

Clause No. 16 in Report No. 6 of the Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on March 27, 2014.

16
APPLICATION FOR APPROVAL TO EXPROPRIATE
WIDENING AND CONSTRUCTION OF BUS RAPID TRANSIT CORRIDOR
HIGHWAY 7 WEST (H2-VMC) VIVANEXT PROJECT 90991
CITY OF VAUGHAN

Committee of the Whole recommends adoption of the recommendations contained in the following report dated March 3, 2014 from the Commissioner of Corporate Services:

1. RECOMMENDATIONS

It is recommended that:

1. Council authorize an application for approval to expropriate the following land within the City Vaughan:

Owner	Municipal Address (YRRTC Reference)	Legal Description	Interest Required
Lorwood Holdings Incorporated	2851 Highway 7 West (Ref No. 119B)	Part of PIN 03229-0173 (LT), being Part of Lot 7 Plan 7977, City of Vaughan and being more particularly identified in the "Interest Required" column.	<p>A Fee Simple interest in the lands designated as Parts 3 and 4 on Plan 65R34481</p> <p>A Permanent Easement in, under, over, along and upon the lands designated as Part 1 on Plan 65R34729</p> <p>A 4-year Temporary Easement in, under, over, along and upon the lands designated as Part 2 on Plan</p>

			65R34729 and Parts 6 and 7 on Plan 65R34481
<p>The permanent easements are required for the purpose of entering on the land with all vehicles, machinery, workmen and other material (I) to construct and maintain permanent municipal infrastructure which may include retaining walls, shoring and formwork and/or drainage, erosion or sediment control measures such as watermain and storm sewers, (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 Highway 7, (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, (vii) handrails, (7) works ancillary to any of the foregoing.</p> <p>The temporary easements will commence on August 12, 2014 and expire on August 11, 2018, and are required for the purpose of 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 Highway 7, (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, (vii) handrails, (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 a request for an inquiry that is 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 a property interest required for road and intersection improvements, in order to provide designated lanes for the Viva transit system along the Highway 7 West corridor, located between Maplecrete Road and Creditstone Road (*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 Highway 7 West, from Highway 400 to Baldwin Avenue. In order to implement the Rapidway on this corridor, road widenings will be required that have resulted in a significant number of property takings and impacts on existing uses, including the subject property.

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

Viva project H2-VMC received approval of the Environmental Assessment Report from the Ministry of Environment on November 9, 2006.

4. ANALYSIS AND OPTIONS

Negotiations are proceeding to acquire the necessary property with a view to construction commencing in August 2014

The project will require the acquisition of one additional property, principally for road widening purposes. Possession of the land is required by August 2014, as construction is scheduled to commence in August 2014.

Property negotiations to acquire this necessary land are ongoing. Staff will continue to negotiate an agreement of purchase and sale for the required interest 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 this property. The agreement will be presented to the approving authorities in due course. However, given the legislated time requirements to obtain possession via expropriation, it is recommended the expropriation process proceed concurrently with ongoing negotiations to ensure that YRRTC can effectively obtain access to the land to accommodate construction scheduling. Timely possession of the required land will reduce the risk of significant property escalation costs and construction 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, a notice may be served on the owner of the subject land. Receipt of this notice will trigger the 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 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 and related facilities, as well as road and intersection improvements, along Highway 7 West, from Highway 400 to Baldwin Avenue, is critical to the achievement of the vision for the corridor for both the Region and the 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.

