

Clause No. 52 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.

52
APPROVAL TO EXPROPRIATE
WIDENING AND CONSTRUCTION OF BUS RAPID TRANSIT CORRIDOR
DAVIS DRIVE (D1) VIVANEXT PROJECT 90991
TOWN OF NEWMARKET

Committee of the Whole recommends adoption of the recommendations contained in the following report dated August 21, 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 construction of the bus rapid transit corridor on Davis Drive as part of the vivaNext project within the Town of Newmarket:

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

No.	Owner	Municipal Address (YRRTC Reference)	Legal Description	Interest Required
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
<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</p>				

No.	Owner	Municipal Address (YRRTC Reference)	Legal Description	Interest Required
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 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.				

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 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 (*Attachments 1, 2, 3*).

3. BACKGROUND

In May 2014, Council authorized an application for approval to expropriate lands required for the Davis Drive (D1) project

During the ongoing widening and reconstruction of the Davis Drive corridor, additional requirements were identified for supporting infrastructure purposes. Construction on the new requirements is scheduled to commence in May 2015. On May 15, 2014, Council

authorized an application for approval to expropriate a total of six properties, including six permanent easements and two temporary construction easements. The Notice of Application for Approval 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. None of the owners who were served notice requested a hearing.

Staff have secured one of the six properties and will continue negotiations. It is necessary to complete expropriation of the remaining five 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 November 28, 2014. Accordingly, the Region will have access to the property no later than April 1, 2015, enabling construction to proceed on time.

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.

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 will be prepared and the proposed offers will be the subject of a further report to Council.

6. LOCAL MUNICIPAL IMPACT

The construction of dedicated bus lanes and related facilities, as well as road and intersection improvements, along the Davis Drive corridor, from Yonge Street to Carlson Drive, is critical to the achievement of the vision for the corridor for both the Region and the 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.

