

Clause No. 8 in Report No. 4 of Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on October 17, 2013.

8

APPLICATION FOR APPROVAL TO EXPROPRIATE WIDENING AND CONSTRUCTION OF BUS RAPID TRANSIT CORRIDOR VIVANEXT PROJECT 90991, CITY OF VAUGHAN

Committee of the Whole recommends adoption of the following recommendations contained in the report dated September 27, 2013 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 City of Vaughan:

No.	Owner	Municipal Address (YRRTC Reference)	Legal Description	Interest Required
1	562445 Ontario Limited; 562444 Ontario Limited	2220 Hwy 7 W and 7777 Keele St (Ref No. 40)	Part 1, Plan 65R34480	Fee Simple
			Parts 3 and 4, Plan 65R34480	Temporary Easement
2	Steele Valley Developments Limited	2160 & 2180 Hwy 7 West (Ref No. 41)	Part 1, Plan 65R34482	Fee Simple
			Part 3, Plan 65R34482	Temporary Easement
3	656742 Ontario Inc.	2641 Hwy 7 West (Ref No. 117C)	Part 4, Plan 65R34484	Temporary Easement
4	Domy's & Pat's Garage & Auto Collision Ltd.	2685 Hwy 7 West (Ref No. 117E)	Part 3, Plan 65R34484	Temporary Easement
5	Domy's & Pat's Garage & Auto Collision Ltd.	2703 Hwy 7 West (Ref No. 118)	Part 2, Plan 65R34484	Temporary Easement

No.	Owner	Municipal Address (YRRTC Reference)	Legal Description	Interest Required
6	Husky Oil Limited	2757 Hwy 7 West (Ref No. 118B)	Part 1, Plan 65R34490	Fee Simple
			Part 3, Plan 65R34490	Temporary Easement
7	Boersig, Ernest Boersig, Christl Margaret	49 Costa Rd (Ref No. 118C)	Part 1, Plan 65R34484	Temporary Easement
8	La Torinese Drapery Ltd.	2781 Hwy 7 West (Ref No. 119)	Parts 1 and 2, Plan 65R34483	Fee Simple
			Part 4, Plan 65R34483	Temporary Easement
9	Termini, Salvator Termini, MicheleBancheri, Calogero - Estate	254 Creditstone Rd (Ref No. 119A)	Part 8, Plan 65R34481	Fee Simple
			Part 10, Plan 65R34481	Temporary Easement
10	Lorwood Holdings Incorporated	2851 Hwy 7 West (Ref No. 119B)	Parts 3 and 4, Plan 65R34481	Permanent Easement
			Parts 6 and 7, Plan 65R34481	Temporary Easement
11	St. Mary's Cement Inc. (Canada)	2871 Hwy 7 West (Ref No. 119C)	Part 1, Plan 65R34481	Temporary Easement
12	Potestas Properties Inc.	7725 Jane St (Ref No. 119D)	Part 1, Plan 65R34492	Temporary Easement
	The permanent easements are required for the purpose of entering on the lands 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 water main 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.			

No.	Owner	Municipal Address (YRRTC Reference)	Legal Description	Interest Required
	The temporary easements will run from 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.			

2. Council authorize an application for approval to expropriate the following lands within the City of Vaughan:

No.	Owner	Municipal Address (YRRTC Reference)	Legal Description	Interest Required
1	1042710 Ontario Limited	3300 Hwy 7 West (Ref No. 28)	Parts 4 and 5, Expropriation Plan YR1694787	Temporary Easement
2	Metrus (Terra) Properties Inc.	7800 Jane St (Ref No. 29B)	Part 1, Expropriation Plan YR1694753	Temporary Easement
3	2117969 Ontario Inc.	2986 Hwy 7 West (Ref No. 30)	Part 1, Expropriation Plan 1694886	Temporary Easement
4	2117969 Ontario Inc.	2966 Hwy 7 West (Ref No. 31)	Part 3, Expropriation Plan 1694886	Temporary Easement
5	Midvale Estates Limited	2938 Hwy 7 West (Ref No. 32)	Part 5, Expropriation Plan 1694886	Temporary Easement
6	Royal 7 Developments Ltd.	2900 Hwy 7 West (Ref No. 34)	Part 7, Expropriation Plan 1694886	Temporary Easement

