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ACQUISITION OF LAND TOWN OF MARKHAM

(Regional Council at its meeting on March 23, 2006, adopted the following Clause and that it be circulated to the Town of Markham for information.)

The Transportation and Works Committee recommends the adoption of the recommendations contained in the following report, February 23, 2006, from the Commissioner of Corporate Services:

1. RECOMMENDATIONS

It is recommended that:

1. The following agreement be accepted and that the Commissioner of Corporate Services be authorized to complete this transaction in accordance with the terms of the agreement.

2. PURPOSE

The purpose of this report is to obtain Regional Council's approval to purchase the following property for the construction of the 9th Line By-pass around the hamlet of Box Grove in the Town of Markham (*See Attachment 1*).

1.1 Property No. 1

OWNER:	Ontario Realty Corporation (ORC) acting as agent on behalf of Her Majesty the Queen in Right of Ontario as Represented by the Minister of Public Infrastructure Renewal
PROJECT:	The construction of the 9 th Line By-pass around the hamlet of Box Grove in the Town of Markham
SUBJECT PROPERTY:	Part of the West Half of Lot 2 and Part of Lot 3, Concession 9, Town of Markham, The Regional Municipality of York
AUTHORITY:	Box Grove Community Memorandum of Understanding, dated June 13, 2002

TOTAL OWNERSHIP:	Hydro Corridor Lands – 100 ha +
AREA TAKEN:	Fee simple interest in Part of the West Half of Lot 2 and Part of Lot 3, Concession 9, Town of Markham, designated as Parts 1, 2, 3, 4 and 5, 65R-27754, Town of Markham, being 3,613.44 m ² (0.892 acres)
COMMENTS:	The subject property is located on the east side of the 9 th Line along Canadian Pacific Railway lands and is part of the Hydro corridor.

3. BACKGROUND

The Box Grove developers group have entered into a Memorandum of Understanding (MOU) with the Region and the Town of Markham whereas the developers will construct the 9th Line By-pass that will link to the Markham By-pass and will be dedicated to the Region. The MOU states that the developer must donate the middle 20 m of the road to the Region for the nominal sum of \$2.00 and the Region is to pay for the remaining width of the road. In this case the developer will reimburse the Region for the cost of the middle 20 m that is being paid to ORC.

This section of road is for the southerly section of the 9th Line Box Grove by-pass (*see Attachment 2*). However, the final design and ultimate location of the by-pass has yet to be determined (through the Environmental Assessment process) and it is understood that it could be several years before it is finalized. Rather than pay a lease of 10% per annum to ORC for the road for an undetermined period of time it was deemed prudent to purchase the road allowance on behalf of the developers group.

4. FINANCIAL IMPLICATIONS

The total amount of compensation involved in connection with the above transaction is \$142,300.00. The first 20 metres are being paid by the developer. Funds for the additional land are included in the 2006 Transportation and Works Department budget.

5. LOCAL MUNICIPAL IMPACT

The property in this report is required for the construction of the 9th Line By-pass. The new 9th Line By-pass will divert the traffic from 14th Avenue and 9th Line around the hamlet of Box Grove in the Town of Markham.

6. CONCLUSION

The property in this report is required for the construction of the 9th Line By-pass in the Town of Markham, in accordance with the MOU between the Region and the developers group. In order for this project to proceed without interruption it is recommended that this acquisition be completed.

The Senior Management Group has reviewed this report.

(The attachment referred to in this clause was included in the agenda for the March 1, 2006 Committee meeting.)