

Clause No. 17 in Report No. 12 of the Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on June 26, 2014.

17
ACQUISITION OF LAND
WIDENING AND CONSTRUCTION OF BUS RAPID TRANSIT CORRIDOR
HIGHWAY 7 WEST (H2-VMC) VIVANEXT, PROJECT 90991
AND
TORONTO-YORK SPADINA SUBWAY EXTENSION, PROJECT 90996
CITY OF VAUGHAN

Committee of the Whole recommends adoption of the recommendations contained in the following report dated June 6, 2014 from the Commissioner of Corporate Services:

1. RECOMMENDATIONS

It is recommended that:

1. Council authorize the acquisition of the following lands in the City of Vaughan:

No.	Owner	Municipal Address	Legal Description	Interest Required
1	Toromont Industries Ltd.	3131 Highway 7 West	Parts 2, 3, 4 and 5, Plan 65R-34898	Fee Simple for vivaNext project
			Parts 19, 20 and 29, Plan 65R-34898	Permanent Surface Easement for TYSSE project
			Part 7, Plan 65R-34898	Permanent Subsurface Easement for TYSSE project
			Parts 14, 22, 23, 24, 25, 30 and 31, Plan 65R-34898	Permanent Surface and Subsurface Easements for TYSSE project

No.	Owner	Municipal Address	Legal Description	Interest Required
			Parts 9, 12, 14, 15, 16, 17, 18, 21, 22, 24, 25, 26, 28, 29, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 44, 47, 48 and 49, Plan YR1625307; and Parts 11, 12, 16 and 21, Plan 65R-34898	Temporary Easement commencing July 4, 2015 and expiring December 31, 2016 plus two (2) six month extension options for TYSSE project
			Parts 1, 6, 8, 10, 13 and 18, Plan 65R-34898	Temporary Easement commencing July 4, 2015 and expiring December 31, 2016 plus two (2) six month extension options and one (1) eight month extension option for TYSSE and vivaNext projects
	The fee simple interests required by the vivaNext project are described as all right, title and interest for the municipal purpose of implementing road and intersection improvements along Highway 7, including associated local roads, and to provide designated lanes for the vivaNext transit system and works ancillary thereto.			
	The permanent surface easements in, on, over and through the lands required by the Toronto-York Spadina Subway Extension project are for the purposes of entering upon and occupying the lands with all necessary machinery, equipment, workers and other material required for, or in connection with the construction, operation and maintenance of the Subsurface System.			
	The permanent subsurface easements in, on, over and through the lands required by the Toronto-York Spadina Subway Extension project are for the permanent relocation and future installation of a sanitary sewer, storm sewer, hydro utilities, water main utilities and all works ancillary thereto.			
	The temporary easements required by the vivaNext project are described as a temporary limited interest in, under, over, along and upon and for municipal purposes including, but not limited to, 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,			

No.	Owner	Municipal Address	Legal Description	Interest Required
				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 Highway 7, including associated local roads, and to provide designated lanes for the vivaNext transit system and works ancillary thereto.
				The temporary easements required by the Toronto-York Spadina Subway Extension project are for the purpose of entering on the lands with all vehicles, machinery, workers and other material to provide for the construction of the Toronto-York Spadina Subway Extension project and works ancillary thereto.

2. The Commissioner of Corporate Services be authorized to execute the agreements of purchase and sale and all necessary documents to complete these transactions.

2. PURPOSE

This report seeks Council approval to acquire certain lands for the vivaNext and Toronto-York Spadina Subway Extension projects (*Attachments 1 and 2*).

3. BACKGROUND

Construction of the Toronto-York Spadina Subway Extension (TYSSE) project is underway

The Toronto-York Spadina Subway Extension (TYSSE) project involves the construction of subway tunnels, stations, emergency exit buildings, power substations, parking lots, roads and other subway-related infrastructure. The project extends from Steeles Avenue West to Highway 7, in the City of Vaughan.

On November 29, 2009, the YYSSE project received Ministry of the Environment approval of the Environmental Assessment Report prepared by the Region, with respect to the part of the project located within the Region.

In 2010 and 2011, the initial land requirements were acquired by negotiation and expropriation. Construction has been ongoing since 2011, with tunneling completed. Negotiations and expropriations are now proceeding to acquire additional land requirements.