No.	Owner	Municipal Address (YRRTC Reference)	Legal Description	Interest Required
7	The Hollywood Princess Convention And Banquet Centre Ltd.	2800 Hwy 7 West (Ref No. 34A)	Part 8, Expropriation Plan 1694886	Temporary Easement
8	2780 Highway #7 Investments Inc.	2780 Hwy 7 West (Ref No. 35)	Part 1, Expropriation Plan YR1694848	Temporary Easement
9	York Region Condominium Corporation No. 728	23 McCleary Crt (Ref No. 36)	Part 3, Expropriation Plan YR1694848	Temporary Easement
10	York Region Condominium Corporation No. 727	35 McCleary Crt (Ref No. 37)	Part 5, Expropriation Plan YR1694848	Temporary Easement
11	1176646 Ontario Limited	99 McCleary Crt (Ref No. 37A)	Part 8, Expropriation Plan YR1694848	Temporary Easement
12	656742 Ontario Inc.	2641 Hwy 7 West (Ref No. 117C)	Part 23, Expropriation Plan YR1694848	Temporary Easement
13	Nikolakakos, Bill; Nikolakakos, Kalliope	2661 Hwy 7 West (Ref No. 117D)	Part 20, Expropriation Plan YR1694848	Temporary Easement
14	Domy's & Pat's Garage & Auto Collision Ltd.	2685 Hwy 7 West (Ref No. 117E)	Part 18, Expropriation Plan YR1694848	Temporary Easement
15	Domy's & Pat's Garage & Auto Collision Ltd.	2703 Hwy 7 West (Ref No. 118)	Part 17, Expropriation Plan YR1694848	Temporary Easement
16	227611 Ontario Inc.	2739 Hwy 7 West (Ref No. 118A)	Part 13, Expropriation Plan YR1694848	Temporary Easement
17	Husky Oil Limited	2757 Hwy 7 West (Ref No. 118B)	Part 12, Expropriation Plan YR1694848	Temporary Easement
18	Boersig, Ernest	49 Costa Rd (Ref No. 118C)	Part 14, Expropriation Plan YR1694848	Temporary Easement
19	La Torinese Drapery Ltd.	2781 Hwy 7 West (Ref No. 119)	Part 11, Expropriation Plan YR1694848	Temporary Easement

No.	Owner	Municipal Address (YRRTC Reference)	Legal Description	Interest Required
20	Termini, Salvator; Bancheri, Calogero; Termini, Michele	254 Creditstone Rd (Ref No. 119A)	Part 12, Expropriation Plan 1694886	Temporary Easement
21	Lorwood Holdings Incorporated	2851 Hwy 7 West (Ref No. 119B)	Part 11, Expropriation Plan 1694886	Temporary Easement
22	St. Mary's Cement Inc. (Canada)	2871 Hwy 7 West (Ref No. 119C)	Part 9, Expropriation Plan 1694886	Temporary Easement
23	2748355 Canada Inc.	Southwest Corner of Hwy 7 W & Interchange Way (Ref No. 122)	Part 7, Expropriation Plan YR1694787	Temporary Easement
	The temporary easements will run from 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.			

3. 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").
4. 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*.

5. 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 Highway 7 corridors, from Highway 400 to the Barrie GO Transit railroad (*see Attachments 1 and 2*).

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, from Highway 400 to the Barrie GO Transit railroad. In order to implement the Rapidway on this corridor, various temporary and permanent interests for the road widening were expropriated in August 2011 and June 2013.

Design and engineering changes have created additional road widenings that will result in a significant number of property takings and impacts on existing uses (Recommendation 1). The temporary easements expropriated in August 2011 will expire in August 2014, which will need to be extended for four years (Recommendation 2).

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

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

4. ANALYSIS AND OPTIONS

Amicable negotiations are proceeding to acquire the necessary properties

The project will require the acquisition of 26 properties, principally for road widening purposes. Possession of all lands is required by August 2014, which is the expiration of the existing temporary easements.

Property negotiations to acquire the necessary lands are ongoing. 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 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 2013 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, is critical to the achievement of the vision for the corridor for both the Region and City. 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.

