

Clause No. 10 in Report No. 8 of the Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on April 17, 2014.

10
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 following recommendations contained in the report dated March 25, 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 within the Town of Richmond Hill:

No.	Owner(s)	Municipal Address (YRRTC Reference)	Legal Description	Interest Required
1.	Natweiss Investments Limited Grall Corporation Limited 967933 Ontario Limited Sitzer Group Holdings No. 1 Limited	10520 Yonge Street (75)	Part 4, Plan 65R34760	Fee Simple
			Part 3, Plan 65R34760	Temporary Easement
2.	Loblaws Inc.	10488 Yonge Street (75b)	Part 2, Plan 65R34760	Temporary Easement

No.	Owner(s)	Municipal Address (YRRTC Reference)	Legal Description	Interest Required
3.	George P. Dickson	Remnant in front of 10520 and 10594 Yonge Street (75d)	Part 7, Plan 65R34760	Fee Simple
4.	1835942 Ontario Inc.	10481 Yonge Street (76a)	Part 2, Plan 65R34732	Fee Simple
			Part 1, Plan 65R34732	Temporary Easement
5.	Stonecourt Construction Inc.	10537 Yonge Street (76b)	Parts 4, 10, 13 and 28, Plan 65R34732	Fee Simple
			Parts 3, 5, 8, 9, 11 and 12, Plan 65R34732	Temporary Easement
6.	172965 Canada Limited	10579 Yonge Street (77)	Parts 15, 16, 19 and 21, Plan 65R34732	Fee Simple
			Parts 14, 17, 18 and 20, Plan 65R34732	Temporary Easement
7.	Berndale Investments Limited 554701 Ontario Inc.	10593 Yonge Street (78)	Part 22, Plan 65R34732	Fee Simple
			Part 23, Plan 65R34732	Temporary Easement

8.	Glenridge Construction Company Limited	10605 Yonge Street (79)	Part 24, Plan 65R34732	Fee Simple
			Part 25, Plan 65R34732	Temporary Easement
9.	Yooxli Ltd.	10620 Yonge Street (80)	Part 6, Plan 65R34760	Fee Simple
			Part 5, Plan 65R34760	Temporary Easement
10.	BRL Realty Limited	10619 Yonge Street (81)	Part 26, Plan 65R34732	Fee Simple
			Part 27, Plan 65R34732	Temporary Easement
11.	Wilsand Holdings Limited	10675 Yonge Street (82, 84)	Part 2, Plan 65R34733	Fee Simple
			Part 1, Plan 65R34733	Temporary Easement
12.	Berfield Financial Holdings Inc.	10660 Yonge Street (83)	Parts 1, 4, 7, 10, 13 and 15, Plan 65R34764	Fee Simple
			Parts 2, 3, 5, 6, 8, 9, 11, 12, 14 and 16, Plan 65R34764	Temporary Easement

13.	Maxcare Medical Plaza Incorporated	10670 Yonge Street (85)	Parts 17 and 33, Plan 65R34764	Fee Simple
			Parts 18 and 34, Plan 65R34764	Temporary Easement
14.	Sabella Ridge Estates Inc.	10684 and 10692 Yonge Street (86, 88)	Parts 20 and 21, Plan 65R34764	Fee Simple
			Parts 19 and 22, Plan 65R34764	Temporary Easement
15.	Shant Ghazarian Aline Ghazarian	10695 Yonge Street (87)	Part 4, Plan 65R34733	Fee Simple
			Part 3, Plan 65R34733	Temporary Easement
16.	2073302 Ontario Inc.	10711 Yonge Street (89)	Part 6, Plan 65R34733	Fee Simple
			Part 5, Plan 65R34733	Temporary Easement
17.	Yonge Elgin Plaza Ltd.	10720 Yonge Street (90)	Parts 24 and 26, Plan 65R34764	Fee Simple
			Parts 23 and 25, Plan 65R34764	Temporary Easement

