

Clause No. 48 in Report No. 13 of the Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on September 11, 2014.

48
APPROVAL TO EXPROPRIATE
WIDENING AND RECONSTRUCTION OF MAJOR MACKENZIE DRIVE
PROJECTS 8566 AND 8132, CITY OF VAUGHAN

Committee of the Whole recommends adoption of the recommendations contained in the following report dated August 20, 2014 from the Acting Commissioner of Corporate Services:

1. RECOMMENDATIONS

It is recommended that:

1. Council, as approving authority, approve the expropriation of the following lands for the widening and reconstruction of Major Mackenzie Drive, between Weston Road and Islington Avenue, within the City of Vaughan, for road widening and reserve purposes:

| No. | Owner | Municipal Address | Legal Description | Interest Required |
|------------|--|----------------------------------|--------------------------|---------------------------------|
| 1 | Maplequest (Vaughan) Developments Inc. | 10100 Weston Road | Part 1, Plan 65R34551 | Fee Simple for road widening |
| | | | Part 2, Plan 65R34551 | Temporary Easement |
| 2 | Penna, Agostino | 3850 Major Mackenzie Drive | Part 3, Plan 65R34551 | Temporary Easement |
| 3 | Penna, Benito Penna, Carmela | 3850 Major Mackenzie Drive | Part 4, Plan 65R34551 | Temporary Easement |
| 4 | Russo, Maria Russo, Leonardo | 3836 Major Mackenzie Drive | Part 5, Plan 65R34551 | Temporary Easement |
| 5 | 647057 Ontario Limited | 9900 Weston Road | Part 7, Plan 65R34551 | Fee Simple for road widening |
| | | | Part 8, Plan | Temporary |

| No. | Owner | Municipal Address | Legal Description | Interest Required |
|-----|--|-----------------------------------|--------------------------------|----------------------------------|
| | | | 65R34551 | Easement |
| 6 | Terwol Developments Limited | | Parts 6 and 12, Plan 65R34550 | Fee Simple for road widening |
| | | | Parts 7 and 11, Plan 65R34550 | Temporary Easement |
| 7 | Euro Estates Inc. | Block 44, Registered Plan 65M4158 | Part 13, Plan 65R34550 | Temporary Easement |
| 8 | Barker, Ross Barker, June | 16 Millwood Parkway | Part 5, Plan 65R34552 | Temporary Easement |
| | | | Part 6, Plan 65R34552 | Fee Simple for 0.3 metre reserve |
| | | | Part 7, Plan 65R34552 | Fee Simple for road widening |
| 9 | Calvi, Frank Calvi, Rose Fiorello, Elizabeth | 10071 Pine Valley Drive | Part 1, Plan 65R34557 | Fee Simple for road widening |
| | | | Part 2, Plan 65R34557 | Temporary Easement |
| | | | Part 1 on Plan 65R18140 | Fee Simple for road widening |
| 10 | Li, Li | 157 Petermar Drive | Part 3, Plan 65R34557 | Fee Simple for road widening |
| | | | Part 4, Plan 65R34557 | Fee Simple for 0.3 metre reserve |
| | | | Part 5, Plan 65R34557 | Temporary Easement |
| 11 | Zeni, Ezio | 139 Petermar Drive | Parts 6 and 9, Plan 65R34557 | Temporary Easement |
| | | | Part 7, Plan 65R34557 | Fee Simple for 0.3 metre reserve |
| | | | Part 8, Plan 65R34557 | Fee Simple for road widening |
| 12 | Sarkar, Jaidev Sarkar, Chitra | 111 Petermar Drive | Parts 10 and 15, Plan 65R34557 | Temporary Easement |
| | | | Parts 11 and 14, Plan 65R34557 | Fee Simple for 0.3 metre reserve |
| | | | Parts 12 and 13, Plan 65R34557 | Fee Simple for road widening |

