

Clause No. 18 of 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 on November 21, 2013.

**18**  
**APPROVAL TO EXPROPRIATE LANDS**  
**WIDENING AND CONSTRUCTION OF BUS RAPID TRANSIT CORRIDOR**  
**HIGHWAY 7 EAST (H3) VIVANEXT PROJECT 90991**  
**CITY OF MARKHAM AND TOWN OF RICHMOND HILL**

**Committee of the Whole recommends adoption of the following recommendations contained in the report dated October 30, 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 City of Markham and Town of Richmond Hill:

<b>No.</b>	<b>Owner</b>	<b>Municipal Address</b>	<b>Legal Description</b>	<b>Interest Required</b>
56	Graycourt Investments Corporation	120 South Town Centre Boulevard	Part Block 4, Plan 65M-2668 designated as Parts 1 & 2 on Plan YR1888241	Temporary Easement
57	Stringbridge Investments Limited	130 South Town Centre Boulevard	Part Block 4, Plan 65M-2668 designated as Part 1 on Plan YR1888340	Temporary Easement
49, 50, 52	Stringbridge Investments Limited	S.S. Highway 7 East	Part Block 1, Plan 65M-2668 designated as Part 1, 2, 3, 4, 5, & 6 on Plan YR1889021	Temporary Easement
62	Jason Kaptyn Hospitality Inc.	60 South Town Centre Boulevard	Part Block 1, Plan 65M-2668 designated as Part 1, 2, 3 & 4 on Plan YR1889377	Temporary Easement
59	Biscayne Building Corp.	260 East Beaver Creek Road	Part Block 2, Plan 65M-2287 designated as Part 1 on 65R-	Fee Simple

No.	Owner	Municipal Address	Legal Description	Interest Required
			34078	
14	York Region Standard Corporation	88 Times Avenue	Part 1 on Reference Plan 65R-34119 being Part of the Common Elements of York Region Standard Condominium Plan No. 1050	Fee Simple
<p>The temporary easements will expire on June 30, 2015, 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-stripping 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 and serve any notices 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 Highway 7 East corridor (*Attachment 1*).

### **3. BACKGROUND**

#### **In June, 2013, Council authorized an application for approval to expropriate lands required for the Highway 7 East project**

The widening and reconstruction of Highway 7 East commenced in 2009. On June 27, 2013, Council authorized an application for approval to expropriate a total of six (6) properties, including two (2) fee simple interests and four (4) construction easements.

Staff from Property Services have continued negotiations with the property owners and have not secured the subject properties. Although it will not be possible to proceed with amicable negotiations upon registration of the expropriation plan, staff will endeavour to secure settlements with property owners.

### **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 (3) months after the registration of the plan of expropriation.

A draft expropriation plan has been prepared for the subject properties. It is anticipated that the plan will be registered and the 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 30, 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 transportation needs.

### **5. FINANCIAL IMPLICATIONS**

The funds required to complete the property acquisitions have been included in the 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 appraisals required to support these offers are currently being prepared and the proposed offers 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 Highway 7 East, is critical to the achievement of the vision for the corridor for the Region, the City of Markham and the 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.

