

Clause No. 54 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.

54

APPLICATION FOR APPROVAL TO EXPROPRIATE WIDENING AND CONSTRUCTION OF BUS RAPID TRANSIT CORRIDOR YONGE STREET (Y2.2) VIVANEXT PROJECT 90991 TOWN OF RICHMOND HILL

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 the bus rapid transit corridor on Yonge Street within the Town of Richmond Hill:

No.	Owner	Municipal Address (YRRTC Reference)	Legal Description	Interest Required
1	Grace Cordone Limited	East Side Yonge Street, south of Silverwood Drive (95m)	Part 2 on Plan 65R13950	Fee Simple
2	Murlee Holdings Limited	10875 Yonge Street (95a)	Part 1 on Plan 65R35077	Temporary Easement
3	Aldar Developments Inc.	11262 Yonge Street (96d)	Part 1 on Plan 65R35071	Temporary Easement
4	Millwin Investments Limited	11300 Yonge Street (96e)	Part 2, 3, 4, and 5 on Plan 65R20571	Temporary Easement
5	St. Mary & St. Joseph Coptic Orthodox Church	11308 Yonge Street (96f)	Part 6 and Part 7 on Plan 65R30571	Temporary Easement

6	1214420 Ontario Limited	11488 Yonge Street (98a)	Part 3 on Plan 65R30572	Fee Simple
7	Loyal True Blue and Orange Home	11181 Yonge Street (101d)	Part 1 and 2 on Plan 65R35076	Temporary Easement
<p>The four year temporary easements will commence upon registration of an expropriation plan and are required for the purpose of entering on the lands with all vehicles, machinery, workers 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 Yonge Street, (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.</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 Major Mackenzie Drive to just north of Gamble Road/19th Avenue (*Attachments 1, 2, 3*).

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

3. BACKGROUND

The Region is undertaking improvements to the road infrastructure and the construction of 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.

Construction associated with vivaNext is ongoing on Davis Drive in Newmarket, and Highway 7, east of Yonge Street in Markham. The corridor in question for this report is Yonge Street (Y2.2), from Major Mackenzie Drive to just north of Gamble Road/19th Avenue. In order to implement the Rapidway on this corridor, road widenings will be required that will result in a significant number of property takings and impacts on existing uses.

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

Viva project Y2.2 received approval of the Environmental Assessment Report from the Ministry of the Environment on April 6, 2006.

The land acquisition process for the Y2.2 corridor is already underway

On April 17, 2014, Council authorized the approval to expropriate rights from 38 property owners. The properties that are the subject of this report were recently identified as additional requirements.

4. ANALYSIS AND OPTIONS

Negotiations are proceeding to acquire the necessary properties with preliminary construction activities commencing this summer

The project will require the acquisition of seven property interests, consisting of two fee simple purchases and five temporary easements to accommodate construction. Possession of all lands is required by July 2015, with utility relocation and preliminary construction activities to commence this summer.

Property negotiations to acquire the necessary lands will commence shortly. Staff will continue to negotiate agreements of purchase and sale for the required interests until an expropriation plan has been registered.

Initiating expropriation proceedings will ensure that the construction schedule will not be compromised if land acquisitions are delayed

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 Major Mackenzie Road to just north of Gamble Road/19th Avenue, is critical to the achievement of the vision for the corridor for both the Region and Town of Richmond Hill. 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.

