

Clause No. 51 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.

51

APPLICATION FOR APPROVAL TO EXPROPRIATE WIDENING AND CONSTRUCTION OF BUS RAPID TRANSIT CORRIDOR YONGE STREET (Y3.2) VIVANEXT PROJECT 90991 TOWN OF NEWMARKET

Committee of the Whole recommends adoption of the recommendations contained in the following report dated August 18, 2014 from the Acting Commissioner of Corporate Services:

1. RECOMMENDATIONS

It is recommended that:

1. Council authorize an application for approval to expropriate the following lands for the construction of a bus rapid transit corridor along Yonge Street, within the Town of Newmarket:

No.	Owner	Municipal Address (YRRTC Reference)	Legal Description	Interest Acquired
1	Skamari Investments Inc.	16635 Yonge Street (1)	Part 1, Plan YR2071896	Temporary Easement
2	Tavco Realty Holdings Inc.	16655 Yonge Street (2)	Part 1, Plan YR2071898	Temporary Easement
3	275057 Ontario Limited	16715 Yonge Street (3)	Part 2, Plan YR2071904	Temporary Easement

No.	Owner	Municipal Address (YRRTC Reference)	Legal Description	Interest Acquired
4	The Canada Trust Company (Trustee of the Joyce Mulock Trust) Deborah Jane Barbour (Trustee of the Joyce Mulock Trust)	16780 Yonge Street (4)	Part 2, Plan YR2071906	Temporary Easement
5	Newmarket Property Corporation	16775 Yonge Street (5)	Part 3, Plan YR2071907	Temporary Easement
6	Criterion Development Corporation	Vacant Lands w/s Yonge Street (6)	Part 2, Plan YR2071911	Temporary Easement
7	York Region Condominium Corporation No. 877	Brandy Lane Way (9)	Parts 5, 6 and 7, Plan YR2071922	Temporary Easement
8	Newmarket – Tay Power Distribution Ltd.	16845 Yonge Street (10)	Part 2, Plan YR2071927	Temporary Easement
9	York North Condominium Corporation No. 5	20 William Roe Boulevard (11)	Parts 1, 4 and 7, Plan YR2071942	Temporary Easement
10	Invivo Investments Limited	16925 Yonge Street (12)	Parts 9, 10 and 11, Plan YR2071954	Temporary Easement
11	1209104 Ontario Limited	Vacant Lands w/s Yonge Street (13)	Part 2, Plan YR2071956	Temporary Easement

No.	Owner	Municipal Address (YRRTC Reference)	Legal Description	Interest Acquired
12	LT Realities Inc.	16995 Yonge Street (14)	Parts 10, 13, 14, 15, 16, 18, 19 and 20, Plan YR2071962	Temporary Easement
13	Trustees of the Canadian Yearly Meeting of the Religious Society of Friends (Quakers)	17000 Yonge Street (15)	Part 1, Plan YR2071964	Temporary Easement
14	The Trustees of the Yonge Street Monthly Meeting of the Religious Society of Friends	17030 Yonge Street (16)	Part 1, Plan YR2071969	Temporary Easement
15	Thana Group Limited	17035 Yonge Street (17)	Parts 5, 6 and 7, Plan YR2074287	Temporary Easement
16	Kindwin Markham Limited	17046 Yonge Street (18)	Part 1, Plan YR2071970	Temporary Easement
17	Marlies Schellin	17070 Yonge Street (20)	Part 3, Plan YR2071972	Temporary Easement
18	H.J. Pfaff Motors Limited	17065 Yonge Street (21)	Part 4, Plan YR2071977	Temporary Easement
19	993113 Ontario Inc.	17089 Yonge Street (22)	Part 3, Plan YR2071484	Temporary Easement
20	2089929 Ontario Limited	17095 Yonge Street (24)	Part 3, Plan YR2071503	Temporary Easement

No.	Owner	Municipal Address (YRRTC Reference)	Legal Description	Interest Acquired
21	Suncor Energy Inc.	17111 Yonge Street (25)	Parts 5 and 6, Plan YR2071509	Temporary Easement
22	Imperial Oil Limited	17145 Yonge Street (26)	Part 2, Plan YR2073974	Temporary Easement
23	Seven Star Investments Inc.	17175 Yonge Street (28)	Part 4, Plan YR2071513	Temporary Easement
24	Calgas Investments Limited	17215 Yonge Street (30)	Part 3, Plan YR2092380	Temporary Easement
25	Brillinger Investments Limited	17295 Yonge Street (31)	Part 3, Plan YR2071516	Temporary Easement
26	Yongemill Group Inc.	17310 Yonge Street (32)	Parts 7 and 8, Plan YR2071518	Temporary Easement
27	Moshoian Productions Limited	17315 Yonge Street (33)	Part 2, Plan YR2071519	Temporary Easement
28	1045838 Ontario Inc. 1255552 Ontario Inc.	17335 Yonge Street (34)	Part 2, Plan YR2071523	Temporary Easement
29	Newmarket Property Corporation	17360 Yonge Street (35)	Parts 1 and 2, Plan YR2071494	Temporary Easement
30	2143811 Ontario Limited	17365 Yonge Street (36)	Parts 3 and 4, Plan YR2071524	Temporary Easement
31	2143811 Ontario Limited	17395 Yonge Street (37)	Parts 1 and 2, Plan YR2071524	Temporary Easement

