

Clause 9 in Report No. 18 of Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on November 19, 2015.

9

Application for Approval to Expropriate
Yonge Street - Davis Drive to Green Lane
Town of Newmarket and Town of East Gwillimbury

Committee of the Whole recommends adoption of the following recommendations contained in the report dated September 16, 2015 from the Commissioner of Corporate Services:

1. Recommendations

It is recommended that:

1. Council authorize an application for approval to expropriate the lands set out in Attachment 1, for the widening of Yonge Street, from Davis Drive to Green Lane, in the Town of Newmarket and the Town of East Gwillimbury.
2. The Commissioner of Corporate Services be authorized to execute the Application for Approval to Expropriate Land and the Notice of Application for Approval to Expropriate Land (the "Notice") and to serve and publish the Notice, as required under the *Expropriations Act* (the "Act").
3. The Commissioner of Corporate Services be authorized to forward to the Chief Inquiry Officer any requests for an inquiry that are received and to represent the Region, as necessary, under the *Act*.
4. Council authorize the introduction of the necessary by-laws to give effect to these recommendations.

2. Purpose

This report seeks Council approval for an application for approval to expropriate property interests required for the widening of Yonge Street, including the addition of facilities for active cycling and pedestrian transportation, from Davis

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Drive in the Town of Newmarket to Green Lane in the Town of East Gwillimbury.
The location of the properties is shown in Attachment 2.

Under the *Act*, Council, as approving authority, must approve any application
prior to the initiation of any proceedings.

3. Background

The Region is planning to widen Yonge Street from four to six
lanes, from Davis Drive in Newmarket to Green Lane in East
Gwillimbury

The North Yonge Street Corridor Public Transit and Associated Road
Improvements Environmental Study Report (ESR) was completed in 2008. It
recommended the widening of Yonge Street, from Davis Drive to Green Lane,
from four to six lanes.

Negotiations continue in order to acquire the necessary
properties with a view to construction commencing in 2018

The project requires portions of land from 26 properties to accommodate
construction. Possession of the lands is required by the end of 2016 for utility
relocations to commence in spring of 2017 and roadway construction in 2018.
Negotiations and expropriation occur concurrently. Securing the property through
the expropriation process will provide certainty that construction can proceed as
scheduled. This is the first step in the Council approval process for property
expropriation as indicated in the graphic below.



4. Analysis and Options

Staff negotiate with the property owners before, during and after the expropriation process

Staff is negotiating with property owners regarding the property requirements. An independent property appraiser has been procured for the 11 residential properties, and the compensation is being discussed with these owners. Bidding is complete to obtain an independent property appraiser for the 15 commercial properties, to provide individual market value appraisals to be used during negotiations.

Initiating the expropriation process will secure access to the lands to accommodate timely delivery of infrastructure

The preferred approach to obtaining land is to negotiate a transaction with the property owner. Staff is negotiating to acquire the lands, however, various events, such as the parties not agreeing on the terms of the agreement, or issues with clearing title to the property, can impede the ability to complete the transaction. In this regard, expropriation is deemed a necessary approach to ensure possession of lands in order to facilitate the needs of the project, as it provides certainty of possession within a specific timeframe.

Owners have the right to request a Hearing of Necessity upon receipt of a Notice of Application for Approval to Expropriate

Expropriation is a statutory process which defines the rights of the property owner and the obligations of the expropriating authority.

The first step in the expropriation process is to obtain Council's approval and serve owners with notice of intent to expropriate. Upon receipt of the Notice of Application for Approval to Expropriate, each owner has the right within 30 days of receipt to request an inquiry (Hearing of Necessity) as to whether the taking of the lands by the Region is fair, sound and reasonable.

If an owner requests an inquiry and the Hearing of Necessity proceeds, then subsequent to the inquiry, an inquiry officer will provide a report with an opinion as to whether the taking is fair, sound and reasonable, including explanation for the officer's findings.

