

Clause No. 23 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.

23

APPLICATION FOR APPROVAL TO EXPROPRIATE WIDENING AND CONSTRUCTION OF BUS RAPID TRANSIT CORRIDOR HIGHWAY 7 WEST, CENTRE STREET, AND BATHURST STREET (H2) VIVANEXT PROJECT 90991, CITY OF VAUGHAN

Committee of the Whole recommends adoption of the recommendations contained in the following report dated June 5, 2014 from the 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 Highway 7 West, Centre Street and Bathurst Street, within the City of Vaughan:

No.	Owner	Municipal Address (YRRTC Reference)	Legal Description	Interest Required
1	Pine Seven Office Park Inc.	4500 Highway 7 (Ref No. 18)	Parts 6, 7, 8 and 9 on Plan 65R-34915	Fee Simple
			Part 5 on Plan 65R-34915	Permanent Easement
			Parts 1, 3 and 4 on Plan 65R-34915	Temporary Easement
2	Estate of Marguerite Culotta	4114 Highway 7 (Ref No. 19)	Part 1 on Plan 65R-34914	Fee Simple
			Parts 2 and 3 on Plan 65R-34914	Temporary Easement
3	1737445 Ontario Inc.	4100 Highway 7 (Ref No. 20)	Parts 4 and 9 on Plan 65R-34914	Fee Simple
			Parts 5, 6, 7 and 8 on Plan 65R-34914	Temporary Easement

4	1737445 Ontario Inc.	4040 Highway 7 (Ref No. 21)	Part 12 on Plan 65R-34914	Fee Simple
			Parts 10 and 11 on Plan 65R-34914	Temporary Easement
5	Lee-Mar Developments Limited	4030 Highway 7 (Ref No. 21A)	Parts 13 and 14 on Plan 65R-34914	Temporary Easement
6	Sara Kranc, et al.	7818 Dufferin Street (Ref No. 50/51)	Parts 20 and 22 on Plan 65R-34917	Fee Simple
			Parts 21, 23 and 24 on Plan 65R-34917	Temporary Easement
7	2090396 Ontario Limited	1500 Centre Street (Ref No. 52)	Part 18 on Plan 65R-34917	Fee Simple
			Part 19 on Plan 65R-34917	Temporary Easement
8	IDAN-SHIM (1986) Incorporated	1470 Centre Street (Ref No. 53)	Part 17 on Plan 65R-34917	Fee Simple
			Part 16 on Plan 65R-34917	Temporary Easement
9	235539 Ontario Inc.	1450 Centre Street (Ref No. 54)	Parts 12 and 13 on Plan 65R-34917	Fee Simple
			Part 14 on Plan 65R-34917	Permanent Easement
			Part 15 on Plan 65R-34917	Temporary Easement
10	235539 Ontario Inc.	1438 Centre Street (Ref No. 55)	Parts 6 and 7 on Plan 65R-34917	Fee Simple
			Part 8 on Plan 65R-34917	Permanent Easement
			Part 9 on Plan 65R-34917	Temporary Easement
11	Mares Success Ltd.	1416 Centre Street (Ref No. 56)	Parts 1 and 3 on Plan 65R-34917	Fee Simple
			Parts 2, 4 and 5 on Plan 65R-34917	Temporary Easement
12	Malvina Beker	63 Loudon Cres. (Ref No. 58)	Part 21 on Plan 65R-34945	Fee Simple
			Parts 22 and 23 on Plan 65R-34945	Permanent Easement
			Part 20 on Plan 65R-34945	Temporary Easement
13	Tony and Maria Wong	37 Loudon Cres. (Ref No. 59)	Part 17 on Plan 65R-34945	Fee Simple
			Part 16 on Plan 65R-34945	Temporary Easement
14	Brigido and Analie Servanez	2 Concord Road (Ref No. 60)	Part 14 on Plan 65R-34945	Fee Simple
			Part 15 on Plan 65R-34945	Temporary Easement