Construction of the vivaNext project will begin upon completion of TYSSE construction on Highway 7

To facilitate bus rapid transit along portions of the Highway 7, Yonge Street and Davis Drive corridors, the Region, via York Region Rapid Transit Corporation (YRRTC), is improving road infrastructure, enhancing streetscaping and boulevards, and constructing dedicated lanes for Viva buses. The entire project is called vivaNext.

The construction of vivaNext is ongoing along Davis Drive, in Newmarket, and along Highway 7, in Markham. This report addresses the portion of the H2-VMC corridor, in Vaughan, that intersects the TYSSE project. The vivaNext project is scheduled to begin upon the completion of the TYSSE project on Highway 7.

On November 9, 2006, the H2-VMC corridor received approval of the Environmental Assessment Report from the Ministry of the Environment. Negotiations and expropriations are now proceeding to acquire land requirements.

4. ANALYSIS AND OPTIONS

Negotiations pursuant to section 30 of the *Expropriations Act* have been successfully completed with one landowner for additional TYSSE and vivaNext requirements

Staff has completed the negotiations for one property located at the southwest corner of Highway 7 and Jane Street. The TYSSE project requires additional lands for temporary construction easement extensions, as well as permanent utility and access easements. The vivaNext project requires lands for many uses and activities such as a fee simple interest for a road widening, as well as a temporary easement for driveways, grading and temporary working areas.

Upon completion of TYSSE construction on Highway 7, the project's permission to enter and construct on parts of the temporary easement, along Highway 7, will terminate to allow vivaNext construction to begin.

An agreement pursuant to section 30 of the *Expropriations Act* (the "Act") has been negotiated with the landowner. The agreement will deliver land requirements that are critical to the construction progress, while protecting the landowner's rights to determine final compensation at a later date. The interim compensation is based on an independent appraisal report. Negotiations to settle final compensation are ongoing.

A parallel expropriation process is underway. The expropriation process will be abandoned upon successful acquisition pursuant to section 30 of the *Act*.

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

5. FINANCIAL IMPLICATIONS

Fee simple compensation will be allocated to the vivaNext project. Permanent easement compensation will be allocated to the TYSSE project. Temporary easement compensation will be allocated based on each project's requirements and duration of use.

The funds required to complete the TYSSE portion of the acquisition are included in the \$2.6B TYSSE project budget, of which the Region contributes up to \$351M. The costs are fully recoverable from the TYSSE budget.

The funds required to complete the vivaNext portion of the acquisition are included in the 2014 YRRTC Capital Budget. The project is funded by the Province, via the Metrolinx Master Agreement.

6. LOCAL MUNICIPAL IMPACT

The construction of the vivaNext and TYSSE projects is critical to the achievement of the vision for each corridor, and the Vaughan Metropolitan Centre, for both the Region and the City of Vaughan. Additionally, these projects will improve public transit facilities to support the Region's goal for higher density mixed use transit-oriented development.