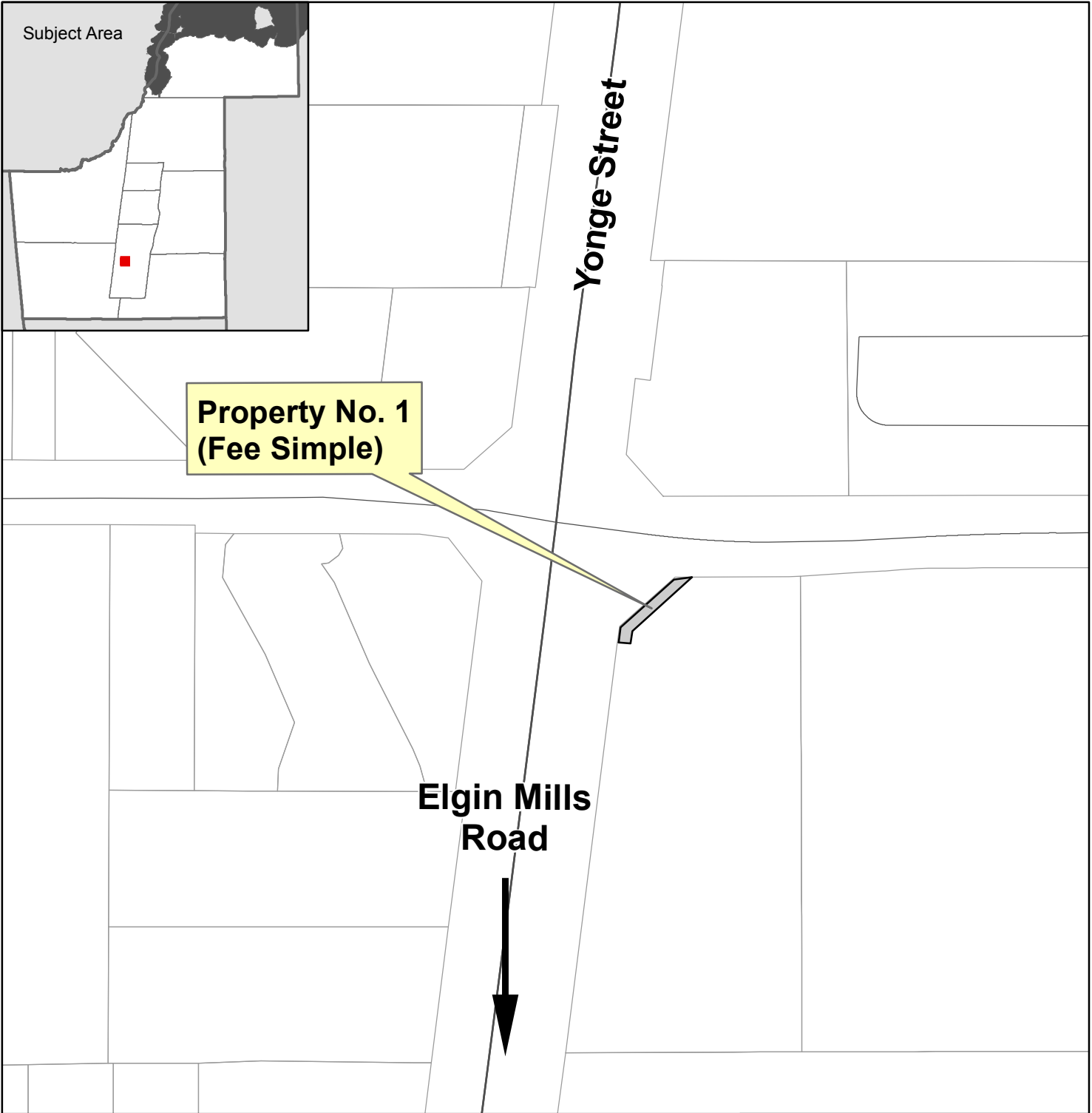
7. CONCLUSION

This report seeks Council approval to expropriate partial land takings from owners, along Yonge Street, in order to facilitate the construction of dedicated bus lanes, related facilities, road and intersection improvements. To ensure the project is not delayed, 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 (3)

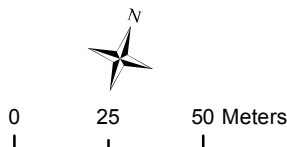


LOCATION PLAN






Application for Approval to Expropriate
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Yonge Street (Y2.2) vivaNext Project 90991
Town of Richmond Hill