15	1096818 Ontario Inc.	1314 Centre Street (Ref No. 61)	Part 11 on Plan 65R-34945	Fee Simple
			Part 9 on Plan 65R-34945	Permanent Easement
			Part 10 on Plan 65R-34945	Temporary Easement
16	1096818 Ontario Inc.	1304 Centre Street (Ref No. 62)	Part 8 on Plan 65R-34945	Permanent Easement
			Part 7 on Plan 65R-34945	Temporary Easement
17	Arthur Fisch	1294 Centre Street (Ref No. 62A)	Part 5 on Plan 65R-34945	Permanent Easement
			Part 6 on Plan 65R-34945	Temporary Easement
18	1096818 Ontario Inc.	1282 Centre Street (Ref No. 62B)	Part 4 on Plan 65R-34945	Permanent Easement
			Part 3 on Plan 65R-34945	Temporary Easement
19	Arthur Fisch	1272 Centre Street (Ref No. 62C)	Part 1 on Plan 65R-34945	Permanent Easement
			Part 2 on Plan 65R-34945	Temporary Easement
20	1096818 Ontario Inc.	1260 Centre Street (Ref No. 62D)	Part 19 on Plan 65R-34944	Fee Simple
			Part 20 on Plan 65R-34944	Permanent Easement
			Parts 21 and 22 on Plan 65R-34944	Temporary Easement
21	Raya Gluzberg	1252 Centre Street (Ref No. 62E)	Parts 13 and 18 on Plan 65R-34944	Fee Simple
			Parts 14 and 17 on Plan 65R-34944	Permanent Easement
			Parts 15 and 16 on Plan 65R-34944.	Temporary Easement
22	Daniel and Raya Gluzberg	1238 Centre Street (Ref No. 63)	Part 12 on Plan 65R-34944	Fee Simple
			Part 11 on Plan 65R-34944	Permanent Easement
			Part 10 on Plan 65R-34944	Temporary Easement
23	Theodore, Hanna and Charles Haller	1226 Centre Street (Ref No. 64)	Part 7 on Plan 65R-34944	Fee Simple
			Part 8 on Plan 65R-34944	Permanent Easement
			Part 9 on Plan 65R-34944	Temporary Easement

24	Ilana Balilty	1218 Centre Street (Ref No. 65)	Part 6 on Plan 65R-34944	Fee Simple
			Part 5 on Plan 65R-34944	Permanent Easement
			Part 4 on Plan 65R-34944	Temporary Easement
25	1600609 Ontario Inc.	1206 Centre Street (Ref No. 66)	Part 1 on Plan 65R-34944	Fee Simple
			Part 2 on Plan 65R-34944	Permanent Easement
			Part 3 on Plan 65R-34944	Temporary Easement
26	MCC Properties Corp.	1200 Centre Street (Ref No. 67)	Part 31 on Plan 65R-34902	Permanent Easement
27	Perls Incorporation	1152 Centre Street (Ref No. 68)	Parts 28 and 29 on Plan 65R-34902	Fee Simple
			Parts 27 and 30 on Plan 65R-34902	Temporary Easement
28	Centre Street Properties Inc.	1136 Centre Street (Ref No. 69)	Parts 24 and 25 on Plan 65R-34902	Fee Simple
			Parts 23 and 26 on Plan 65R-34902	Temporary Easement
29	Vogue Investments Limited	1118 Centre Street (Ref No. 70)	Parts 20 and 21 on Plan 65R-34902	Fee Simple
			Parts 19 and 22 on Plan 65R-34902	Temporary Easement
30	949988 Ontario Ltd.	1102 Centre Street (Ref No. 71)	Parts 15 and 17 on Plan 65R-34902	Fee Simple
			Parts 16 and 18 on Plan 65R-34902	Temporary Easement
31	Palmerston Properties Limited	1082 Centre Street (Ref No. 72)	Part of Lot 6, Concession 2, Geographic Township of Vaughan, as in R627788	Fee Simple
32	Riocan Holdings Inc.	1054 Centre Street (Ref No. 73)	Parts 5, 10, 13 and 14 on Plan 65R-34902	Fee Simple
			Parts 4, 11 and 12 on Plan 65R-34902	Temporary Easement
33	Imperial Oil Limited	1030 Centre Street (Ref No. 74)	Parts 7 and 9 on Plan 65R-34902	Fee Simple
			Parts 6 and 8 on Plan 65R-34902	Temporary Easement
34	Riocan Holdings Inc.	1054 Centre Street (Ref No. 75)	Parts 2 and 3 on Plan 65R-34902	Fee Simple
			Part 1 on Plan 65R-34902	Temporary Easement