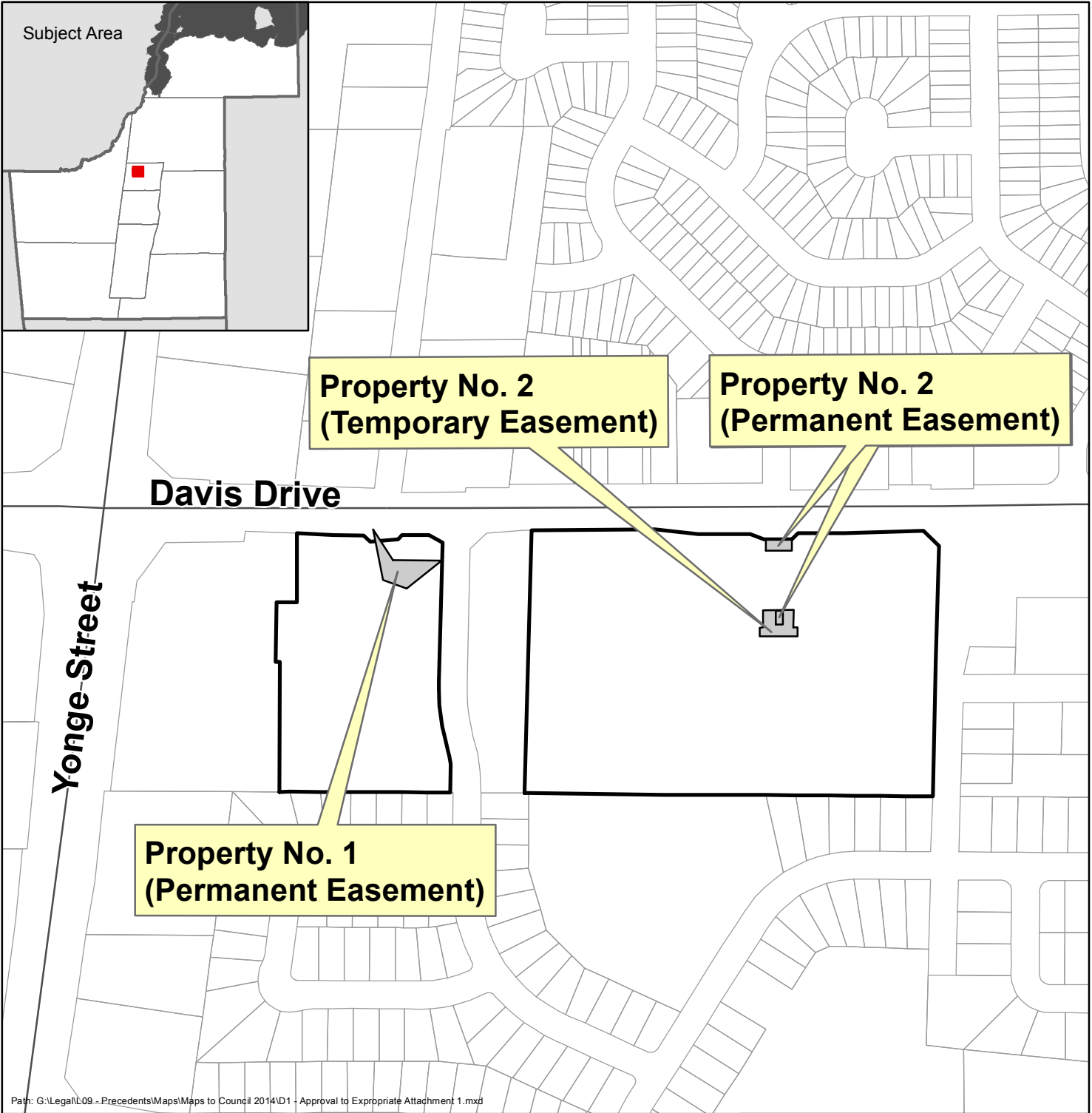
7. CONCLUSION

The widening and construction of the Davis Drive corridor, between Yonge Street and Carlson Drive, requires the acquisition of six additional property interests. Staff have successfully concluded negotiations for one property. 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.

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 (3)



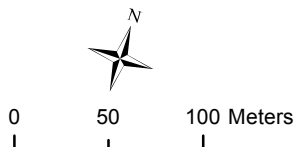
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LOCATION PLAN






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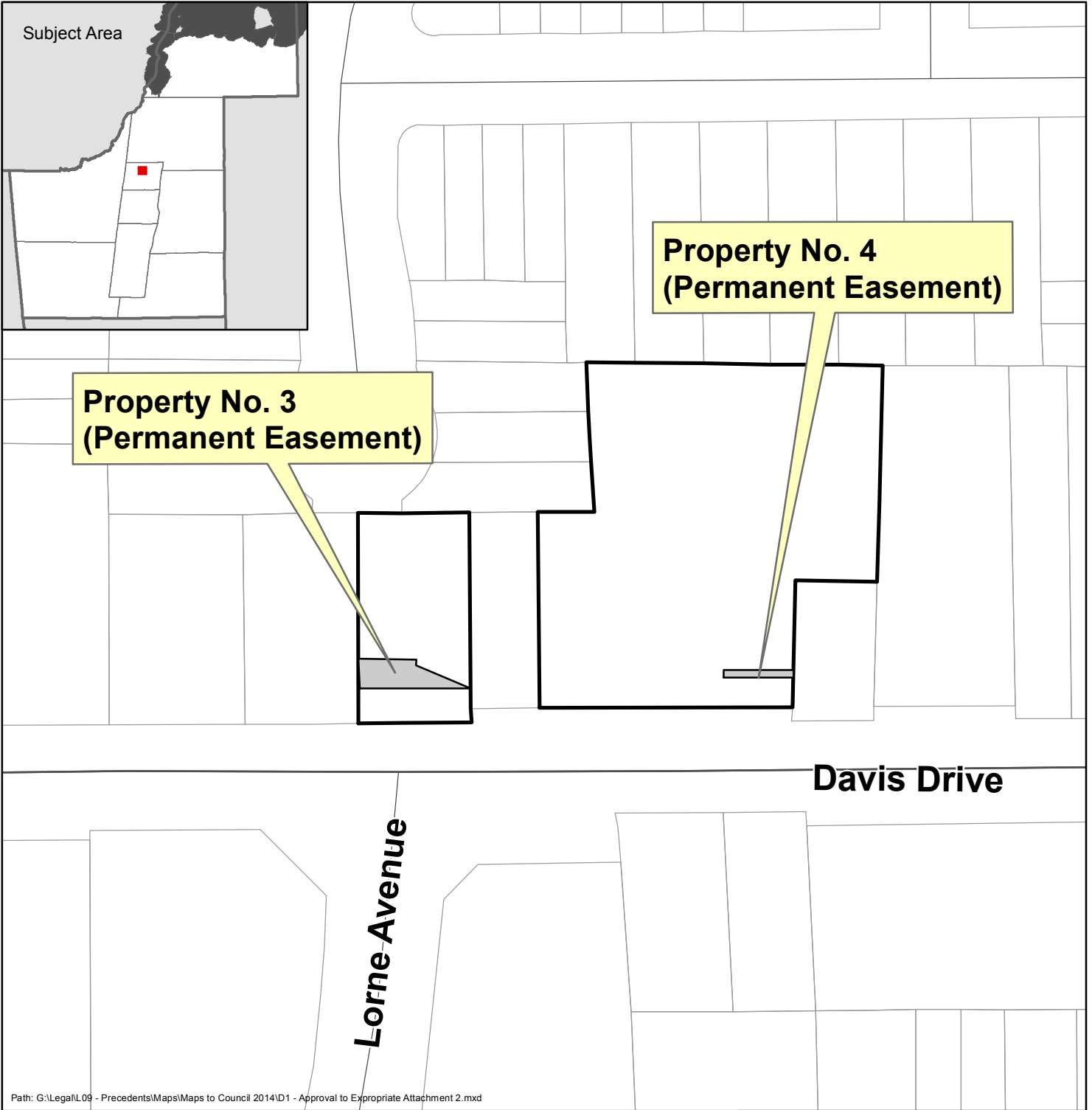