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Future reports will be presented to Council as the expropriation process proceeds

In the event of a Hearing of Necessity, staff will report to Council about the findings and reasoning of the inquiry officer, along with further recommendations regarding whether or not expropriation of the land should proceed. If there is no Hearing of Necessity, the future report to Council will address only the expropriation.

After the expropriation, the Region is required under Section 25 of the Act to serve an offer of compensation within three months of registration of the expropriation plan. The offer will be based on appraisals of market value and other damages, and possession cannot be secured until the offer of compensation has been served.

The amount of each offer will be reported to Council once the appraisal reports have been completed, before the offers are served upon the owners and possession of the lands is secured.

Environmental due diligence is being undertaken

A contamination overview study has been completed to identify potential environmental concerns.

Six of the 26 properties represent a low environmental risk, and no further investigation is necessary. Phase One environmental site assessments will be completed on the remaining 20 properties. Of the 20 properties, it is likely that Phase 2 environmental site assessments to assess the environmental condition of soil and groundwater will be conducted on at least eleven properties. Further soil and/or groundwater sampling may be required to quantify the risk posed by the presence of environmental impacts.

At this time staff cannot determine the potential risk of environmental impacts with certainty. Staff will report back to Council at the step 2 and step 3 stages, in 2016, regarding the results of environmental due diligence.

In the event of environmental contamination, a reduction in the market value of the requirement would be estimated, and applied to the compensation, if warranted.

Link to key Council-approved plans

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

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One of the goal areas of Vision 2051 is Interconnected Systems for Mobility, which the project addresses by providing an interconnected network for mobility that links people to jobs. As well, the Yonge Street project supports one of the objectives of the Regional Official Plan which is to ensure streets support all modes of transportation. Lastly, a 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 required to complete the property acquisition for this project has been included in the 2015 Capital Budget for Transportation Services, Capital Planning and Delivery Branch, but will not likely be spent or accrued until 2016.

6. Local Municipal Impact

Once construction is complete, the six lanes of traffic will improve traffic operations for the travelling public, meet growth in the area, and allow for future conversion to a more intensive rapid transit configuration when conditions permit.

The Town of Newmarket's approved secondary Official Plan 10 shows the need for a new signalized intersection at the general location of Upper Canada Mall and the Slessor Square lands. The Region will work with the Town in this regard.

7. Conclusion

This report seeks Council approval to expropriate property interests required for the widening of Yonge Street, from Davis Drive in the Town of Newmarket to Green Lane in the Town of East Gwillimbury. To facilitate the project schedule, it is necessary to initiate the expropriation process from 26 property owners. Staff continues to negotiate for the acquisition of the required property and expropriation proceedings will be discontinued in the event that negotiations are successful.

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

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The Senior Management Group has reviewed this report.

September 16, 2015

Attachments (2)