35	KRCMAR Properties Inc.	1137 Centre Street (Ref No. 80J)	Part 32 on 65R-34902 and Part 1 on Plan 65R-34960	Temporary Easement
36	Gennaro and Stella Panacci	30 Mountfield Cres. (Ref No. 88)	Part 2 on Plan 65R-34960	Fee Simple
			Part 7 on Plan 65R-34960;	Temporary Easement
37	Konstantinos Karakostas	28 Mountfield Cres. (Ref No. 89)	Part 3 on Plan 65R-34960	Fee Simple
			Part 6 on Plan 65R-34960	Temporary Easement
38	Joe Cultraro	24 Mountfield Cres. (Ref No. 90)	Part 26 on Plan 65R-34944	Temporary Easement
39	Bettina Apa	7 Wade Gate (Ref No. 91)	Part 25 on Plan 65R-34944	Temporary Easement
40	2157875 Ontario Limited	1417 Centre Street (Ref No. 99)	Parts 29, 30, 31 and 32 on Plan 65R-34917	Temporary Easement
41	2157875 Ontario Limited	1423 Centre Street (Ref No. 99A)	Part 28 on Plan 65R-34917	Temporary Easement
42	723736 Ontario Limited	1435 Centre Street (Ref No. 99B)	Part 27 on Plan 65R-34917	Temporary Easement
43	Edward Letichever	1445 Centre Street (Ref No. 100)	Part 25 on Plan 65R-34917	Fee Simple
			Part 26 on Plan 65R-34917	Temporary Easement

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, Centre Street and Bathurst Street, including associated local roads, and to provide designated lanes for the vivaNext transit system and works ancillary thereto.

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 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 may 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 Highway 7, Centre Street and Bathurst Street, including associated local roads, and to provide designated lanes for the vivaNext transit system and works ancillary thereto.

The temporary easements required are described as a temporary limited interest for a term of five (5) years commencing on registration of the plan of expropriation 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 Highway 7, Centre Street and Bathurst Street, 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 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 for the Highway 7 corridor (H2) of the vivaNext bus rapid transit project (*Attachments 1 and 2*).

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 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 Highway 7, in Markham. This report addresses the Highway 7 corridor (H2), in Vaughan, which is scheduled to begin construction in summer 2015. The corridor runs along Highway 7, from Pine Valley Drive to Highway 400, Centre Street, from Highway 7 to Bathurst Street, and Bathurst Street, from Centre Street to Highway 7.

The project received approval of the Environmental Assessment Report from the Ministry of the Environment in 2006

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

4. ANALYSIS AND OPTIONS

Negotiations are ongoing to acquire the necessary properties before the start of construction

Staff is currently negotiating the acquisition of 43 properties. The lands are required for many uses and activities such as road widenings, driveways, utilities, streetscaping, retaining walls, grading and temporary working areas. The ownership interests include fee simple, permanent easement and temporary easement. Possession of all lands is required by May 2015.

One of the property acquisitions is a full buy-out containing a tenant. The property will be converted to a signalized intersection and access driveway to adjacent properties. The City of Vaughan is planning to convert the driveway to a road allowance in the future.

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 successful on some properties. These agreements of purchase and sale will be presented to the applicable approving authorities in due

course. However, it is recommended that the expropriation process proceed in two phases and concurrently with ongoing negotiations, in order to gain possession of all lands before the start of construction. This report is the first phase, which contains 43 properties. The second phase contains approximately 41 properties, which will be presented at a later date. Timely possession of all lands will reduce the risk of significant property escalation costs and construction delays.

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.

Staff will continue to negotiate agreements of purchase and sale for the required interests until an expropriation plan is registered.

