

Clause No. 14 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.

**14**  
**COMPENSATION FOR EXPROPRIATION**  
**WIDENING AND CONSTRUCTION OF BUS RAPID TRANSIT CORRIDOR**  
**YONGE STREET (Y3.2) VIVANEXT PROJECT 90991**  
**TOWN OF NEWMARKET**

**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 offer of compensation, under the *Expropriations Act* (the “Act”), to be made to the owner of the following lands expropriated within the Town of Newmarket:

No.	Owner	Municipal Address (YRRTC Reference)	Legal Description	Interest Acquired
1	Calgas Investments Limited	17215 Yonge Street (30)	Part 1, Plan YR2092380	Fee Simple
			Part 2, Plan YR2092380	Permanent Easement
			Part 3, Plan YR2092380	Temporary Easement

No.	Owner	Municipal Address (YRRTC Reference)	Legal Description	Interest Acquired
				<p>The three year temporary easements will commence upon registration of the plan and are required for the purpose of entering in, under, over, along and upon the lands described herein for the municipal purpose of entering on the land with all vehicles, machinery, workmen and other material to provide for hard and soft landscaping, grading and re-shaping the land to the limit of the reconstruction of Yonge Street and works ancillary thereto.</p> <p>The permanent easements and/or right in the nature of permanent easements are required for the purpose of entering in, under, over, along and upon the lands described herein for the municipal purpose of entering on the lands with all vehicles, machinery, workmen and other material to construct and maintain retaining walls and works ancillary thereto.</p>

**2. PURPOSE**

This report seeks Council approval to serve an offer of compensation, under section 25 of the *Act*, to the owner of lands that have been expropriated for the Yonge Street project (*Attachment 1*).

**3. BACKGROUND**

**Council authorized the expropriation of properties for the Yonge Street project in January 2014**

On January 23, 2014, Council authorized the expropriation of this property, as required for the construction of the vivaNext Bus Rapid Transit project, for the Yonge Street corridor between Sawmill Valley Drive/Savage Road to Davis Drive, in the Town of Newmarket. Expropriation plans were registered on February 5, 2014, vesting ownership of the lands in the Region. The *Act* requires the Region to serve an offer of compensation within three months of registration of the plan. This offer is based on an appraisal of market value and other damages.

#### **4. ANALYSIS AND OPTIONS**

##### **An independent appraisal report has established the value that forms the basis of the offer**

An independent appraisal firm prepared an appraisal report estimating the market value of the subject property and any damages for injurious affection. Section 25 of the *Act* requires the Region to offer the owner a choice of (a) full compensation for the owner's interest or (b) immediate payment of 100 per cent of the market value and other damages.

##### **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 are 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 an offer of compensation on the owner within three months of registration of the expropriation plan. The compensation payable to the owner is based on an independently commissioned appraisal.

#### **6. LOCAL MUNICIPAL IMPACT**

The construction of dedicated bus lanes and related facilities, as well as road and intersection improvements, along Yonge Street from Sawmill Valley Drive/Savage Road to Davis Drive, is critical to the achievement of the vision for the corridor for both the Region and Town of Newmarket. 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. It is anticipated that construction along this corridor will commence spring of 2014.

## **7. CONCLUSION**

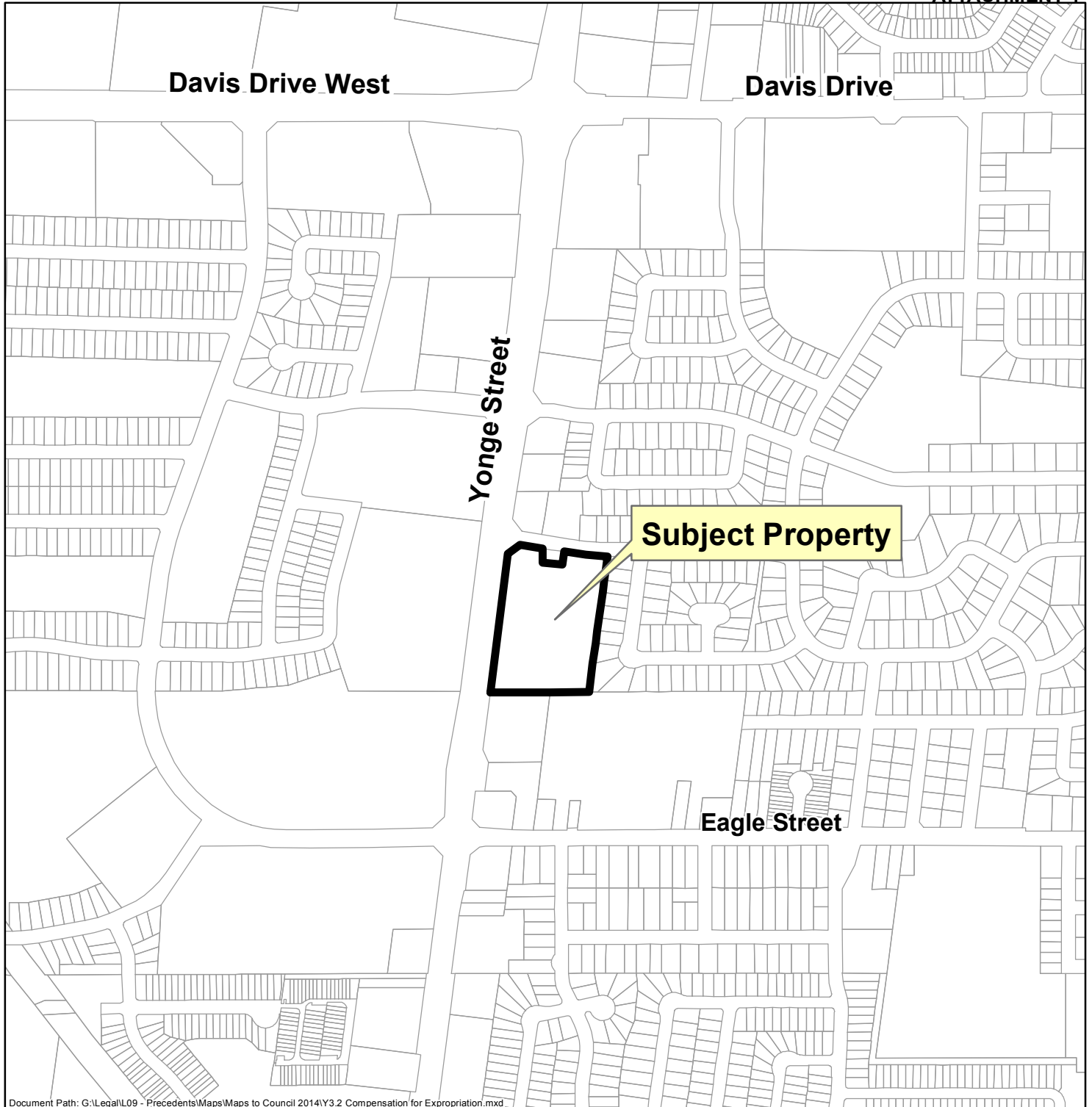
On February 5, 2014, an expropriation plan was registered with respect to the lands required for the Yonge Street project. The *Act* requires that offers of compensation for expropriated lands be served on the former owners. It is recommended the offer set out in this report be served in accordance with the *Act*.

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)*

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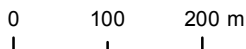
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### LOCATION PLAN

Compensation for Expropriation  
 Widening and Construction of Bus Rapid Transit Corridor  
 Yonge Street (Y3.2) vivaNext Project 90991  
 Town of Newmarket



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### Legend

-  Subject Property
-  Parcel
-  Road