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Legend

-  Interest Required
-  Subject Properties
-  Parcel
-  Road
-  Railway



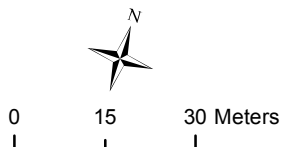
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LOCATION PLAN






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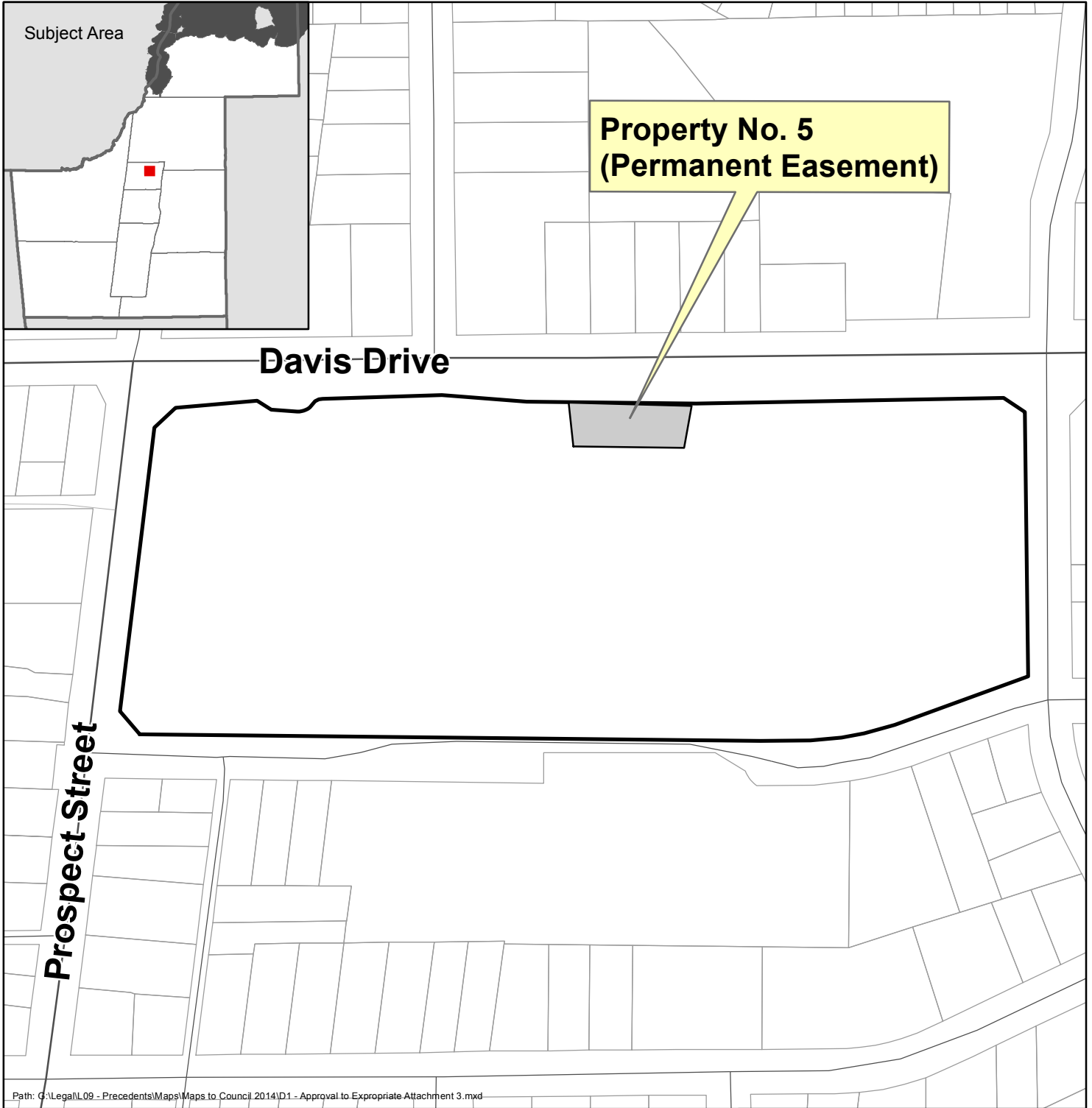


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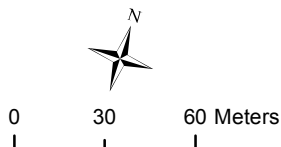
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LOCATION PLAN






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