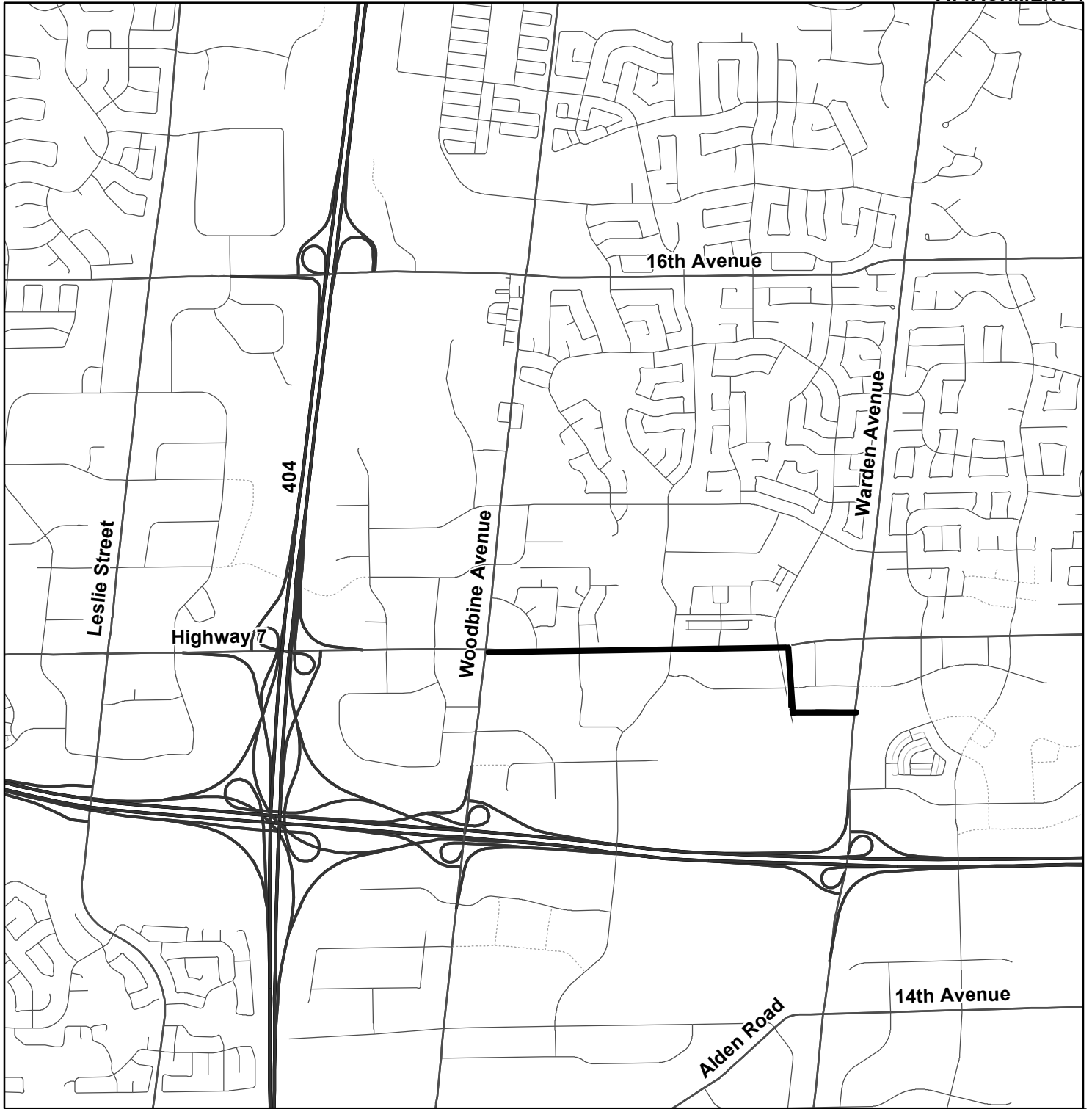
## **7. CONCLUSION**

The widening and construction of Highway 7 East from Warden Avenue to Woodbine Avenue requires the acquisition of six (6) property interests. Staff have yet to successfully conclude negotiations for the properties. 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.

*(The attachment referred to in this clause is attached to this report.)*

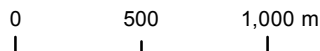


**LOCATION PLAN**




Approval to Expropriate Lands  
 Widening and Construction of Bus Rapid Transit Corridor  
 Highway 7 East (H3) vivaNext Project 90991  
 City of Markham and Town of Richmond Hill



Produced by:  
 Property Services Branch  
 Corporate Services Dept.  
 © Copyright, The Regional Municipality of York, April, 2013  
 © Copyright, First Base Solutions Inc., 2011 Orthophotography  
 \* Includes © Queen's Printer for Ontario 2003-2013



**Legend**

-  Subject Property
-  Road
-  Railway