No.	Owner	Municipal Address (YRRTC Reference)	Legal Description	Interest Acquired
32	Crossland Centre (1990) Inc.	17380 – 17410 Yonge Street (38)	Parts 4 and 5, Plan YR2071526	Temporary Easement
33	Collison Estates Ltd.	17415 Yonge Street (39)	Part 1, Plan YR2071527	Temporary Easement
34	Yonge Centre Properties Inc.	17440 Yonge Street (40)	Parts 4, 5, 6 and 7, Plan YR2071554	Temporary Easement
35	Loblaw Properties Limited	20 Davis Drive (41)	Parts 2, 3 and 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>				

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, at an inquiry held under the *Act*.
4. Council authorize the introduction of the necessary bylaws to give effect to these recommendations.

2. PURPOSE

This report seeks Council approval for an application to expropriate property interests required for road and intersection improvements, in order to provide designated lanes for the Viva transit system along the Yonge Street corridor, from Sawmill Valley Drive/Savage Road to Davis Drive, in the Town of Newmarket (*Attachment 1*).

The Region has access to the lands via existing temporary easements. The easements will expire prior to construction being completed on the corridor, therefore it is necessary to commence expropriation proceedings in order to ensure the Region has ongoing construction access.

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

3. BACKGROUND

The Region is improving road infrastructure, enhancing streetscaping and constructing dedicated lanes for Viva buses

To facilitate bus rapid transit along critical portions of the Highway 7, Yonge Street and Davis Drive corridors, the Region via York Region Rapid Transit Corporation (YRRTC), is undertaking improvements to the road infrastructure and the construction of dedicated lanes for Viva buses, along with enhanced streetscaping and boulevards. The project as a whole is referred to as vivaNext.

On October 17, 2013 and January 23, 2014, Council authorized the approval to expropriate certain lands in connection with the widening and construction of Yonge Street, in the Town of Newmarket for the Bus Rapid Transit Project. Lands were acquired via expropriation in December 2013 and February 2014, which included thirty-five (35) temporary easement interests, for terms of three (3) years. These expropriated temporary easement interests will expire between December 9, 2016 and February 4, 2017. The design build nature of this project has resulted in a delay in the onsite construction activities, now expected to commence spring/summer of 2015. As the onsite construction time requirements remain unchanged, access to these temporary easement lands is now

required until January 1, 2019, which will coincide with the estimated construction completion date.

In order to accommodate ongoing construction, thirty-five (35) temporary easements will be required until January 1, 2019.

The project has received approval of the Environmental Assessment Report from the Ministry of the Environment

Viva project Y3.2, on Yonge Street from Sawmill Valley Drive/Savage Road to Davis Drive, received approval of the Environmental Assessment Report from the Ministry of the Environment on April 2, 2009.

4. ANALYSIS AND OPTIONS

Amicable negotiations are proceeding to acquire the temporary easements

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

Initiating expropriation proceedings will ensure that the construction schedule will not be compromised if amicable acquisitions are unsuccessful

It is anticipated that negotiations will be successfully concluded on many outstanding properties. These agreements will be presented to the approving authorities in due course. However, given the legislated time requirements to obtain possession via expropriation, it is recommended that the expropriation process proceed concurrently with ongoing negotiations to ensure that YRRTC can effectively obtain access to the lands to accommodate construction scheduling. Timely possession of required lands will reduce the risk of significant property escalation costs associated with development along these corridors.

The first step in the process requires Council, as approving authority to authorize an application for approval to expropriate. Subsequently, notice may be served on owners of the subject lands. Receipt of this notice will trigger an owner's right to request a Hearing of Necessity. There is also a statutory obligation to publish the notice.

Link to Key Council-approved Plans

From Vision to Results: 2011 to 2015 Strategic Plan

Priority Area – Focus Growth along Regional Centres and Corridors

Optimize the transportation capacity and services in Regional Centres and Corridors

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

5. FINANCIAL IMPLICATIONS

The funds required to complete the property acquisitions have been included in the approved 2014 YRRTC Capital Budget. The project is funded by the Province, via the Metrolinx Master Agreement.

