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EXPROPRIATION OF LAND
MARKHAM BY-PASS PHASE IV, PROJECT 8072
TOWN OF MARKHAM

The Transportation and Works Committee recommends the adoption of the recommendations contained in the following report, October 21, 2005, from the Commissioner of Corporate Services:

1. RECOMMENDATIONS

It is recommended that:

1. Authority be granted to apply for approval to expropriate:
 - (a) a fee simple interest in approximately 13.25 ha (32.74 acres), being Parts 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23 and 26 on Reference Plan 65R-27900.
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, pursuant to the provisions of the *Expropriations Act*, any requests for hearing that may be received.
4. Regional Council, as approving authority, approve of the expropriation of the lands described in paragraph 1, provided there is no hearing of necessity.
5. The Director of Realty Services be authorized to execute and serve any notices required by the *Expropriations Act*.
6. The lands being expropriated and required for road purposes be dedicated as a common and public highway.
7. 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 Regional Council's approval to expropriate land from eight owners in conjunction with the construction of Phase IV of the Markham Bypass in the Town of Markham (*see Attachment 1*).

3. BACKGROUND

Regional Council, on July 6, 2000, adopted By-law R-1223-2000-054 that authorized the following works and undertakings:

- (a) the construction of the Markham By-pass from Highway 407 to Highway 48 (Y.R. 68), Town of Markham, to a basic width of 36.0 metres with additional widenings at cuts, fills, watercourse crossings, surface water drainage facilities and intersections, to provide a basic four lane road with left-turn and right-turn lanes at intersections;
- (b) the construction of a temporary connection from the intersection of the existing Markham By-pass northerly to the proposed Markham By-pass to a basic width of 36.0 metres with additional widenings at cuts, fills, watercourse crossings, surface water drainage facilities and intersections, to provide a basic two lane road with left-turn and right-turn lanes at intersections;
- (c) the widening and reconstruction of Major Mackenzie Drive East (Y.R. 25) from Highway 48 (Y.R. 68) to Ninth Line (Y.R. 69), including the elimination of the jog at Ninth Line (Y.R. 69), to a basic width of 36.0 metres with additional widenings at cuts, fills, watercourse crossings, surface water drainage facilities and intersections, to provide a basic four lane road with left-turn and right-turn lanes at intersections;
- (d) the widening and reconstruction of 16th Avenue (Y.R. 73), from the existing Markham By-pass to the Tenth Concession Road, to a basic width of 36.0 metres with additional widenings at cuts, fills, watercourse crossings, surface water drainage facilities and intersections, to provide a basic two lane road with left-turn and right-turn lanes at intersections;
- (e) the installation of traffic control signals and associated illumination at the intersections of the proposed Markham By-pass with Highway 7 (Y.R. 7), the realigned Ninth Line (Y.R. 69), Major Mackenzie Drive East (Y.R. 25), and Highway 48 (Y.R. 68); and the installation of temporary traffic control signals and associated illumination at the intersection of the existing Markham By-pass, 16th Avenue (Y.R. 73) and the temporary connection roadway;
- (f) the provision of an underground conduit system and illumination at the intersection of the proposed Markham By-pass with 16th Avenue (Y.R. 73);
- (g) the carrying out of all related works and undertakings in connection with the above; and

- (h) the acquisition of the necessary lands and interest in lands for the works described above.

4. FINANCIAL IMPLICATIONS

An offer of compensation must be made under Section 25 of the *Expropriations Act* to the owners of the listed parts on the reference plan. These offers must be made within 90 days of the registration of the expropriation plans. Funds are included in the 2005 budget for these offers. Staff will report back to Council prior to making this offer.

5. LOCAL MUNICIPAL IMPACT

The property described in this report is required for the construction of Phase IV of the Markham By-Pass in the Town of Markham. The Markham By-Pass was planned to provide a link from Highway 48, north of Major Mackenzie Drive, to Highway 407. The new by-pass will provide an alternative to both Highway 48 and the Ninth Line and service the ongoing growth in Markham.

6. CONCLUSION

Construction of this project is scheduled to commence in 2007.

A reference plan showing the Region's requirements has been registered. In order to ensure that the project is not delayed, it is appropriate to proceed with expropriation.

The Senior Management Group has reviewed this report.

(The attachment referred to in this clause was included in the Agenda for the November 30, 2005 Committee meeting.)