



Clause No. 11 in Report No. 2 of the Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting on January 23, 2014.

**APPROVAL TO EXPROPRIATE
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 December 18, 2013 from the Commissioner of Corporate Services:

1. RECOMMENDATIONS

It is recommended that:

1. Council, as approving authority, approve of the expropriation of the following lands within the Town of Newmarket:

No.	Owner	Municipal Address (YRRTC Reference)	Legal Description	Interest Required
1	Calgas Investments Limited	17215 Yonge Street (30)	Part 2, Plan 65R-32629	Fee Simple
			Part 3, Plan 65R-32629	Permanent Easement
			Part 4, Plan 65R-32629	Temporary Easement
<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. The Commissioner of Corporate Services be authorized to execute and serve any Notice required under the *Expropriations Act* (the “Act”).
3. Council authorize the introduction of the necessary bylaws to give effect to these recommendations.

2. PURPOSE

This report seeks Council approval to expropriate property interests required for the widening and reconstruction of road and intersection improvements, in order to provide designated lanes for the Viva transit system along the Yonge Street corridor, from Sawmill Valley Drive/Savage Road to Davis Drive (*see Attachment 1*).

3. BACKGROUND

In January 2011, Council authorized an application for approval to expropriate lands required for the Yonge Street project

On January 27, 2011, Council authorized applications for approval to expropriate the Calgas Investments Limited property for a fee simple interest, permanent easement, and construction easement for the remainder of the lands required for the project.

The Calgas Investments Limited property was excluded from the March 25, 2010 Council authorization due to a pending OMB Hearing. On September 22, 2010, Minutes of Settlement were signed by the owner and the Region wherein the owner agreed to dedicate part of the lands required for the project.

On August 2, 2013, Notice of Application for Approval to Expropriate Land was sent to the property owner and they requested a Hearing of Necessity that was scheduled for November 14, 2013. On November 5, 2013, the owner waived its request for a hearing. In this respect, this report seeks Council approval to proceed with the expropriation of this property.

4. ANALYSIS AND OPTIONS

Registration of an expropriation plan will secure access to the lands and ensure that construction can proceed

Under the *Act*, registration of an expropriation plan vests lands in the expropriating authority. Subject to the Region taking certain procedural steps, the Region will obtain possession of the lands approximately three months after the registration of the plan of expropriation.

A draft expropriation plan has been prepared for the subject property. It is anticipated the plan will be registered and Notice of Possession will be delivered no later than February 7, 2014. Accordingly, the Region will have access to the property no later than May 23, 2014, enabling construction to proceed on time.

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 key transportation needs.

5. FINANCIAL IMPLICATIONS

The funds required to complete the property acquisitions were included in the approved 2013 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 offers of compensation on owners within three (3) months of registration of the expropriation plan. The appraisal required to support this offer is currently being prepared and the proposed offer will be the subject of a further report to Council.

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.

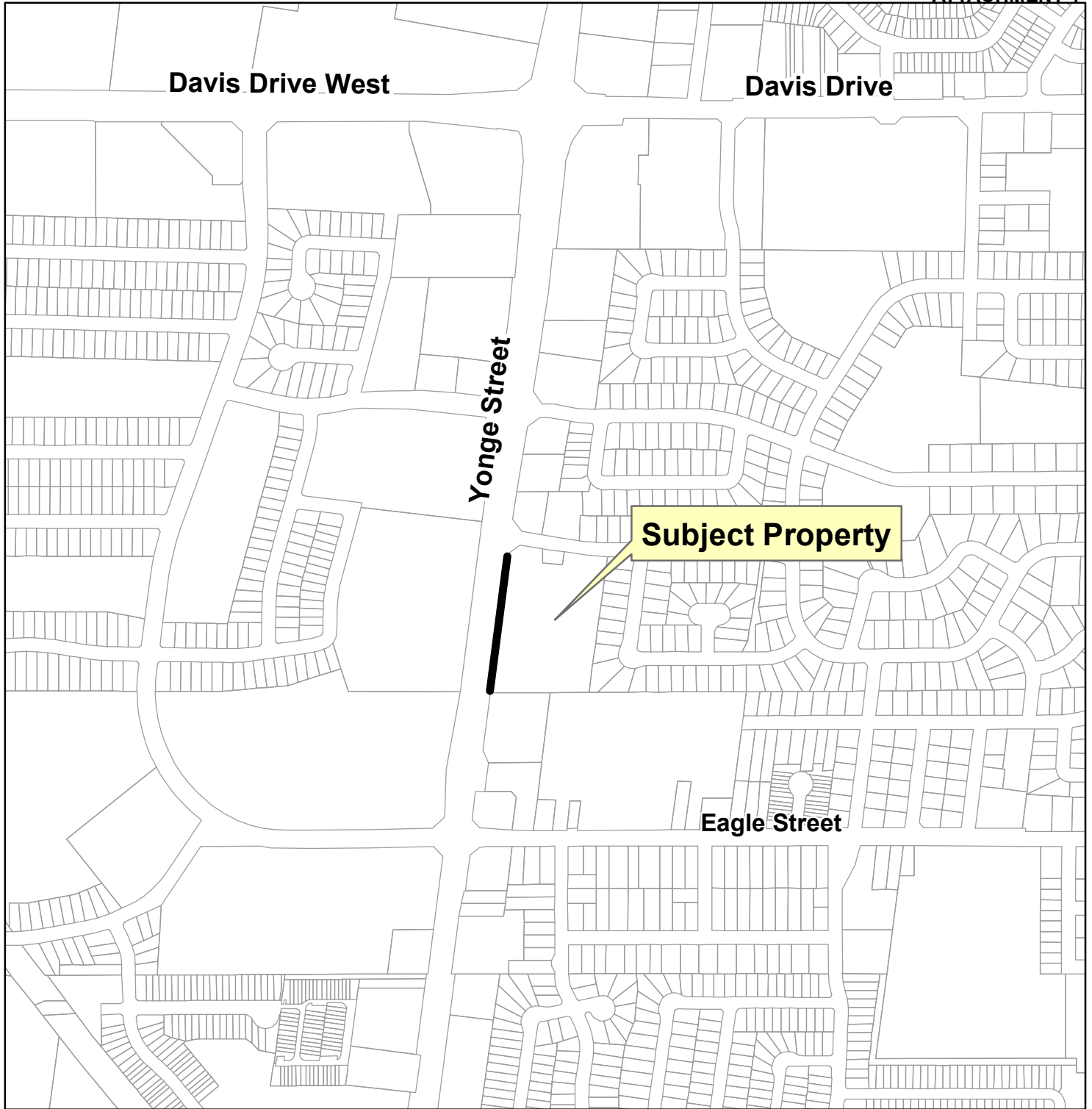
7. CONCLUSION

The widening and construction of Yonge Street, between Sawmill Valley Drive/Savage Road to Davis Drive, requires the acquisition of a total 38 property interests, which includes lands owned by Calgas Investments Limited. In order to ensure timely possession of the lands to commence construction, it is recommended that Council approve the expropriation of the balance of the interests required.

For more information on this report, please contact René Masad, Director, Property Services Branch at Ext. 1684.

The Senior Management Group has reviewed this report.

Attachment (1)

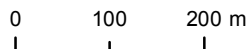


LOCATION PLAN



Approval to Expropriate
 Widening and Construction of Bus Rapid Transit Corridor
 Yonge Street (Y3.2) vivaNext Project 90991
 Town of Newmarket



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 Department
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Legend

-  Parcel
-  Road