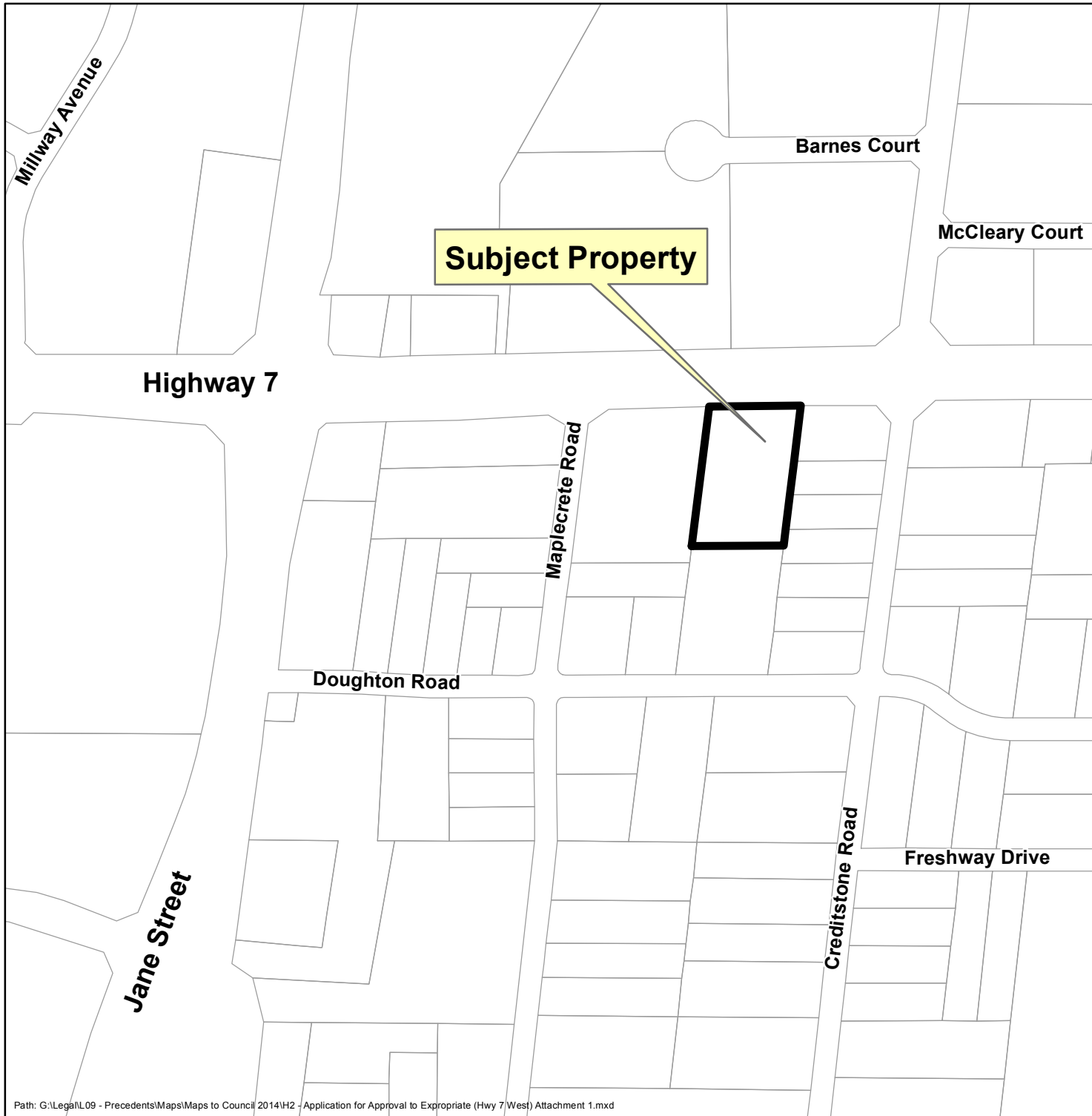
7. CONCLUSION

This report seeks Council approval to expropriate a fee simple from the owner, located on Highway 7 West, 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 this land in time for construction to commence. Staff will continue to negotiate for the acquisition of the required property and expropriation proceedings will be abandoned if 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)



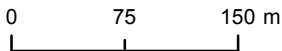
Path: G:\Legal\I09 - Precedents\Maps\Maps to Council\2014\H2 - Application for Approval to Expropriate (Hwy 7 West) Attachment 1.mxd

LOCATION PLAN



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



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Legend

-  Subject Property
-  Parcel