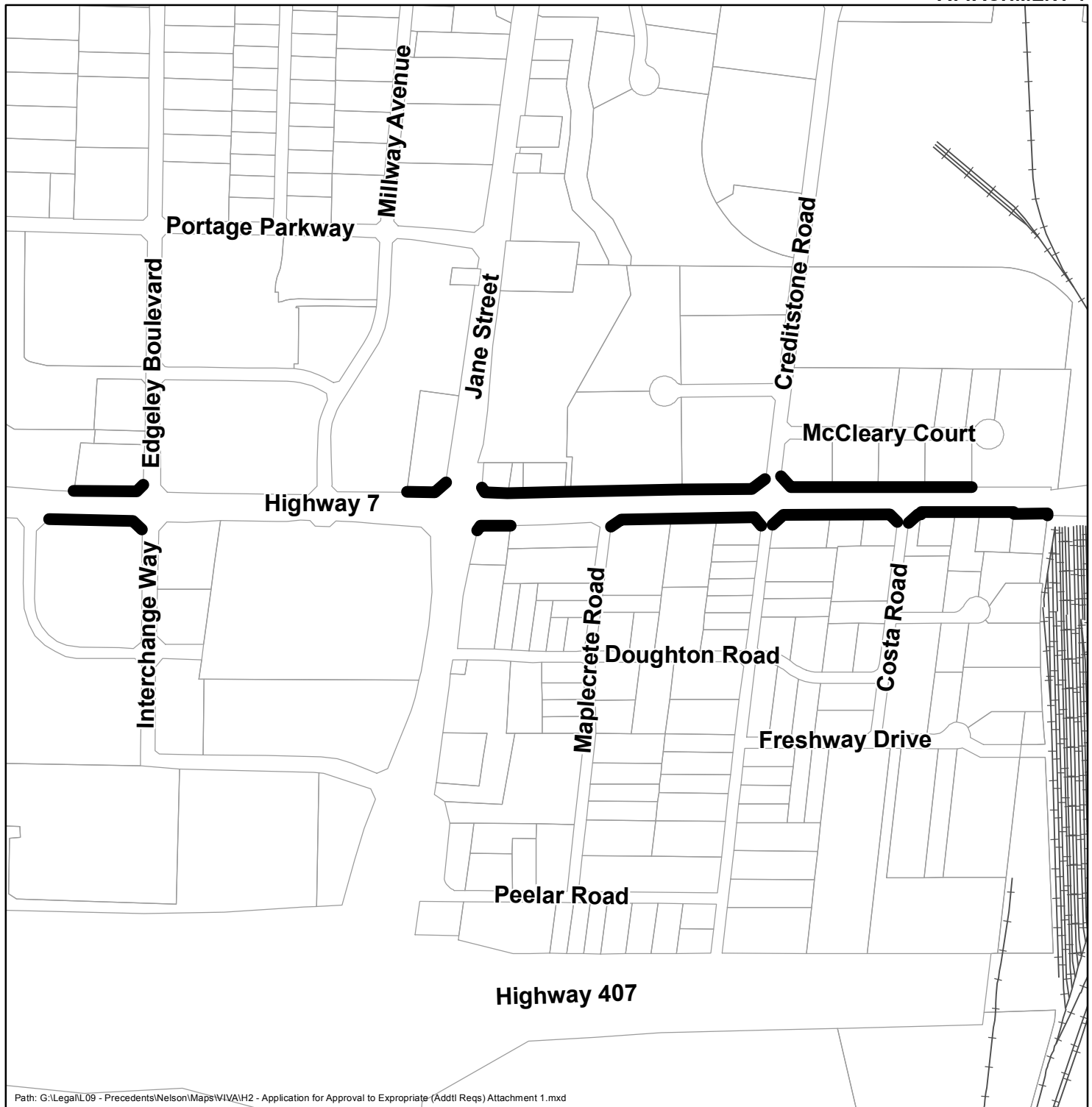
7. CONCLUSION

This report seeks Council approval to expropriate partial land takings from owners, along Highway 7, 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. 1684.

The Senior Management Group has reviewed this report.

(The attachments referred to in this clause are attached to this report.)