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, related facilities, road and intersection improvements are critical to the achievement of the vision for the Highway 7 corridor 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

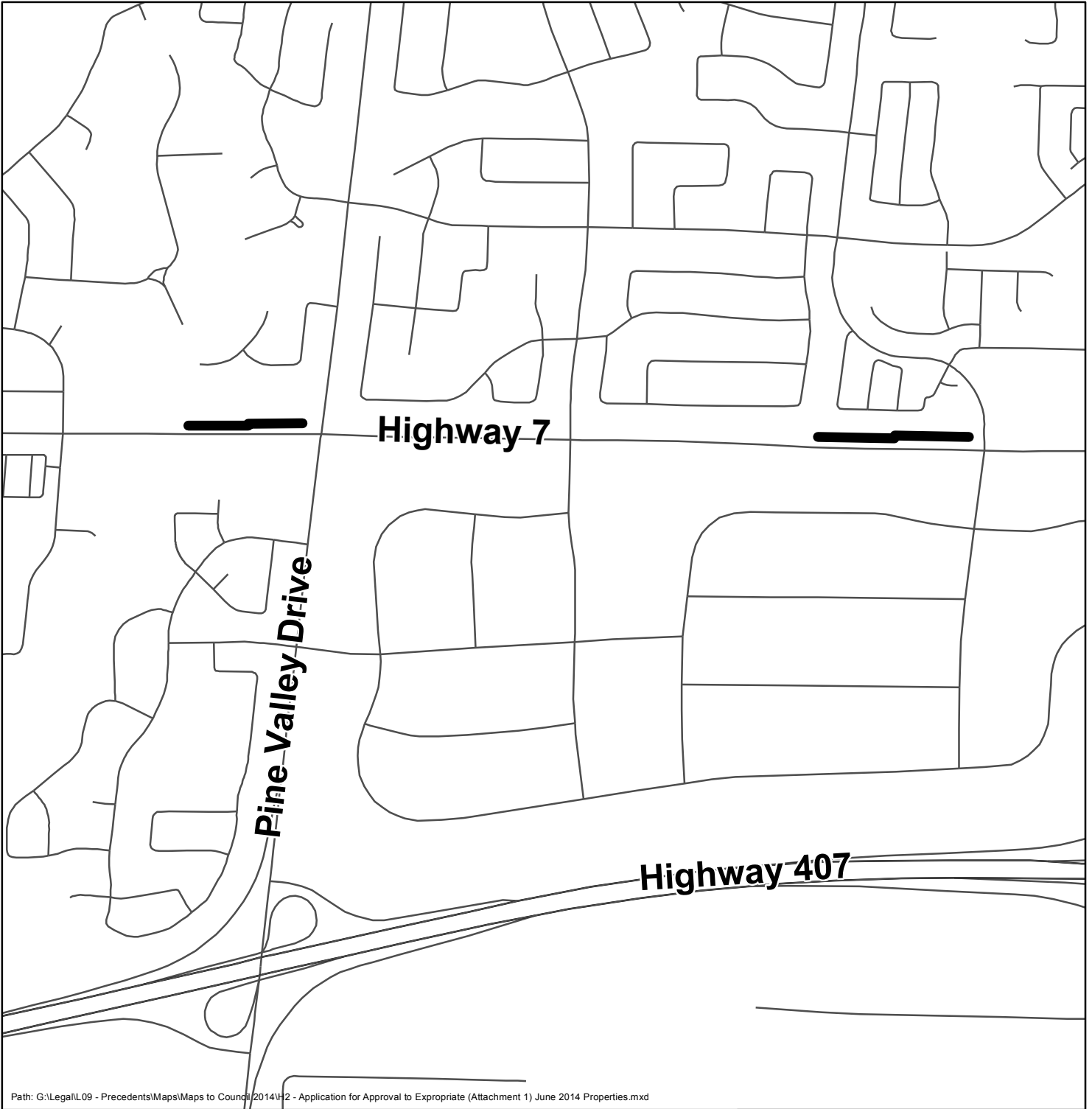
This report seeks Council approval to expropriate land requirements for the construction of the Highway 7 corridor. To ensure timely possession of all lands for the start of construction, it is necessary to initiate the expropriation process. Staff will continue to negotiate the acquisition of the required properties and expropriation proceedings will be

abandoned where negotiations are successful. 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)



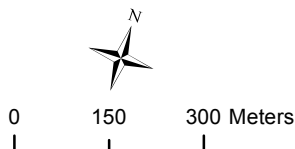
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LOCATION PLAN




Application for Approval to Expropriate
 Widening and Construction of Bus Rapid Transit Corridor
 Highway 7 West, Centre Street, Bathurst Street (H2)
 vivaNext Project 90991, City of Vaughan

