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**EXPROPRIATION OF LAND
TORONTO YORK SPADINA SUBWAY EXTENSION PROJECT 90996**

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 of the Toronto York Spadina Subway Extension, within the City of Vaughan, in The Regional Municipality of York:

Address	Legal Description	Interest Required	Part and Drawing Number
3131 Highway 7	Part of PIN 03228-0138(LT) Part of Lot 5, Concession 5 designated as Parts 1, 4, 5, 6 and 9, Plan 65R15752 except Part 1, Plan 65R20535, City of Vaughan	Permanent Easement for access	Part 1 Drawing No. A0328-G8714
3131 Highway 7	Part of PIN 03228-0138(LT) Part of Lot 5, Concession 5 designated as Parts 1, 4, 5, 6 and 9, Plan 65R15752 except Part 1, Plan 65R20535, City of Vaughan	Temporary Easement	Part 2 Drawing No. A0328-G8714
3131 Highway 7	Part of PIN 03228-0138(LT) Part of Lot 5, Concession 5 designated as Parts 1, 4, 5, 6 and 9, Plan 65R15752 except Part 1, Plan 65R20535, City of Vaughan	Permanent Easement for utilities	Part 3 Drawing No. A0328-G8714
3131 Highway 7	Part of PIN 03228-0138(LT) Part of Lot 5, Concession 5 designated as Parts 1, 4, 5, 6 and 9, Plan 65R15752 except Part 1, Plan 65R20535, City of Vaughan	Fee Simple	Part 4 Drawing No. A0328-G8714

3131 Highway 7	Part of PIN 03228-0138(LT) Part of Lot 5, Concession 5 designated as Parts 1, 4, 5, 6 and 9, Plan 65R15752 except Part 1, Plan 65R20535, City of Vaughan	Temporary Easement	Part 5 Drawing No. A0328-G8714
3131 Highway 7	Part of PIN 03228-0138(LT) Part of Lot 5, Concession 5 designated as Parts 1, 4, 5, 6 and 9, Plan 65R15752 except Part 1, Plan 65R20535, City of Vaughan	Permanent Easement for utilities	Part 6 Drawing No. A0328-G8714
3131 Highway 7	Part of PIN 03228-0138(LT) Part of Lot 5, Concession 5 designated as Parts 1, 4, 5, 6 and 9, Plan 65R15752 except Part 1, Plan 65R20535, City of Vaughan	Temporary Sub- surface Easement	Part 7 Drawing No. A0328-G8714

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 approval to expropriate the required land from Toromont Industries Ltd. along the selected route for the Toronto York Spadina Subway Extension from Steeles Avenue to just north of Highway 7 in the City of Vaughan (*Council Attachment 1*).

3. BACKGROUND

On November 26, 2006 the project received approval of the Environmental Assessment Report from the Ministry of the Environment

This project received approval of the Environmental Assessment Report prepared by the TTC from the Ministry of the Environment, dated November 26, 2006 with respect to the part of the project located within The Regional Municipality of York.

The Toronto York Spadina Subway Extension project is funded

On March 24, 2006, as part of its spring 2006 budget, the Province of Ontario contributed \$870 million to the MoveOntario Trust for its portion of the capital costs of the program of the TYSSE project.

On March 6, 2007, the Federal government announced an amount of up to \$697 million through the Building Canada Fund (the “BCF”) would be made available as its contribution for the funding of the Spadina subway extension to the Vaughan Metropolitan Centre. This represented one-third of the original \$2.1 billion cost estimate (2006 dollars) for the project. Subsequent to its funding pledge of up to \$697 million, the federal government provided an up-front payment of \$75 million which was deposited into the MoveOntario Trust (the “Trust”). A contribution agreement between the Government of Canada, the City of Toronto and The Regional Municipality of York was executed on July 25, 2008, to put into effect, the federal announcement of March 6, 2007, respectful of the remaining \$622 million contribution by the federal government.

Regional Council has authorized the expropriation of land based on design stages for the Toronto York Spadina Subway Extension (TYSSE) Project

On June 25, 2009, Regional Council authorized the commencement of the process to expropriate certain land and interests in land in connection with the extension of the Spadina Subway from Steeles Avenue to the Vaughan Metropolitan Centre. Property requirement amendments, based on 30% and 60% design were authorized by Regional Council in January and May, 2010.

On September 23, 2010 Regional Council, as approving authority, approved the expropriation of land required for the tendering of the north tunnels contract

The tendering of the north tunnels contract required that certain interests in land be acquired prior to contract award. On September 23, 2010, Regional Council approved the expropriation of the tunnel requirements from three property owners, including a portion of the tunnel on Toromont lands. Expropriation plans were registered on December 16th and 17th from two of the three property owners, vesting ownership of

these lands with the Region. A Section 30 Agreement, under the *Expropriations Act* was entered into with Toromont for the portion of the tunnel requirement for the north tunnels contract. This transaction closed on December 22, 2010.

4. ANALYSIS AND OPTIONS

Land requirements for the Toronto York Spadina Subway Extension (TYSSE) have reached 90% design and additional land requirements have been identified

The 90% design has identified requirements for utility easements, an extension to an access easement, additional temporary construction easements, temporary sub-surface easements for tie-back supports and a fee simple requirement on one property on Highway 7 (*Council Attachment 1*). Once Council approval is received, Notices of Application for Approval to Expropriate Land for these requirements will be sent to this property owner immediately in order to acquire property rights prior to the award of the station construction contract in the spring of 2011.