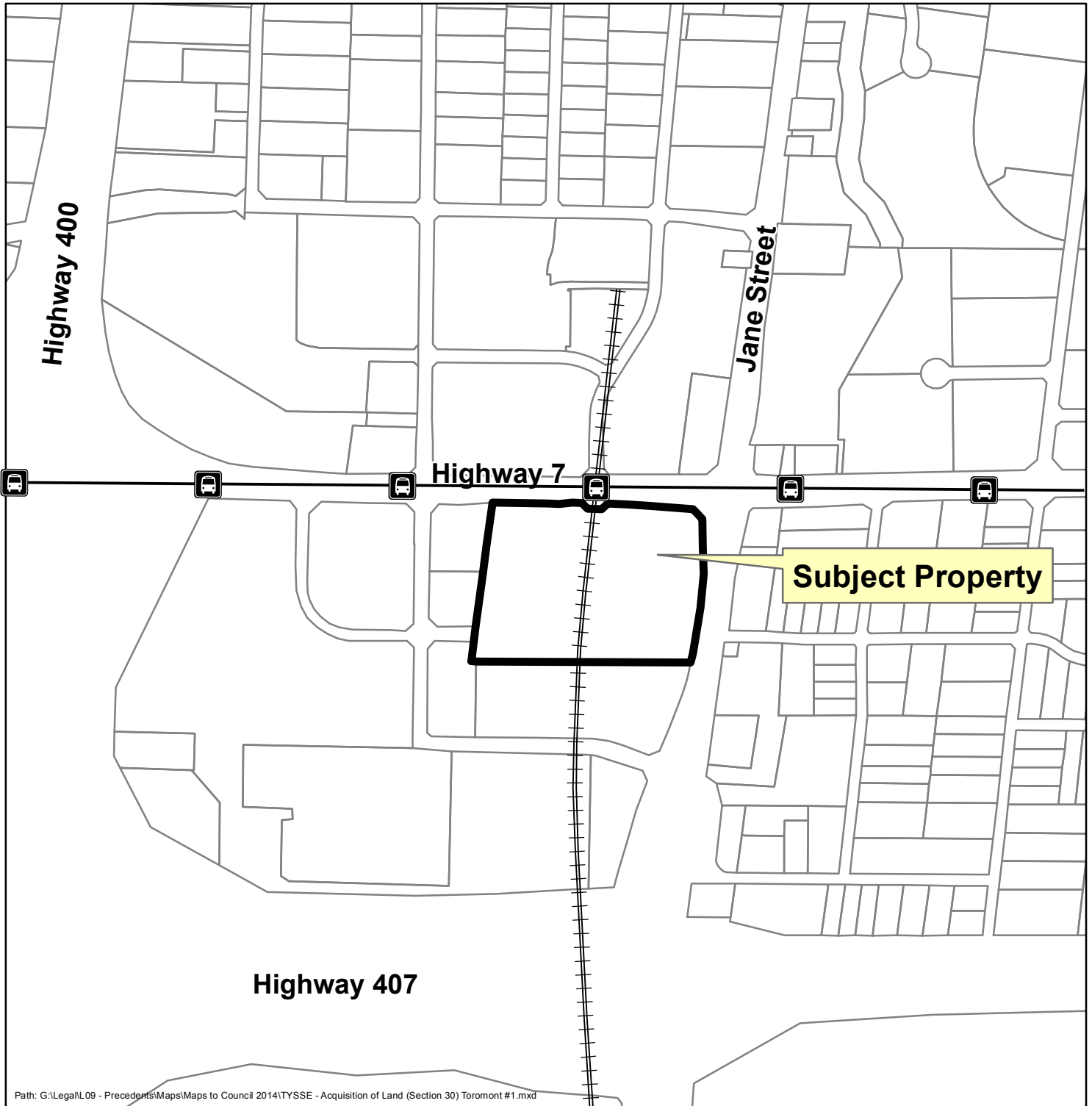
7. CONCLUSION

Staff has concluded negotiations pursuant to section 30 of the *Expropriations Act* for the acquisition of certain lands required for the construction of the vivaNext and TYSSE projects. TYSSE construction is underway and the Highway 7 vivaNext project will begin upon completion of the subway project on Highway 7. The acquisition of the necessary additional lands will facilitate timely completion of both projects. Accordingly, it is recommended that Council approve the acquisition of the lands detailed in this report.

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 (2)



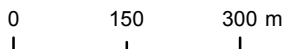
Path: G:\Legal\I09 - Precedents\Maps\Maps to Council 2014\TYSSE - Acquisition of Land (Section 30) Toromont #1.mxd

LOCATION PLAN





Acquisition of Land
 Widening and Construction of Bus Rapid Transit Corridor
 Highway 7 West (H2-VMC), Project 90991 and
 Toronto-York Spadina Subway Extension, Project 90996
 City of Vaughan

