

Clause No. 56 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.

56
APPROVAL TO EXPROPRIATE
WIDENING AND CONSTRUCTION OF BUS RAPID TRANSIT CORRIDOR
1082 CENTRE STREET, VIVANEXT PROJECT 90991
CITY OF VAUGHAN

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, as approving authority, approve the expropriation of the following land for the construction of the bus rapid transit corridor on Highway 7 West, Centre Street and Bathurst Street, within the City of Vaughan:

No.	Owner	Municipal Address (YRRTC Reference)	Legal Description	Interest Required
1	Palmerston Properties Limited	1082 Centre Street (Ref. No. 72)	Part of Lot 6, Concession 2 as in R627788	Fee Simple
<p>The fee simple interest required is described as all right, title and interest for the municipal purpose of implementing road and intersection improvements along Highway 7 West, Centre Street and Bathurst 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 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 a property interest required for the widening and reconstruction of road and intersection improvements, in order to provide designated lanes for the Viva transit system along the Highway 7 West corridor (*Attachment 1*).

3. BACKGROUND

In June 2014, Council authorized an application for approval to expropriate lands required for the Highway 7 West (H2) project

The widening and reconstruction of H2 is scheduled to commence in summer 2015. On June 26, 2014, Council authorized an application for approval to expropriate a total of 43 properties, including 31 fee simple interests, 16 permanent easements, and 41 construction easements. The Notice of Application for Approval to Expropriate was served to the owner of the subject property following Council authorization.

Upon receipt of the Notice of Application to Expropriate, the owner had the right within 30 days of receipt to request an inquiry (Hearing of Necessity) as to whether the taking of the land by the Region is fair, sound and reasonable. The owner did not request a hearing.

Staff is continuing negotiations and a parallel amicable acquisition report is being presented to Council on September 11, 2014. However, it is necessary to implement the expropriation process in order to guarantee access to the land in time to prepare for construction in summer 2015.

4. ANALYSIS AND OPTIONS

Registration of an expropriation plan will secure access to the land 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 land approximately three months after the registration of the plan of expropriation.

A draft expropriation plan has been prepared for the subject property. It is anticipated the plan will be registered no later than October 2014. Accordingly, the Region will have access to the property no later than February 2015, enabling preparation of the site for construction to proceed on time in summer 2015. Preparation involves activities such as building demolition, lease terminations and environmental remediation.

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 appraisal required to support this offer is currently being prepared and the proposed offer 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 H2 is critical to the achievement of the vision for the Highway 7 West, Centre Street and Bathurst Street corridors for both the Region and City of Vaughan. 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 H2 in the City of Vaughan requires the acquisition of many property interests. Staff is currently negotiating an amicable acquisition with the owner of the subject property. In order to ensure timely possession of the land to prepare for the beginning of construction in summer 2015, it is recommended that Council approve the expropriation of the subject property.

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\09 - Precedents\Maps\Maps to Council 2014\H2 - Approval to Expropriate (Attachment 1) 1082 Centre Street.mxd





LOCATION PLAN

Approval to Expropriate
 Widening and Construction of Bus Rapid Transit Corridor
 1082 Centre Street, vivaNext Project 90991
 City of Vaughan



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 Corporate Services Department
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Legend

-  Subject Property
-  Parcel
-  Road
-  Railway