| No. | Owner | Municipal Address | Legal Description | Interest Required |
|--|--|---|-------------------------------------|----------------------------------|
| 13 | 2360133 Ontario Inc. | Part of Block 18, Registered Plan 65M2234 | Part 16, Plan 65R34557 | Fee Simple for road widening |
| | | | Part 17, Plan 65R34557 | Fee Simple for 0.3 metre reserve |
| | | | Part 18, Plan 65R34557 | Temporary Easement |
| 14 | Presutto, Guido Presutto, Pietruccia Presutto, Robert Presutto, Paola | 11 Woodend Place | Part 22, Plan 65R34557 | Temporary Easement |
| | | | Part 23, Plan 65R34557 | Fee Simple for road widening |
| 15 | Tomei, Frank Tomei, Mara Ramundi, Ralph | 4405 Major Mackenzie Drive | Parts 24, 27, and 32, Plan 65R34557 | Fee Simple for road widening |
| | | | Parts 25, 28 and 31, Plan 65R34557 | Fee Simple for 0.3 metre reserve |
| | | | Parts 26, 29 and 30, Plan 65R34557 | Temporary Easement |
| The temporary easements will commence on March 1, 2015 and expire on December 31, 2020, 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 right-of-way, (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) landscaping, paving, grading and reshaping the lands to the limit of the reconstruction, (7) the installation and removal of temporary infrastructure related to the construction, and (8) works ancillary to any of the foregoing. | | | | |

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 to expropriate property interests required for the widening and reconstruction of Major Mackenzie Drive in the City of Vaughan (*Attachment 1*).

3. BACKGROUND

In January 2014, Council authorized initiating proceedings to expropriate lands required for the Major Mackenzie Drive project

The widening and reconstruction of Major Mackenzie Drive is scheduled to commence in May 2015. On January 23, 2014, Council authorized an application for approval to expropriate a total of 43 property interests from 20 properties, including 24 fee simple interests and 19 temporary easements. The Notice of Application to Expropriate was served to owners following Council authorization.

Upon receipt of the Notice of Application to Expropriate, each owner 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. Three of the owners who were served notice requested a Hearing. These owners are not included in the recommendations of this report. In addition, the results of the hearing(s) will be the subject of a future report to Council.

Staff has secured two properties and will continue negotiations. It is necessary to complete expropriation of the remaining 15 properties in order to secure access to the lands in time for construction to commence.

4. ANALYSIS AND OPTIONS

Registration of an expropriation plan will secure access to the lands and ensure that construction can proceed

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.

A draft expropriation plan has been prepared for the subject properties. It is anticipated the plan will be registered no later than December 2014. Accordingly, the Region will have access to the property no later than April 2015, enabling construction to proceed on time.

The environmental due diligence reports for these properties have been reviewed by staff in consultation with Legal Services.

Link to Key Council–approved Plans

From Vision to Results: 2011 to 2015 Strategic Plan

Priority Area – Continue to Deliver and Sustain Critical Infrastructure

Improve mobility for users on Regional transportation corridors

The acquisition of these lands will assist the Region in meeting its key strategic transportation needs.

5. FINANCIAL IMPLICATIONS

The funds required to complete the property acquisition for this project have been included in the approved 2014 Capital Budget for the Transportation and Community Planning Department.

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 appraisals required to support these offers are currently being prepared and the proposed offers will be the subject of a further report to Council.

6. LOCAL MUNICIPAL IMPACT

The widening and reconstruction of Major Mackenzie Drive, between Weston Road and Islington Avenue, in the City of Vaughan will provide upgraded capacity to improve traffic operations for the travelling public and will meet the expected growth in this area.

