

Clause No. 9 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.

9

APPROVAL TO EXPROPRIATE LANDS 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 September 27, 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	Skamari Investments Inc.	16635 Yonge Street (1)	Part 1, Plan 65R-32361	Temporary Easement
2	Tavco Realty Holdings Inc.	16655 Yonge Street (2)	Part 1, Plan 65R-32362	Temporary Easement
3	275057 Ontario Limited	16715 Yonge Street (3)	Part 1, Plan 65R-32364	Fee Simple
			Part 2, Plan 65R-32364	Temporary Easement

No.	Owner	Municipal Address (YRRTC Reference)	Legal Description	Interest Required
4	The Canada Trust Company (Trustee of the Joyce Mulock Trust) Deborah Jane Barbour (Trustee of the Joyce Mulock Trust)	16780 Yonge Street (4)	Part 1, Plan 65R-32352	Fee Simple
			Part 2, Plan 65R-32352	Temporary Easement
5	Newmarket Property Corporation	16775 Yonge Street (5)	Part 1, Plan 65R-32369	Fee Simple
			Part 2, Plan 65R-32369	Permanent Easement
			Part 3, Plan 65R-32369	Temporary Easement
6	Criterion Development Corporation	Vacant Lands w/s Yonge Street (6)	Part 1, Plan 65R-32391	Fee Simple
			Part 2, Plan 65R-32391	Temporary Easement
7	York Region Condominium Corporation No. 877	Brandy Lane Way (9)	Parts 1, 2 and 3, Plan 65R-32402	Fee Simple
			Part 4, Plan 65R-32402	Permanent Easement
			Parts 5, 6 and 7, Plan 65R-32402	Temporary Easement
8	Newmarket – Tay Power Distribution Ltd.	16845 Yonge Street (10)	Part 1, Plan 65R-32403	Fee Simple
			Part 2, Plan 65R-32403	Temporary Easement
9	York North Condominium Corporation No. 5	20 William Roe Boulevard (11)	Parts 2, 3, 5 and 6, Plan 65R-32404	Fee Simple
			Parts 1, 4 and 7, Plan 65R-32404	Temporary Easement
10	7181 Woodbine Investments Inc.	16900 Yonge Street (11A)	Part 1, Plan 65R-32405	Fee Simple
11	Invivo Investments Limited	16925 Yonge Street (12)	Parts 1, 2, 3, 4 and 5, Plan 65R-32414	Fee Simple
			Parts 6, 7 and 8, Plan 65R-32414	Permanent Easement
			Parts 9, 10 and 11, Plan 65R-32414	Temporary Easement

No.	Owner	Municipal Address (YRRTC Reference)	Legal Description	Interest Required
12	1209104 Ontario Limited	Vacant Lands w/s Yonge Street (13)	Part 1, Plan 65R-32421	Fee Simple
			Part 2, Plan 65R-32421	Temporary Easement
13	LT Realities Inc.	16995 Yonge Street (14)	Parts 1, 2, 3, 4, 5, 6, 11 and 12, Plan 65R-32431	Fee Simple
			Parts 7, 8, 9 and 17, Plan 65R-32431	Permanent Easement
			Parts 10, 13, 14, 15, 16, 18, 19 and 20, Plan 65R-32431	Temporary Easement
14	Trustees of the Canadian Yearly Meeting of the Religious Society of Friends (Quakers)	17000 Yonge Street (15)	Part 1, Plan 65R-32473	Temporary Easement
15	The Trustees of the Yonge Street Monthly Meeting of the Religious Society of Friends	17030 Yonge Street (16)	Part 1, Plan 65R-32432	Temporary Easement
16	Thana Group Limited	17035 Yonge Street (17)	Parts 1 and 2, Plan 65R-32434	Fee Simple
			Parts 3 and 4, Plan 65R-32434	Permanent Easement
			Parts 5, 6 and 7, Plan 65R-32434	Temporary Easement
17	Kindwin Markham Limited	17046 Yonge Street (18)	Part 1, Plan 65R-32435	Temporary Easement
18	Marlies Schellin	17070 Yonge Street (20)	Part 1, Plan 65R-32437	Fee Simple
			Part 2, Plan 65R-32437	Permanent Easement
			Part 3, Plan 65R-32437	Temporary Easement