eDOCS #6368628

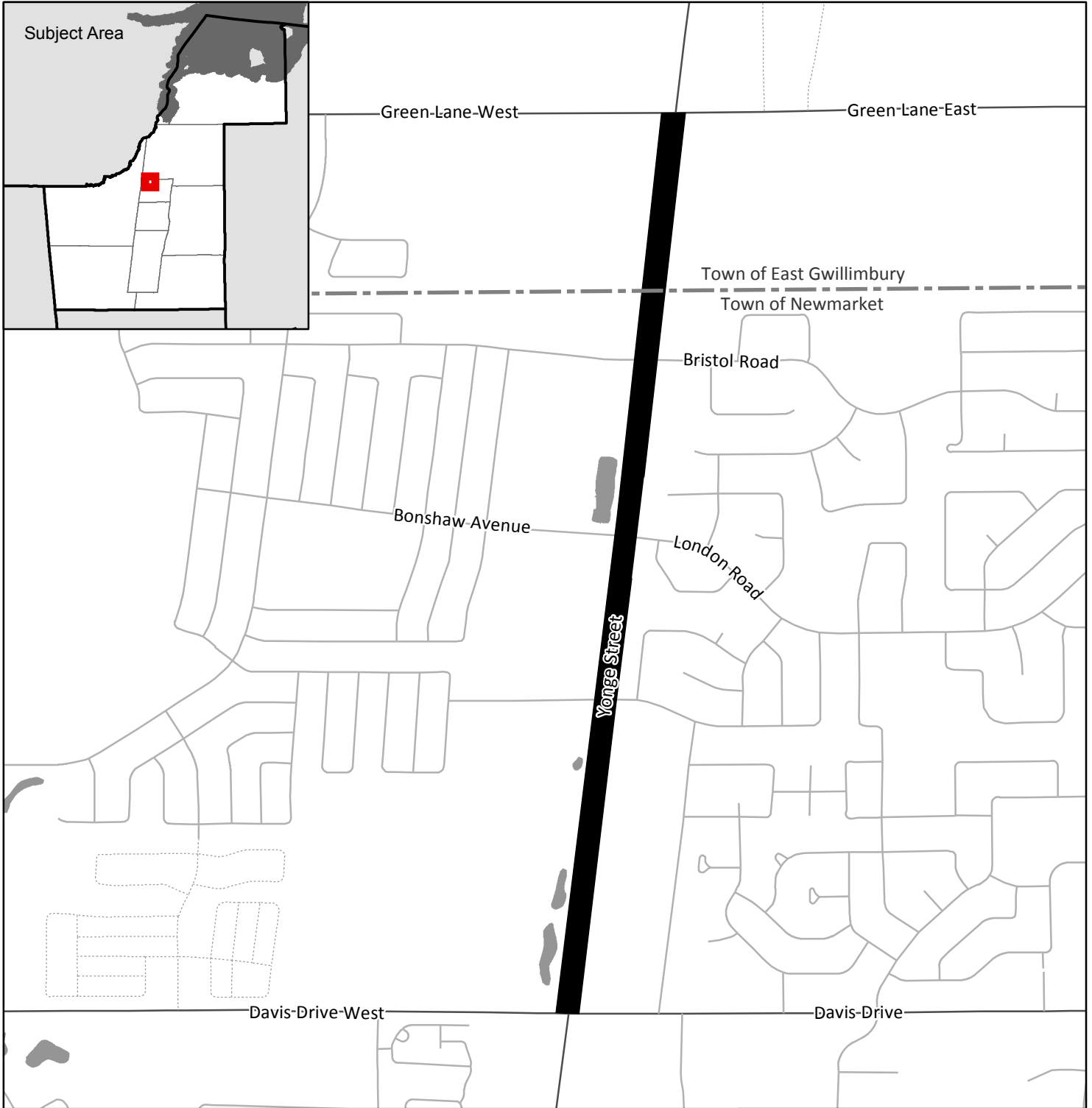
Accessible formats or communication supports are available upon request

Property Schedule
Application for Approval to Expropriate
Yonge Street – Davis Drive to Green Lane
Town of Newmarket and Town of East Gwillimbury

No.	Owner	Municipal Address	Legal Description	Interest Required
1.	CPPIB Upper Canada Mall Inc., Oxford Properties Retail Holdings 11 Inc.	17600 Yonge Street Newmarket	Parts 1, 2, 3, 4, 5, 6, 7, 8, 9, Plan 65R35958	Fee Simple
2.	Bounny Uy	13 Kingston Road Newmarket	Part 2, Plan 65R35959	Fee Simple
3.	Heatherwoods Development Corporation	Lands Adjoining 13 Kingston Road, and other properties Newmarket	Part 3, Plan 65R35959	Fee Simple
			Part 6, Plan 65R35961	
			Parts 1, 2, 3, 4, 5, Plan 65R35985	
4.	Canadian Tire Corporation, Limited	17750 Yonge Street Newmarket	Parts 2, 3, 5, 6, Plan 65R35989	Fee Simple
5.	Rionew Holdings Inc.	17810, 17820 & 17830 Yonge Street Newmarket	Parts 12, 13, 14, 15, Plan 65R35989	Fee Simple
6.	Home Depot Holdings Inc.	17850 Yonge Street Newmarket	Parts 18, 19, Plan 65R35989	Fee Simple
7.	Yulee Developments Inc.	17860, 17940, 18040, 18080 & 18090 Yonge Street Newmarket	Parts 20, 21, 22, Plan 65R35989	Fee Simple
			Parts 6, 7, 8, 9, 10, Plan 65R35962	
			Parts 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, Plan 65R35988	
8.	Dwight Slessor Holdings Limited	17645 Yonge Street Newmarket	Parts 1, 2, Plan 65R35961	Fee Simple