18.	2262443 Ontario Limited	10731 Yonge Street (91)	Part 7, Plan 65R34733	Fee Simple
			Part 8, Plan 65R34733	Temporary Easement
19.	1122270 Ontario Inc.	19 Leonard Street (92)	Parts 27 and 28, Plan 65R34764	Fee Simple
			Parts 29 and 30, Plan 65R34764	Temporary Easement
20.	Armando Joe Guido Angelo Guido Anna Rita Guido	10766 Yonge Street (93)	Part 32, Plan 65R34764	Fee Simple
			Part 31, Plan 65R-34764	Temporary Easement
21.	Ninetta Panetta Luigi Panetta	10801 Yonge Street (93b)	Part 1, 2 and 3, Plan 65R34773	Temporary Easement
22.	Totera Enterprises Limited 2012002 Ontario Ltd.	10815 and 10825 Yonge Street (93c, 93d)	Parts 4, 5 and 6, Plan 65R34773	Temporary Easement
23.	Evelyn Aimis Holdings Inc.	10794 Yonge Street (94)	Part 2, Plan 65R34769	Temporary Easement

24.	Murlee Holdings Limited	10875 Yonge Street (95a)	Part 9, Plan 65R34773	Fee Simple
			Part 8, Plan 65R34773	Permanent Easement
			Part 7, Plan 65R34773	Temporary Easement
25.	10870 Yonge Street Limited	10870 Yonge Street (95b)	Part 3, Plan 65R31421	Temporary Easement
26.	Wilbair Holdings Inc.	10898 Yonge Street (95c)	Part 5, Plan 65R34769	Fee Simple
			Part 5, Plan 65R31421	Temporary Easement
27.	S&E Consultants Limited	10944-10956 Yonge Street (95e)	Parts 6, 7 and 8, Plan 65R34769	Temporary Easement
28.	Yonge MCD Inc.	11044 Yonge Street (95i)	Part 1, Plan 65R34772	Permanent Easement
			Parts 2 and 3, Plan 65R34772	Temporary Easement
29.	Mon Sheong Foundation	11283 Yonge Street (96)	Parts 1 and 2, Plan 65R34737	Temporary Easement
30.	L'Arche Daybreak	11339 Yonge Street (96a)	Parts 3, 4, 5 and 6 Plan 65R34737	Temporary Easement

31.	Antonio Di Vincenzo	11352 Yonge Street (96b)	Parts 2 and 3, Plan 65R34771	Fee Simple
			Part 1, Plan 65R34771	Temporary Easement
32.	Aralansa Inc.	e/s Yonge Street, s/s 19 th Ave. (97)	Part 6, Plan 65R34768	Temporary Easement
33.	Valleyford Development Corporation	w/s Yonge Street, north of Gamble (98)	Part 1, Plan 65R34759	Fee Simple
			Part 2, Plan 65R34759	Temporary Easement
34.	Weins Canada Inc.	11552 Yonge Street (99)	Parts 3 and 4, Plan 65R34759	Temporary Easement
35.	J. Cordone Realty Limited	11130 Yonge Street (101)	Part 4, Plan 65R34772	Fee Simple
			Part 5, Plan 65R34772	Temporary Easement
36.	Jeffrey Wynn	11160 Yonge Street (101a)	Parts 6 and 8, Plan 65R34772	Fee Simple
			Part 7, Plan 65R34772	Temporary Easement

37.	SKN Development Inc.	11575 Yonge Street (102)	Part 1, Plan 65R34768	Temporary Easement
38.	New Era Development (2011) Inc.	11611 Yonge Street (103)	Parts 4 and 5, Plan 65R34768	Fee Simple
			Parts 2 and 3, Plan 65R34768	Temporary Easement
<p>The permanent easements are required for the purpose of entering on the land[s] with all vehicles, machinery, workers and other material (I) to construct and maintain permanent municipal infrastructure which may include retaining walls, shoring and formwork and/or drainage, erosion/sediment control measures such as watermains and storm sewers; and (II) for construction purposes which may include (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 Yonge Street, (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.</p> <p>The four year temporary easements will commence upon registration of 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 (*Attachment 1*).

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

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

4. ANALYSIS AND OPTIONS

Negotiations will be proceeding to acquire the necessary properties

The project will require acquisitions from 38 properties, which include 26 fee simple partial acquisitions, 37 temporary easements and 2 permanent easements to accommodate the road widening, utility relocation and grading. Possession of all lands is required by June 2015. Construction within the existing right-of-way is scheduled 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 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 2014 YRRTC Budget – Metrolinx Capital Program as approved by Metrolinx, and endorsed by the YRRTC Board of Directors on November 14, 2013.

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 Drive 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.