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 the achievement of the vision for the corridor for both the Region and Town of Newmarket. Additionally, this project will improve public transit facilities and enrich the streetscapes to support the Region's goal for higher density mixed use transit-oriented development.

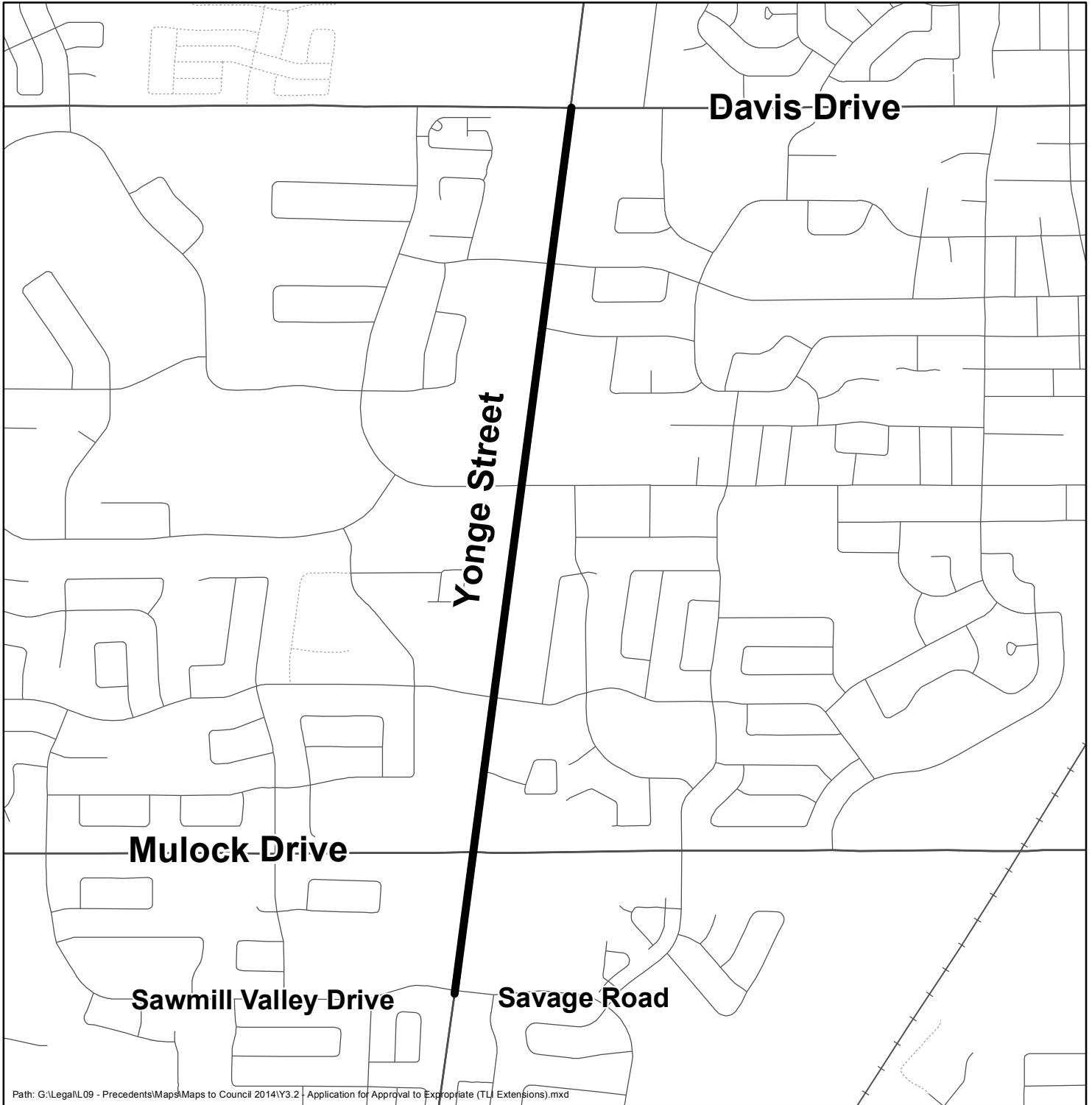
7. CONCLUSION

This report seeks Council approval to expropriate temporary easements from owners, along the Yonge Street corridor, in order to facilitate the construction of dedicated bus lanes, related facilities, road and intersection improvements. To ensure the project is not delayed further it is necessary to initiate the expropriation process to secure access to the lands in time for construction to commence. Staff will continue to 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\Y3.2 Application for Approval to Expropriate (TL Extensions).mxd




LOCATION PLAN

Application for Approval to Expropriate
Widening and Construction of Bus Rapid Transit Corridor
Yonge Street (Y3.2) vivaNextProject 90991
Town of Newmarket



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Property Services Branch
Corporate Services Department
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Legend

-  Subject Corridor
-  Road
-  Railway



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