

THE REGIONAL MUNICIPALITY OF YORK

BILL NO. 71

BYLAW NO. 2014-68

To acquire certain lands for or in connection with the widening and construction of Bus Rapid Transit Corridor, Davis Drive (YR 31), Town of Newmarket

WHEREAS the Council of The Regional Municipality of York on May 15, 2014, by its adoption of Clause 17 of Report 10 of the Committee of the Whole authorized an application for approval to expropriate the lands therein referred to for or in connection with the widening and reconstruction of road and intersection improvements, in order to provide designated lanes for the Viva transit system along the Davis Drive corridor from Yonge Street to Carlson 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, Chapter E.26; 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 September 11, 2014, by its adoption of Clause 52 of Report 13 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 widening and reconstruction of road and intersection improvements, in order to provide designated lanes for the Viva transit system along the Davis Drive corridor from Yonge Street to Carlson 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 *Expropriations 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 (YRRTC Reference)	Legal Description	Interest Required
1	Monashee Holdings Ltd. and Timeoso Inc.	54 Davis Drive (079)	Parts 1, 2, 3, 4, 5, 6 on Plan 65R34757	Permanent Easement
2	Newmarket Plaza Limited	130 Davis Drive (081)	Part 1 on Plan 65R34741 Part 2 on Plan 65R34743	Permanent Easement
			Part 1 on Plan 65R34743	Temporary Easement
3	Newmarket-Tay Power Distribution Ltd.	315 Davis Drive (041)	Parts 1, 2, 3 on Plan 65R34745	Permanent Easement
4	Bethel Christian Reformed Church of Newmarket	333 Davis Drive (043)	Part 1 on Plan 65R34742	Permanent Easement
5	Southlake Regional Health Centre	596 Davis Drive (114)	Part 1 on Plan 65R34740	Permanent Easement

No.	Owner	Municipal Address (YRRTC Reference)	Legal Description	Interest Required
<p>The temporary easements required are described as a temporary limited interest commencing on registration of the plan of expropriation and expiring on October 31, 2015 in, under, over, along and upon and for municipal purposes including, but not limited to, 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 Davis Drive, including associated local roads, and to provide designated lanes for the vivaNext transit system and works ancillary thereto.</p>				
<p>The permanent easements required are described as a limited interest in perpetuity in, under, over, along and upon and for municipal purposes including, but not limited to, entering on the lands with all vehicles, machinery, workmen and other material (i) to construct and maintain permanent municipal infrastructure which may include installation, maintenance, relocation and/or removal of traffic turning loops and associated signalization equipment and controls, retaining walls, shoring and formwork and/or drainage, erosion or sediment control measures such as watermains and storm sewers, and (ii) for construction purposes which include, but are not limited to, (1) relocation of existing services and utilities, (2) staging and storage of materials and equipment, (3) geotech testing, borehole testing, and other investigative works, (4) removal, relocation and/or installation of signage, (5) hard and soft landscaping, paving, grading and reshaping the lands to the limit of the reconstruction of municipal road fronting the lands herein described, (6) 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 (7) works ancillary to any of the</p>				

No.	Owner	Municipal Address (YRRTC Reference)	Legal Description	Interest Required
foregoing and necessary to the works to be performed in association with the purpose of implementing road and intersection improvements along Davis Drive, 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 *Expropriations Act* and to execute all necessary documents to effect the transaction.

5. Plan Nos. 65R-34740, 65R-34742, 65R-34743, 65R-34745 and 65R-34757, hereto attached, shall form part of this bylaw.

ENACTED AND PASSED on September 11, 2014.

Denis Kelly
Regional Clerk

Bill Fisch
Regional Chair

Authorized by Clause 52 of Report 13 of the Committee of the Whole, adopted by Council at its meeting on September 11, 2014.