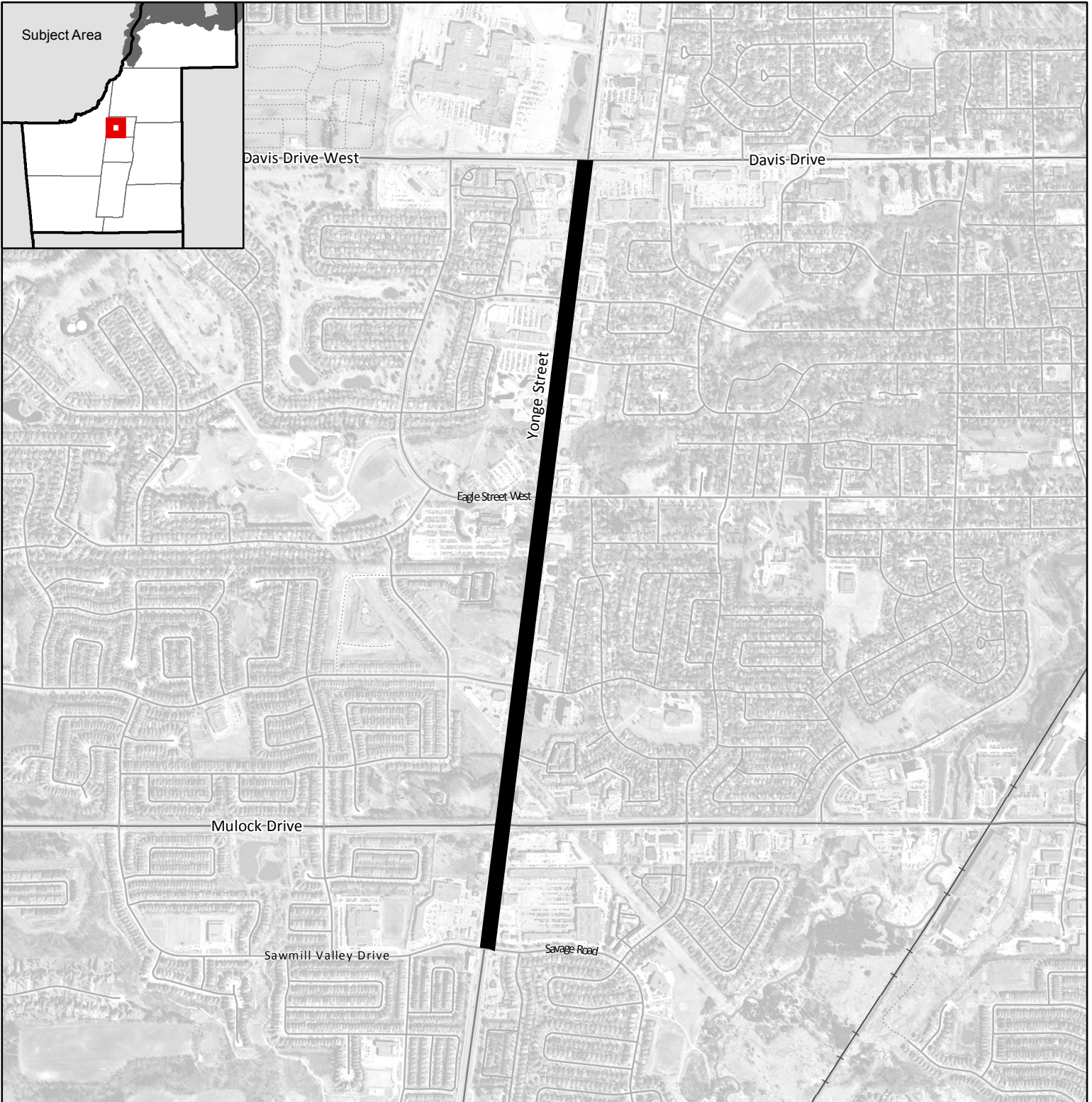
Accessible formats or communication supports are available upon request

**Property Schedule
Approval to Expropriate
Viva Bus Rapid Transit Corridor
Yonge Street, from Sawmill Valley Drive/Savage Road to Davis Drive
Town of Newmarket**

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
9.	LT Realities Inc.	16995 Yonge Street Newmarket	Parts 10, 13, 14, 15, 16, 18, 19, 20, Plan YR2071962	Temporary Easement

No.	Owner	Municipal Address	Legal Description	Interest Acquired
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
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

No.	Owner	Municipal Address	Legal Description	Interest Acquired
23.	Loblaw Properties Limited	20 Davis Drive Newmarket	Parts 2, 3, 4, Plan YR2071545	Temporary Easement
<p>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.</p>				

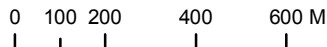


Location Plan




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 The Regional Municipality of York
 Property Services, Corporate Services
 April 2016

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Legend

-  Subject Corridor
-  Road
-  Railway