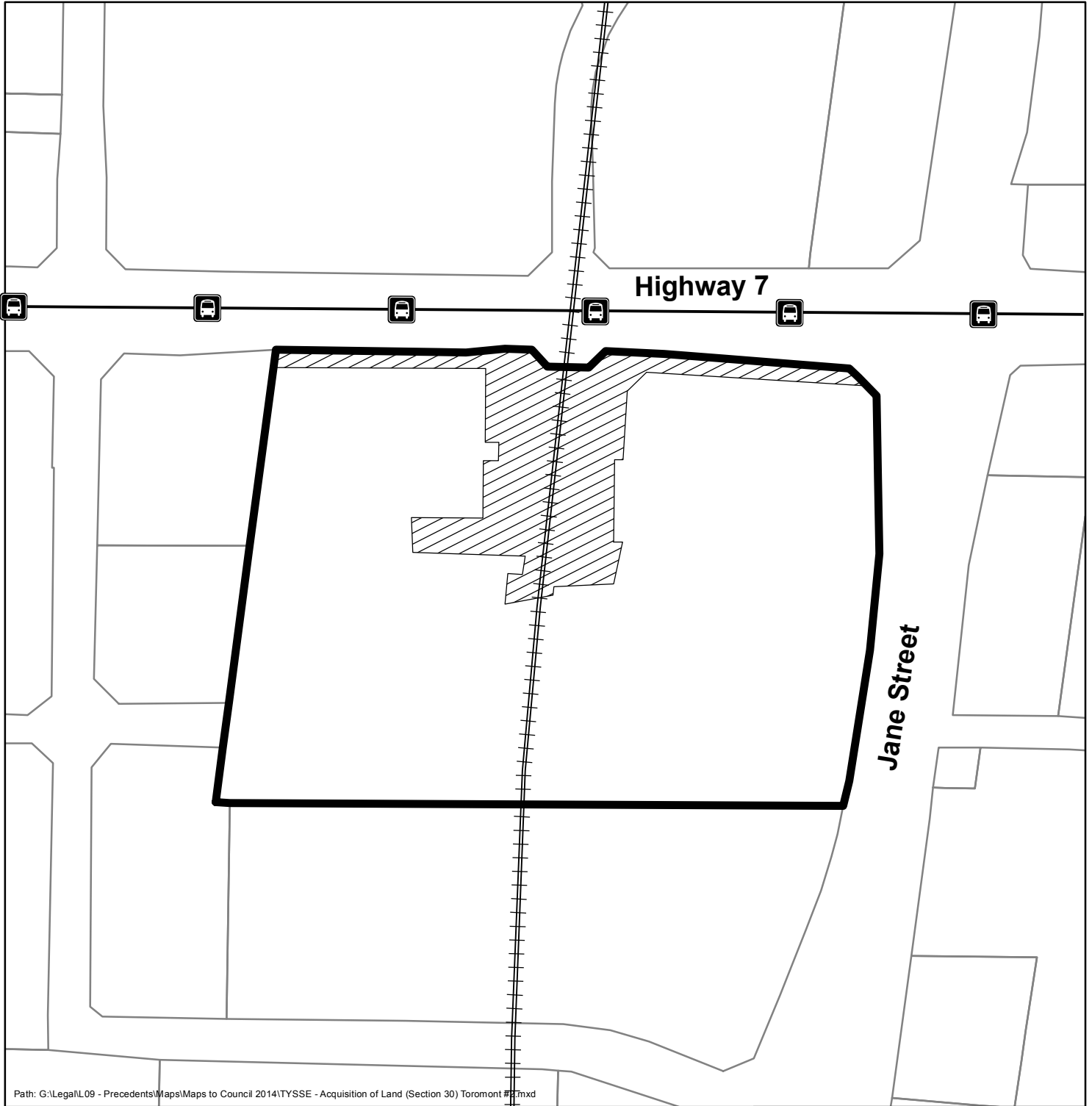


Produced by:
 Property Services Branch
 Corporate Services Department
 © Copyright, The Regional Municipality of York, March, 2014
 © Copyright, First Base Solutions Inc. 2013 Orthophotography
 * Includes © Queen's Printer for Ontario 2003-2014



Legend

-  Subject Property
-  Approximate Subway Tunnel Alignment
-  vivaNext Rapidway
-  Parcel



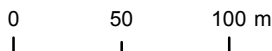
Path: G:\Legal\I09 - Precedents\Maps\Maps to Council 2014\TYSSE - Acquisition of Land (Section 30) Toromont #2.mxd

LOCATION PLAN






Acquisition of Land
 Widening and Construction of Bus Rapid Transit Corridor
 Highway 7 West (H2-VMC), Project 90991 and
 Toronto-York Spadina Subway Extension, Project 90996
 City of Vaughan



Produced by:
 Property Services Branch
 Corporate Services Department
 © Copyright, The Regional Municipality of York, March, 2014
 © Copyright, First Base Solutions Inc. 2013 Orthophotography
 * Includes © Queen's Printer for Ontario 2003-2014



Legend

-  Subject Property
-  Approximate Requirements
-  Approximate Subway Tunnel Alignment
-  vivaNext Rapidway
-  Parcel