Path: G:\Legal\109 - Precedents\Nelson\Maps\VIVA\H2 - Application for Approval to Expropriate (Addtl Reqs) Attachment 1.mxd

LOCATION PLAN

Application for Approval to Expropriate
Widening and Construction of Bus Rapid Transit Corridor
vivaNext Project 90991, City of Vaughan
October 10, 2013



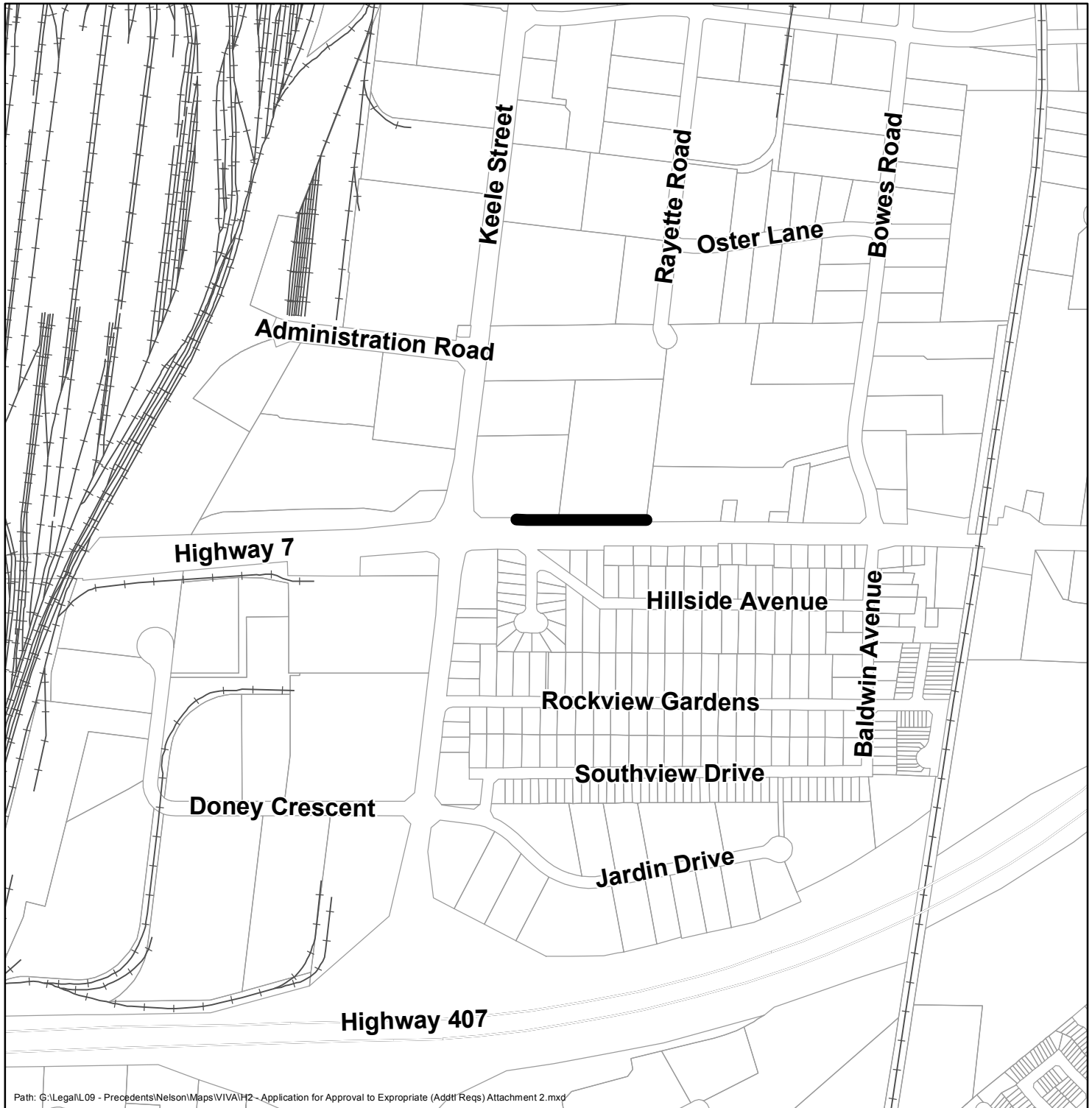
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Legend

-  Subject Properties
-  Parcel
-  Railway



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LOCATION PLAN

Application for Approval to Expropriate
Widening and Construction of Bus Rapid Transit Corridor
vivaNext Project 90991, City of Vaughan
October 10, 2013



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Legend

-  Subject Properties
-  Parcel
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