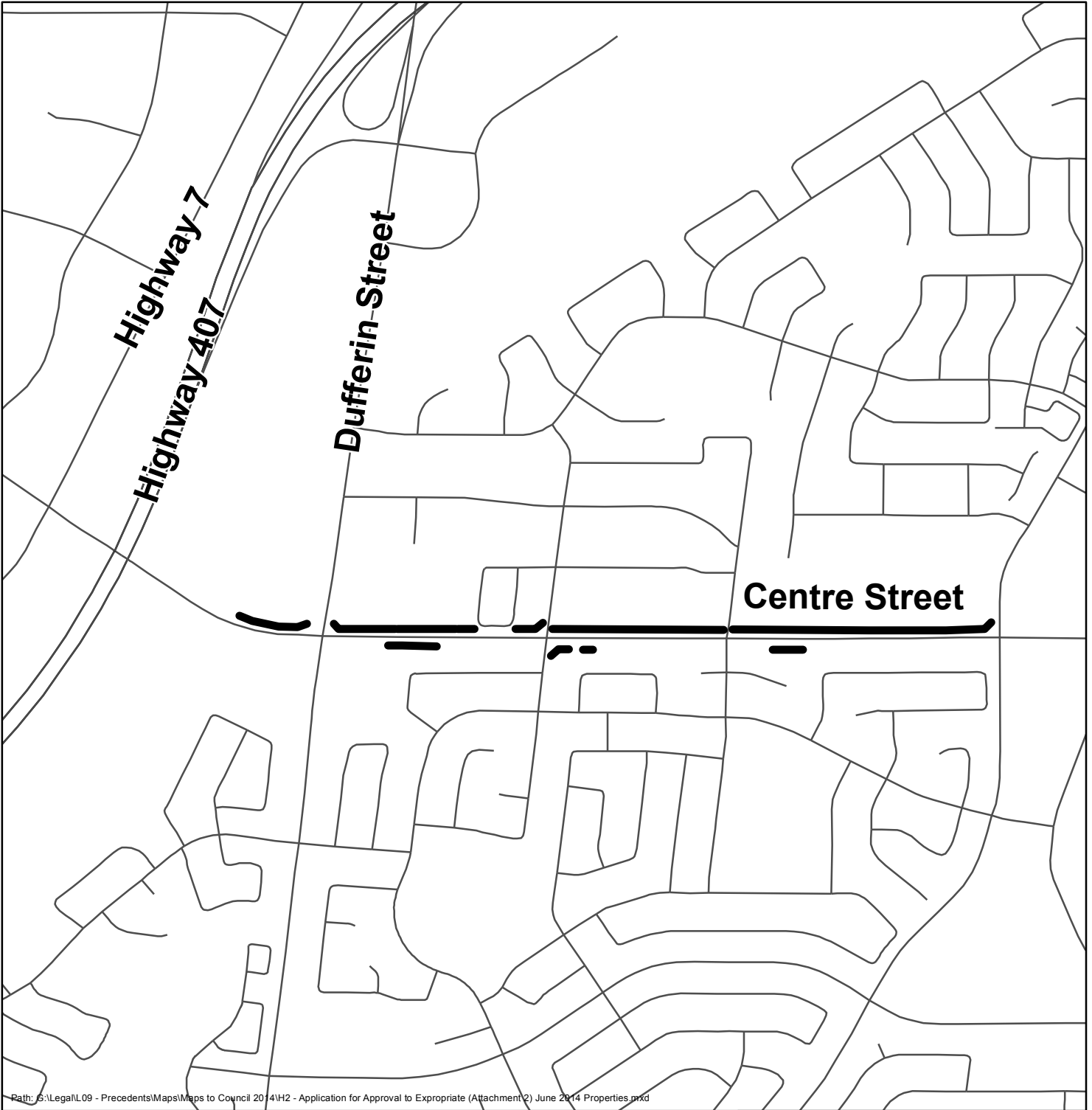


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Legend

-  Subject Properties
-  Roads
-  Railway



Path: G:\Legal\I09 - Precedents\Maps\Maps to Council 2014\H2 - Application for Approval to Expropriate (Attachment2) June 2014 Properties.mxd




LOCATION PLAN

Application for Approval to Expropriate
Widening and Construction of Bus Rapid Transit Corridor
Highway 7 West, Centre Street, Bathurst Street (H2)
vivaNext Project 90991, City of Vaughan



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Legend

-  Subject Properties
-  Roads
-  Railway

