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EXPROPRIATION OF LAND, 17215 YONGE STREET IN THE TOWN OF NEWMARKET, VIVA PROJECT 90991 (Y3.2)

The Finance and Administration Committee recommends the adoption of the recommendations contained in the following report dated January 3, 2011, from the Commissioner of Corporate Services.

1. RECOMMENDATIONS

It is recommended that:

1. Council authorize the application for approval to expropriate the following lands for the requirements for vivaNext Y3.2, within the Town of Newmarket, in The Regional Municipality of York:

Address	Legal Description	Interest Required	Part and Plan Number
17215 Yonge Street	Part of PIN 03598-0003, Part of Lot 94, Concession 1, Town of Newmarket	Fee Simple	Part 2, Plan 65R-32629
17215 Yonge Street	Part of PIN 03598-0003, Part of Lot 94, Concession 1, Town of Newmarket	Permanent Easement	Part 3, Plan 65R-32629
17215 Yonge Street	Part of PIN 03598-0003, Part of Lot 94, Concession 1, Town of Newmarket	3 Year Temporary Easement	Part 4, Plan 65R-32629

2. The Commissioner of Corporate Services be authorized to serve and publish Notice of Application as required by the *Expropriations Act*.
3. The Commissioner of Corporate Services be authorized to forward to the Chief Inquiry Officer any requests for a Hearing of Necessity that may be received and conduct such hearings as may proceed pursuant to the provisions of the *Expropriations Act*.
4. Council, as approving authority, approve of the expropriation of the lands described in Recommendation 1, provided there is a Hearing of Necessity and subject to confirmation of funding as set out in this report.

5. If approval to expropriate the lands is given, the Manager Realty Services, Property Services Branch, be authorized to execute and serve any notices required by the *Expropriations Act*.
6. Authority be granted for the introduction of the necessary bills in Council to give effect to the foregoing.

2. PURPOSE

The purpose of this report is to obtain Council's approval to expropriate the required land from one owner, located at 17215 Yonge Street, Town of Newmarket in order to implement road and intersection improvements as well as provide designated lanes for the Viva transit system along Y3.2 corridor (*Council Attachment 1*).

3. BACKGROUND

Yonge Street is an important corridor in the vivaNext bus rapid transit network

The Regional Municipality of York, in order to facilitate bus rapid transit, is undertaking improvements to the road infrastructure and the construction of dedicated lanes for Viva buses along Yonge Street between Sawmill Valley Drive/Savage Road North and north of Davis Drive in the Town of Newmarket. The additional width will allow for designated north and south lanes for the Viva buses, streetscaping and boulevards. The Region plans to commence construction of this project in 2014.

Environmental Assessment Report Approved

This project received approval of the Environmental Assessment Report from the Ministry of the Environment on April 2, 2009.

Regional Council approved the application to expropriate 48 properties along Yonge Street

On March 25, 2010, Regional Council authorized the commencement of the process to expropriate certain lands and interests in lands for the Y3.2 vivaNext project. Pursuant to this authority, the required notices were served on March 26, 2010, by registered mail and a copy of the notice was published in the Era Banner on March 28, April 4 and April 11, 2010.

4. ANALYSIS AND OPTIONS

Property requirements for the subject lands were not included in the Council authorization

Due to a pending OMB Hearing, the property requirements for the subject lands were not included in the March 25, 2010 Council authorization.

Lands described in Minutes of Settlement were transferred to the Region

On September 22, 2010, Minutes of Settlement were signed by the owner and the Region wherein the owner agreed to dedicate 460 square metres (0.114 acres) of the fee simple requirement described in Reference Plan 65R-32629. On September 29, 2010, the lands described in the Minutes of Settlement were transferred to the Region.

The expropriation process needs to commence for the remainder of the property requirement

In order to ensure that the Region will have the authority to acquire all of the property requirements on the Y3.2 corridor, the expropriation for the remaining 244.5 square metres (0.06 acres) of the fee simple property requirement and permanent and temporary easements need to commence. Notices of Application for Approval to Expropriate Land will be sent out in February 2011.

5. FINANCIAL IMPLICATIONS

All acquisition costs of this property are funded under the MoveOntario 2020 \$1.4 billion announcement endorsed by Metrolinx

An initial \$1.4 billion announcement by the Province of Ontario on November 28, 2008, recommended funding for vivaNext as part of a five-year rapid transit capital program.

In March 2010, the Province adjusted the timing of the funding from five years to ten years. On May 19, 2010, the Metrolinx Board approved the cash flow for vivaNext, inclusive of all property requirements for Y3.2. As a result of the timing adjustment, capital construction of Y3.2 was changed to commence in 2014 rather than 2012.

6. LOCAL MUNICIPAL IMPACT

The construction of dedicated lanes along Yonge Street for Viva buses will integrate improved public transit facilities, improving and enriching streetscapes to support the Region's goal for higher density mixed use transit-oriented development, in accordance with approved official plans.

7. CONCLUSION

Construction of vivaNext on Yonge Street in the Town of Newmarket is scheduled to commence in 2014 and negotiations for the property requirements for the corridor are currently underway. The purpose of this report is to obtain Council approval to initiate the expropriation process for the required land from one owner that was not included in the March 25, 2010 Council authority. Funding for the property requirements has been approved by the Metrolinx Board.

In order to ensure the property requirements for the entire corridor are acquired, it is necessary to initiate the expropriation process for this property.

For more information on this report, please contact Chris Harker, Manager Realty Services, Property Services Branch at Ext. 1899.

The Senior Management Group has reviewed this report.

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



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LOCATION PLAN

Expropriation of Land
vivaNext Y3.2
TOWN OF NEWMARKET

MAP NOT TO SCALE



PROPERTY SERVICES