No.	Owner	Municipal Address	Legal Description	Interest Required
9.	Yonge-Kingston Centre Inc.	17725 Yonge Street Newmarket	Parts 3, 4, 5, Plan 65R35961	Fee Simple
10.	784773 Ontario Limited	Yonge Street West side (vacant land) Newmarket	Parts 2, 4, Plan 65R35962	Fee Simple
11.	RHS Properties Inc.	18100 Yonge Street Newmarket	Parts 15, 16, 17, 18, 19, Plan 65R35988	Fee Simple
12.	CP REIT Ontario Properties Limited	18120 Yonge Street East Gwillimbury	Parts 21, 22, 23, 24, Plan 65R35988	Fee Simple
13.	Lee-Mar Developments Limited	18154 Yonge Street East Gwillimbury	Parts 25, 26, 27, 28, Plan 65R35988	Fee Simple
14.	Riotrin Properties (Newmarket) Inc.	18126 Yonge Street East Gwillimbury	Parts 29, 30, 31, 32, 33, 34, Plan 65R35988	Fee Simple
15.	Mario and Lidia Lanzillotta	192 Lancaster Avenue Newmarket	Part 6, Plan 65R35985	Fee Simple
16.	Alana Jones and David Rowan	194 Lancaster Avenue Newmarket	Part 7, Plan 65R35985	Fee Simple
17.	Tarin Suri and Bo Min Gong	196 Lancaster Avenue Newmarket	Part 8, Plan 65R35985	Fee Simple
18.	Harry Patrick Power and Mary Alice Power	198 Lancaster Avenue Newmarket	Part 9, Plan 65R35985	Fee Simple
19.	Wrock & Son Construction Limited	200 Lancaster Avenue & 17837 Yonge Street Newmarket	Parts 10, 11, 12, 13, 14, Plan 65R35985	Fee Simple

No.	Owner	Municipal Address	Legal Description	Interest Required
20.	572112 Ontario Limited	17837 Yonge Street Newmarket	Part 15, Plan 65R35985	Fee Simple
21.	Heino Mineur and Barbara Mineur	17845 Yonge Street Newmarket	Part 16, Plan 65R35985	Fee Simple
22.	Lily Sook Ping Lee	17859 Yonge Street Newmarket	Part 17, Plan 65R35985	Fee Simple
23.	NNV Holdings Inc.	17867 Yonge Street Newmarket	Part 18, Plan 65R35985	Fee Simple
24.	Sheppard Avenue Inc.	18075 Yonge Street Newmarket	Parts 1, 2, 3, 4, Plan 65R35986	Fee Simple
25.	Fetlar Holdings Limited	18187 Yonge Street East Gwillimbury	Parts 6 ,7, 8, Plan 65R35986	Fee Simple
26.	1858106 Ontario Inc.	17555 Yonge Street Newmarket	Parts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, Plan 65R35987	Fee Simple



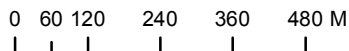
LOCATION PLAN

Application for Approval to Expropriate
 Yonge Street - Davis Drive to Green Lane
 Town of Newmarket and Town of East Gwillimbury



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 The Regional Municipality of York
 Property Services, Corporate Services
 August 2015

Data Sources:
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Legend

-  Limits of Subject Properties
-  Road