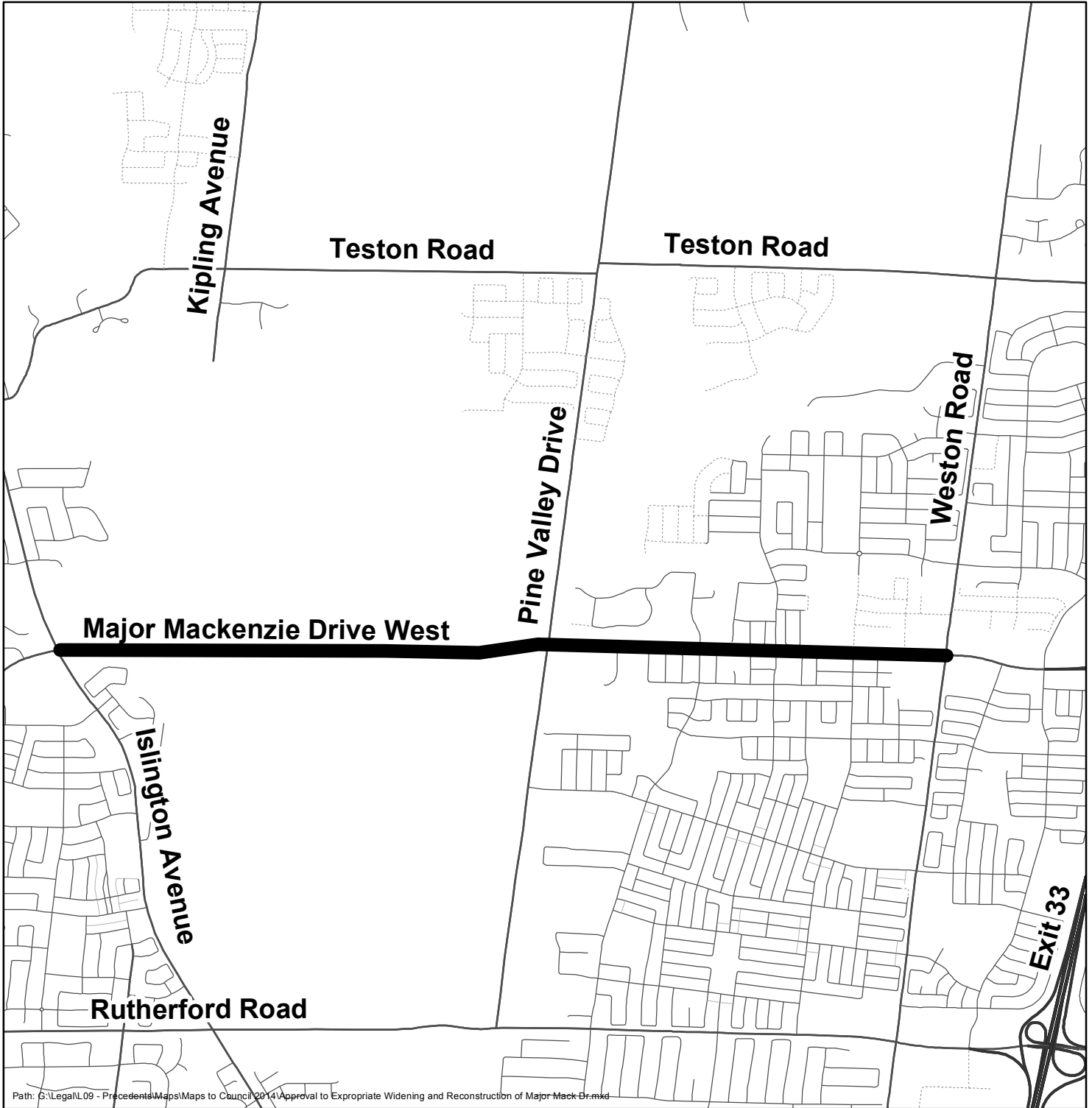
7. CONCLUSION

The widening and reconstruction of Major Mackenzie Drive will require the acquisition of 43 property interests from 20 properties. Three of these properties have been withheld pending resolution of Hearing of Necessity requests. Staff successfully concluded negotiations on two properties. In order to ensure timely possession of the lands to commence construction, it is recommended that Council approve the expropriation of the balance of the interests required. Staff will negotiate for the acquisition of the required properties and expropriation proceedings will be abandoned in cases where negotiations are successful.

For more information on this report, please contact René Masad, Director, Property Services Branch at Ext. 71684.

The Senior Management Group has reviewed this report.

Attachment (1)



Path: G:\Legal\I09 - Precedents\Maps\Maps to Council\2014\Approval to Expropriate Widening and Reconstruction of Major Mack Dr.mxd

LOCATION MAP

Approval to Expropriate
Widening and Reconstruction of Major Mackenzie Drive,
Projects 8566 and 8132
City of Vaughan



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Property Services Branch
Corporate Services Department
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Legend

 Subject Properties