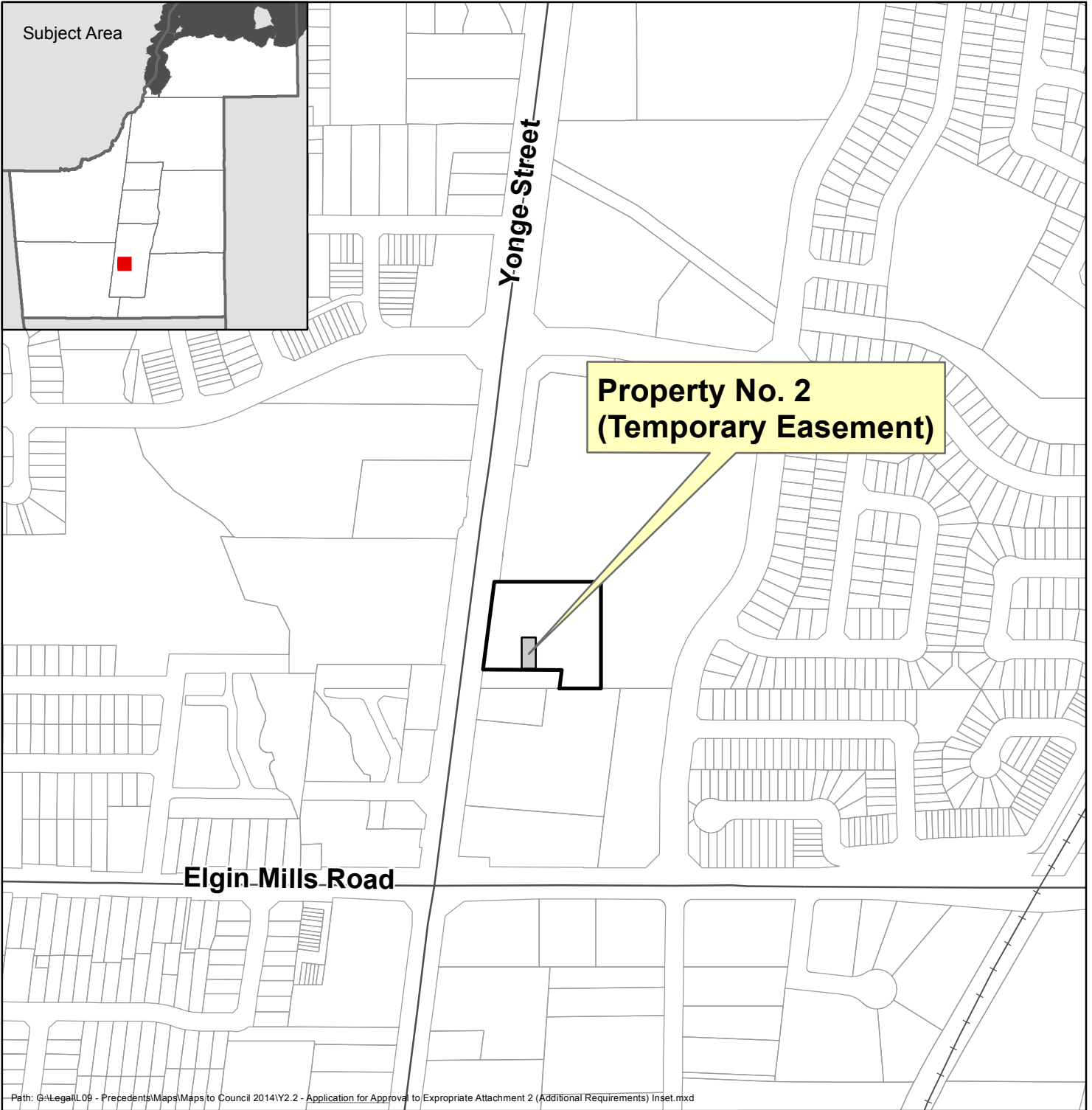


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Legend

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



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LOCATION PLAN






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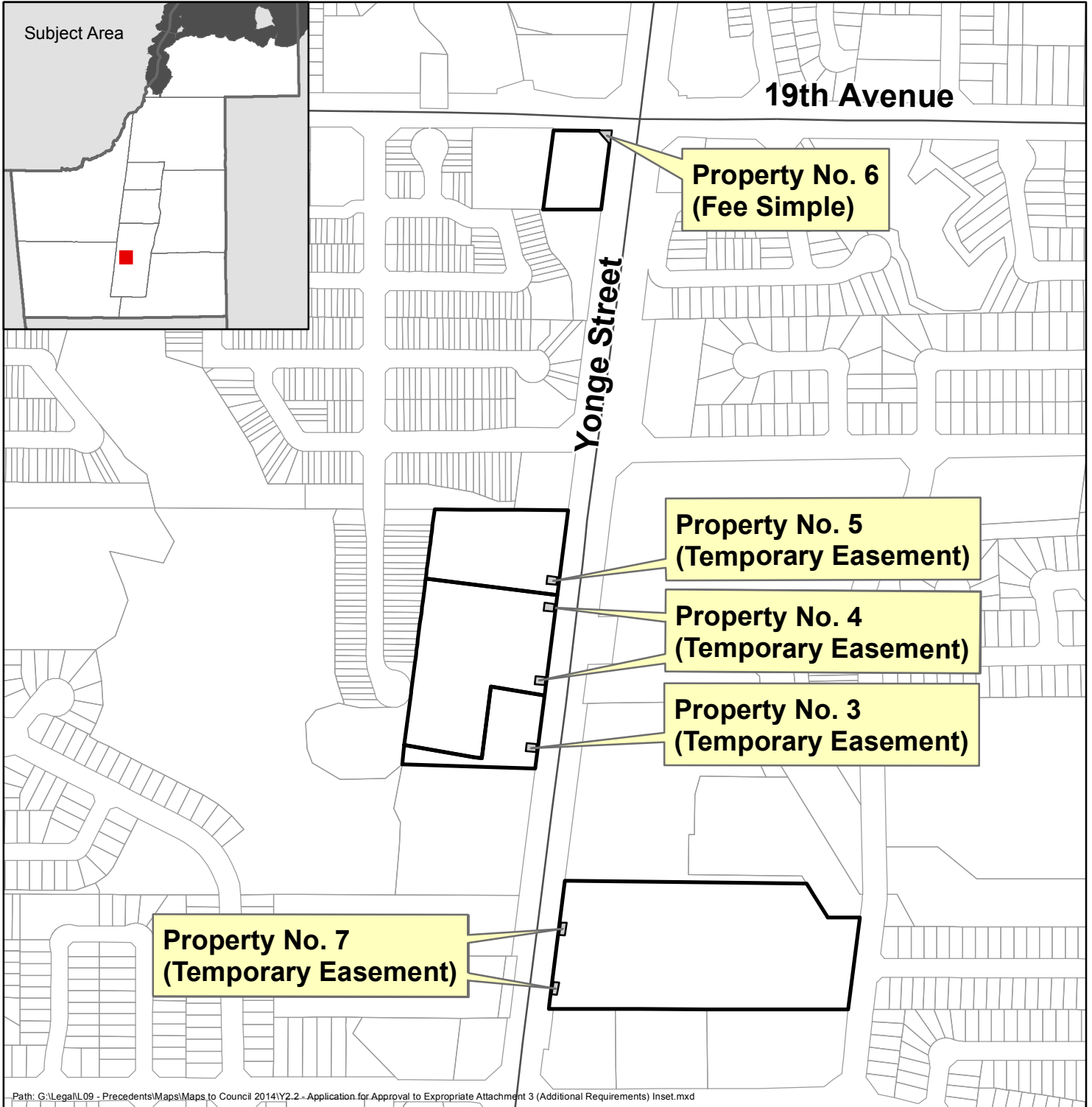


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Legend

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



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LOCATION PLAN






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