No.	Owner	Municipal Address (YRRTC Reference)	Legal Description	Interest Required
19	H.J. Pfaff Motors Limited	17065 Yonge Street (21)	Part 1, Plan 65R-32439	Fee Simple
			Parts 2 and 3, Plan 65R-32439	Permanent Easement
			Part 4, Plan 65R-32439	Temporary Easement
20	993113 Ontario Inc.	17089 Yonge Street (22)	Part 14, Plan 65R-32417	Fee Simple
			Part 16, Plan 65R-32417	Permanent Easement
			Part 15, Plan 65R-32417	Temporary Easement
21	2089929 Ontario Limited	17095 Yonge Street (24)	Part 17, Plan 65R-32417	Fee Simple
			Part 19, Plan 65R-32417	Permanent Easement
			Part 18, Plan 65R-32417	Temporary Easement
22	Suncor Energy Inc.	17111 Yonge Street (25)	Parts 20 and 23, Plan 65R-32417	Fee Simple
			Parts 21 and 24, Plan 65R-32417	Permanent Easement
			Parts 22 and 25, Plan 65R-32417	Temporary Easement
23	Imperial Oil Limited	17145 Yonge Street (26)	Part 26, Plan 65R-32417	Fee Simple
			Part 27, Plan 65R-32417	Permanent Easement
			Part 28, Plan 65R-32417	Temporary Easement
24	Seven Star Investments Inc.	17175 Yonge Street (28)	Part 29, Plan 65R-32417	Fee Simple
			Parts 30 and 31, Plan 65R-32417	Permanent Easement
			Part 32, Plan 65R-32417	Temporary Easement
25	Brillinger Investments	17295 Yonge Street (31)	Parts 42 and 43, Plan 65R-32416	Fee Simple

No.	Owner	Municipal Address (YRRTC Reference)	Legal Description	Interest Required
	Limited		Part 41, Plan 65R-32416	Temporary Easement
26	Yongemill Group Inc.	17310 Yonge Street (32)	Parts 3, 4, 6 and 7, Plan 65R-32416	Fee Simple
			Parts 2 and 8, Plan 65R-32416	Permanent Easement
			Parts 1 and 9, Plan 65R-32416	Temporary Easement
27	Moshoian Productions Limited	17315 Yonge Street (33)	Part 39, Plan 65R-32416	Fee Simple
			Part 40, Plan 65R-32416	Temporary Easement
28	1045838 Ontario Inc. 1255552 Ontario Inc.	17335 Yonge Street (34)	Part 38, Plan 65R-32416	Fee Simple
			Part 37, Plan 65R-32416	Temporary Easement
29	Newmarket Property Corporation	17360 Yonge Street (35)	Parts 10 and 11, Plan 65R-32416	Temporary Easement
30	2143811 Ontario Limited	17365 Yonge Street (36)	Parts 35 and 36, Plan 65R-32416	Temporary Easement
31	2143811 Ontario Limited	17395 Yonge Street (37)	Parts 33 and 34, Plan 65R-32416	Temporary Easement
32	Crossland Centre (1990) Inc.	17380 – 17410 Yonge Street (38)	Parts 14, 15, 16 and 18, Plan 65R-32416	Fee Simple
			Parts 12 and 13, Plan 65R-32416	Temporary Easement
33	Collison Estates Ltd.	17415 Yonge Street (39)	Part 32, Plan 65R-32416	Temporary Easement
34	Yonge Centre Properties Inc.	17440 Yonge Street (40)	Parts 21, 24 and 26, Plan 65R-32416	Fee Simple
			Parts 22, 23, 25 and 27, Plan 65R-32416	Temporary Easement
35	Loblaw Properties Limited	20 Davis Drive (41)	Part 29, Plan 65R-32416	Permanent Easement
			Parts 28, 30 and 31, Plan 65R-32416	Temporary Easement

No.	Owner	Municipal Address (YRRTC Reference)	Legal Description	Interest Required
36	Houndtrail Holdings Ltd.	One Foot Reserve (50) adjacent to 16655 Yonge Street (Ref. 2)	Part 1, Plan 65R-32363	Fee Simple
37	Houndtrail Holdings Ltd.	On Foot Reserve (52) adjacent to 16635 Yonge Street (Ref. 1)	Part 2, Plan 65R-32363	Fee Simple
	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. 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.			

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 May, 2010, Council authorized an application for approval to expropriate lands required for the Yonge Street project

The widening and reconstruction of Yonge Street is scheduled to commence in April, 2014. On March 25, 2010, Council authorized applications for approval to expropriate a total of 49 properties, including 32 fee simple interests, 18 permanent easements, and 45 construction easements.

Revisions to the property requirements resulted in a reduction from 49 to 42 properties. Of the 42 property requirements, four will be acquired amicably through other local authorities, and one property was purchased amicably as a full buyout. In this respect, this report seeks Council approval to proceed with expropriations of 37 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 months after the registration of the plan of expropriation.

A draft expropriation plan has been prepared for the subject properties. It is anticipated the plan will be registered and Notice of Possession will be delivered no later than November 30, 2013. Accordingly, the Region will have access to the property no later than March 1, 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 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, 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 and Davis Drive, requires the acquisition of 37 property interests. Staff successfully concluded negotiations for one property. 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
 Yonge Street (Y3.2) vivaNext Project 90991
 Town of Newmarket, October 17, 2013



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Legend

-  Subject Properties
-  Road