

Clause 12 in Report No. 14 of Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on September 24, 2015.

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Approval to Expropriate
Davis Drive at Bathurst Street
Town of Newmarket and Township of King

Committee of the Whole recommends adoption of the recommendations contained in the following report dated August 27, 2015 from the Commissioner of Corporate Services:

1. Recommendations

It is recommended that:

1. Council, as approving authority, approve the expropriation of the lands set out in Attachment 1, for intersection improvements at Davis Drive and Bathurst Street, in the Town of Newmarket and Township of King.
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.

2. Purpose

This report seeks Council approval in accordance with the *Act*, to expropriate land required for intersection improvements at Davis Drive and Bathurst Street, in the Town of Newmarket and Township of King. The location of the properties is shown in Attachment 2.

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3. Background

The Region is planning to reconstruct the intersection at Davis Drive and Bathurst Street in the Town of Newmarket and Township of King

The improvements to the intersection at Davis Drive and Bathurst Street include construction of a curb and gutter, bicycle lanes and dual left turn lanes. The urbanization of this intersection is required to meet the traffic demands of the active development within the subject area.

This project is isolated to the Davis Drive Bathurst Street intersection.

Possession of land is required by early spring of 2016 to allow utility relocations to begin

The relocation of utilities is scheduled to commence in early spring of 2016 with construction scheduled to commence in early spring of 2017. Possession of the property is required in order to facilitate utility relocations.

In June 2015, Council authorized an application for approval to expropriate a portion of land from the subject properties

On June 25, 2015, Council authorized an application for approval to expropriate a fee simple interest from the subject properties for intersection improvements at Davis Drive and Bathurst Street. The Notice of Application for Approval to Expropriate was served on the owners, following Council authorization.

Upon receipt of the Notice of Application to Expropriate, the owners had 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. The owners did not request a hearing.

This is Step 2 in the Council approval process for property expropriation as indicated in the graphic below.



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4. Analysis and Options

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

Under the *Act*, registration of an expropriation plan vests lands in the expropriating authority. Subject to the Region taking certain procedural steps, the Region will obtain possession of the lands approximately three months after the registration of the plan of expropriation.

Upon obtaining approval to expropriate from Council, it is anticipated the plans will be registered by the end of November 2015. Upon registration of the expropriation plans, the notice of the expropriation and possession will be served upon the owners. Appraisals will be commissioned to be completed by February, 2016. This will support the offers of compensation to be made before March 2016 possession.

Staff continues to engage the property owners throughout the process

The property owners have been consulted and advised of each step taken. In addition, staff endeavours to negotiate the acquisition of the requirements with the owners in order to expedite possession and avoid the need to proceed with expropriation. In the event an agreement is completed prior to the expropriation plan being registered, there will be no need to proceed with the expropriation. However, if the expropriation does proceed, staff will proceed to negotiate compensation settlements with the owners.

Environmental due diligence is underway and needs to be completed

An environmental overview of the intersection area has been obtained and the results have been used to commission a phase 1 environmental site assessment. The results of this work will be used to identify any issues that require further investigation and this work will be carried out with consultation of Legal Services.

Link to key Council-approved plans

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

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The project addresses a key goal of Vision 2051: Interconnected Systems for Mobility. A network of complete streets supports the efficient movement of goods, providing an interconnected network for mobility that links people to jobs.

As well, the Davis Drive project at Bathurst Street supports one of the objectives of the Regional Official Plan, which is to ensure streets support all modes of transportation including walking, cycling, transit, automobile use, and the efficient movement of goods.

Lastly, one of the Strategic Priority Areas of the 2015 to 2019 Strategic Plan is Strengthen the Region's Economy. Focusing on networks and systems that connect people, goods and services is one of the strategic objectives of this priority area that is supported by the proposed acquisition.

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 Delivery – Roads.

6. Local Municipal Impact

Once construction is complete, intersection improvements at Davis Drive and Bathurst Street will improve traffic operations for the travelling public and meet anticipated traffic growth related to development in this area.

7. Conclusion

The reconstruction of the Davis Drive and Bathurst Street intersection requires the acquisition of property from owners located at the intersection. Council authorized the application for approval to expropriate lands required for intersection improvements in June 2015.

This report pertains to the approval to proceed to register the expropriation plan and serve notice of expropriation and possession upon the owners. The Region acquires title to the land when the expropriation plan is registered at the Land Registry Office. Registration is the next step toward possession of the lands which is required to facilitate intersection improvements.

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In order to ensure timely possession of the land to commence construction it is recommended that Council approve the expropriation of the interest required.