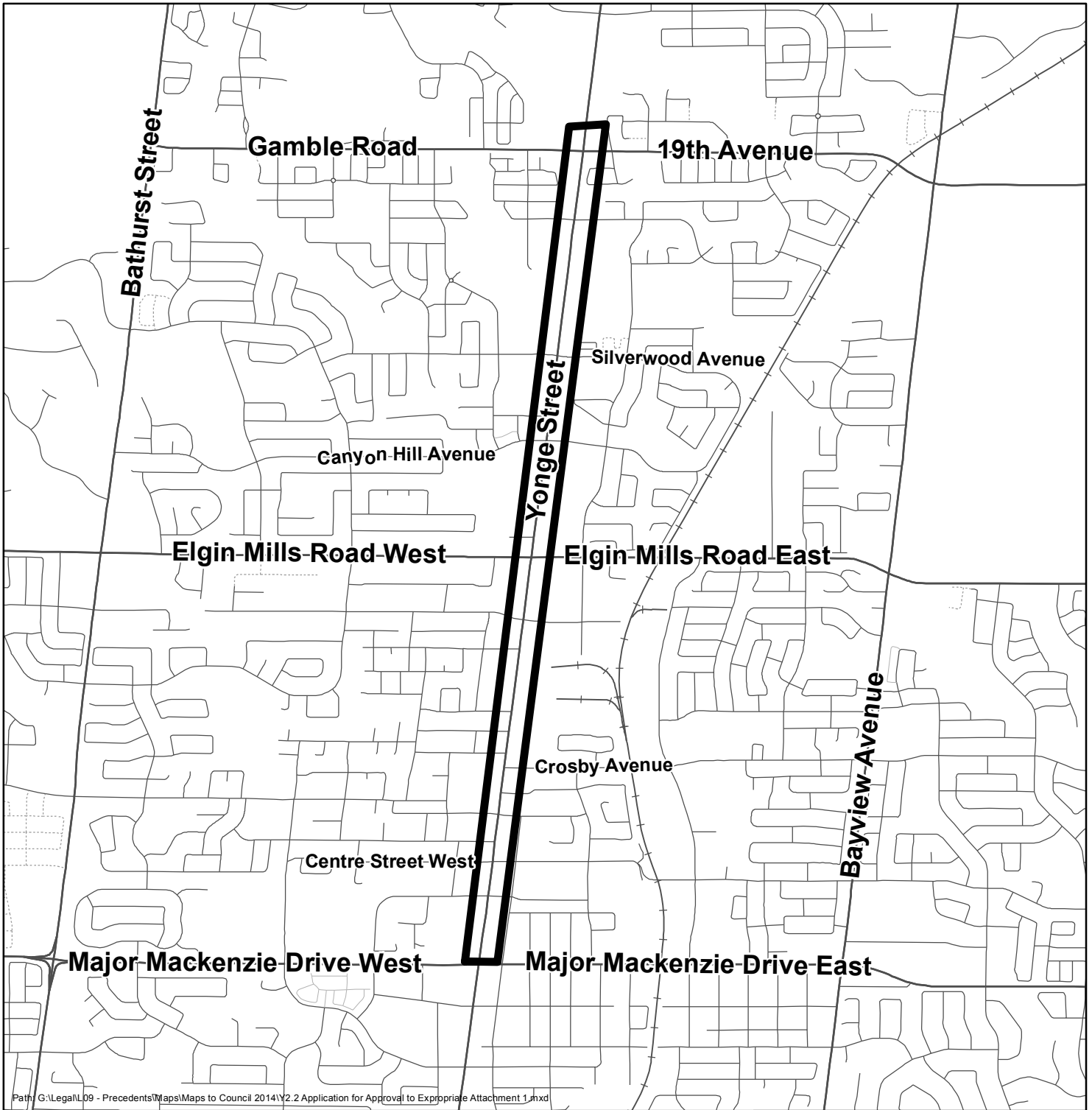
7. CONCLUSION

This report seeks Council approval to expropriate land requirements from 38 properties which include 26 fee simple partial acquisitions, 37 temporary easements and 2 permanent easements 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 (1)



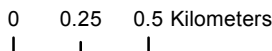
Path: G:\Legal\LD9 - Precedents\Maps\Maps to Council 2014\Y2.2 Application for Approval to Expropriate Attachment 1.mxd

LOCATION PLAN



Application for Approval to Expropriate
 Widening and Construction of Bus Rapid Transit Corridor
 Yonge Street (Y2.2) vivaNext Project 90991
 Town of Richmond Hill



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 Corporate Services Department
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Legend

-  Subject Corridor
-  Road
-  Railway