5. FINANCIAL IMPLICATIONS

Funding for the property requirements for the Toronto York Spadina Subway Extension project will come from the Government of Canada, Province of Ontario, the City of Toronto and The Regional Municipality of York. Expenditures incurred by York Region will be remitted to the TTC for 100% reimbursement. The City of Toronto, as “Banker”, will subsequently invoice York Region its 13.35% share of total project expenditures.

The land requirements were provided by TTC, confirming the properties as necessary for the project and to be included as project expenses.

6. LOCAL MUNICIPAL IMPACT

The acquisition of these properties is required for the implementation of the Toronto York Spadina Subway Extension and are critical to the achievement of the City of Vaughan’s vision for the corridor and its Vaughan Metropolitan Centre.

7. CONCLUSION

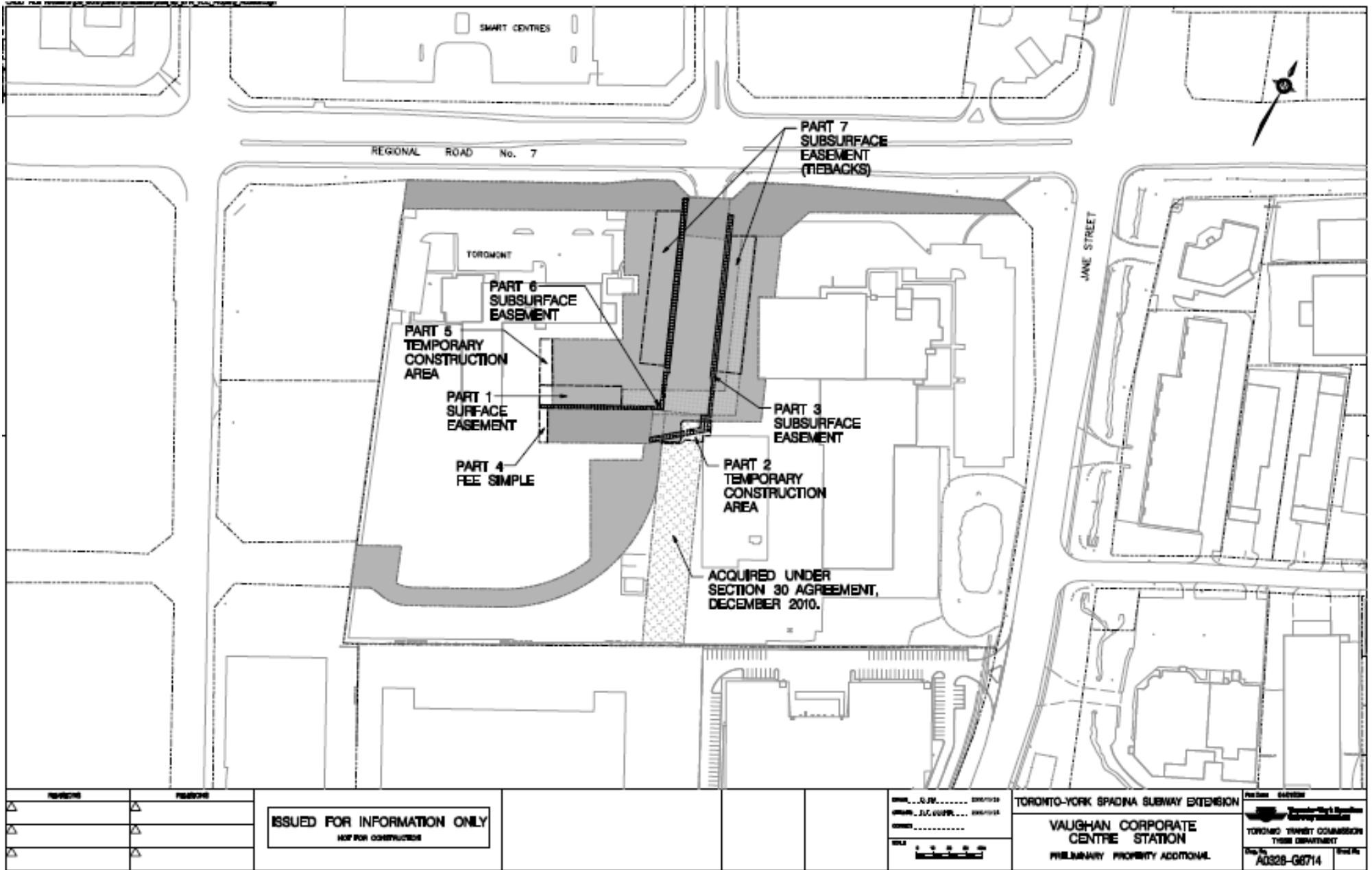
Expropriation of the property rights identified in this report is necessary to allow the Toronto York Spadina Subway Extension project to meet its construction commitments.

Report No. 1 of the Finance and Administration Committee
Regional Council Meeting of January 27, 2011

For more information on this report, please contact Paul J. Roberts, Manager Realty Services, Property Services Branch at Ext. 1424.

The Senior Management Group has reviewed this report.

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



LOCATION PLAN

Expropriation of Land
 Toronto-York Spadina Subway Extension (TYSSE)
 Viva Project 90996
 City of Vaughan