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

The Senior Management Group has reviewed this report. June 15, 2015

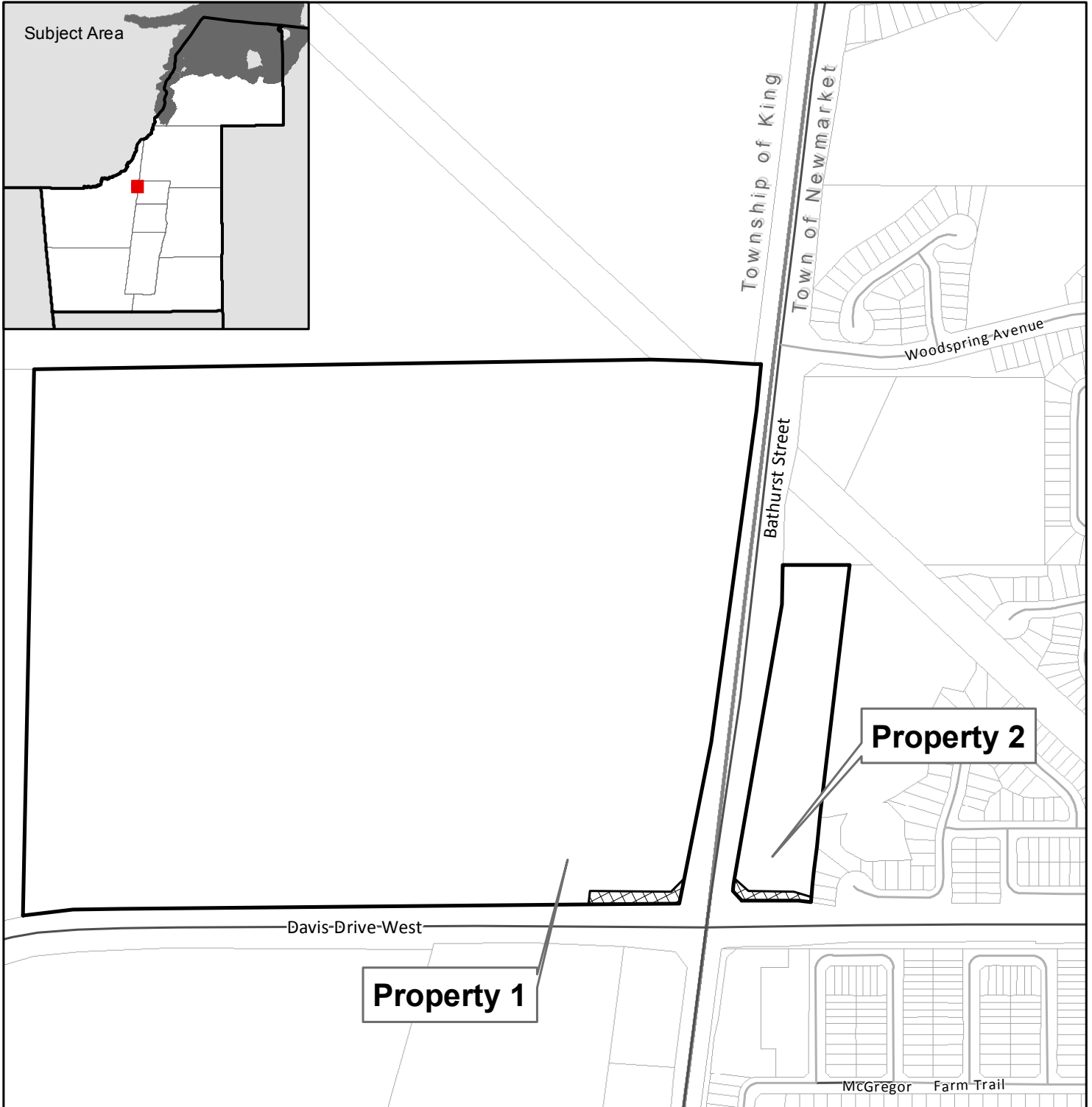
Attachments (2)

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Accessible formats or communication supports are available upon request

**Property Schedule
Approval to Expropriate
Davis Drive at Bathurst Street
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No.	Owner	Municipal Address	Legal Description	Interest Required
1.	2201506 Ontario Limited	17680 Bathurst Street Township of King	Part 1, Plan 65R35669	Fee Simple
2.	Devon Estates Limited	North/east corner of Davis Drive West and Bathurst Street Town of Newmarket	Part 1, Plan 65R35670	Fee Simple



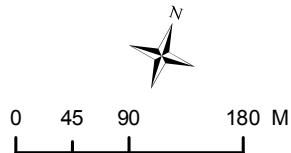
LOCATION PLAN

Approval to Expropriate
 Davis Drive at Bathurst Street
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Produced by:
 The Regional Municipality of York
 Property Services, Corporate Services
 June 2015

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Legend

-  Subject Properties
-  Interest Required
-  Parcel
-  Road
-  Municipal Boundary