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**EXPROPRIATION OF LAND FOR TEMPORARY EASEMENTS
DAVIS DRIVE, VIVA PROJECT 90760
TOWN OF NEWMARKET**

The Finance and Administration Committee recommends the adoption of the recommendations contained in the following report dated February 8, 2012, from the Commissioner of Corporate Services.

1. RECOMMENDATIONS

It is recommended that:

1. Council authorize an application for approval to expropriate the following lands within the Town of Newmarket:

Municipal Address	Legal Description
17555 Yonge Street	A temporary easement expiring on May 31, 2014 in Part Lot 96, Conc. 1, East of Yonge St., Township of East Gwillimbury designated as Parts 3, 4, 9, 14, 26, 27, 30, 31, 33 and 34 on Plan YR1369724
39 Davis Drive	A temporary easement expiring on May 31, 2014 in Part of Lot 96, Conc. 1, East of Yonge St., former Township of East Gwillimbury, designated as Part 3 on Plan YR1369527
69 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Lot 96, Conc. 1, East of Yonge Street, former Township of East Gwillimbury designated as Part 3 on Plan YR1369526
77 – 83 Davis Drive	A temporary easement expiring on May 31, 2014 in Part of Block A on Plan 492 East Gwillimbury, designated as Parts 3 and 4 on Plan YR1369525
85 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Block A on Plan 492, East Gwillimbury designated as Part 3 on Plan YR1369524
89 – 91 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Block A on Plan 492, East Gwillimbury designated as Parts 3 and 6 on Plan YR1369414
83 – 97 Davis Drive	A temporary easement expiring on May 31, 2014 in Part of Block A on Plan 492, East Gwillimbury designated as Part 3 on Plan YR1369413

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Municipal Address	Legal Description
99 – 101 Davis Drive	A temporary easement expiring on May 31, 2014 in Part of Block A on Plan 492 East Gwillimbury designated Part 3 on Plan YR1369412
103 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Block A on Plan 492 East Gwillimbury designated as Part 3 on Plan YR1369411
105 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Block A on Plan 492 East Gwillimbury designated as Parts 5 and 6 on Plan YR1369307
111 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Block A on Plan 492 East Gwillimbury designated as Part 3 on Plan YR1369306
135 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Lot 96, Conc. 1 East of Yonge St., former Township of East Gwillimbury designated as Part 3 on Plan YR1369305
161 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Lot 96, Conc. 1, East of Yonge St., former Township of East Gwillimbury designated as Part 1 on Plan YR1373070
191 Davis Drive	A temporary easement expiring on May 31, 2014 in Part of Lots 259 and 261 on Plan 492, East Gwillimbury designated as Part 3 on Plan YR1368466
Vacant Land, south side Penn Avenue	A temporary easement expiring on May 31, 2014 in Part of Lots 257 and 258 on Plan 492, East Gwillimbury, designated as Parts 1 and 4 on Plan YR1368382
Vacant Land, south side Penn Avenue	A temporary easement expiring on May 31, 2014 in Part of Lots 255 and 256 on Plan 492 East Gwillimbury designated as Parts 2 and 4 on Plan YR1368383
Vacant Land, south side Penn Avenue	A temporary easement expiring on May 31, 2014 in Part of Lots 253 and 254 on Plan 492, East Gwillimbury designated as Parts 2 and 4 on Plan YR1368704
188 Penn Avenue	A temporary easement expiring on May 31, 2014 in Part Lot 252 on Plan 492, East Gwillimbury designated as Part 3 on Plan YR1368703
190 Penn Avenue	A temporary easement expiring on May 31, 2014 in Part Lot 252 on Plan 492, East Gwillimbury designated as Part 3 on Plan YR1368619

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Municipal Address	Legal Description
192 Penn Avenue	A temporary easement expiring on May 31, 2014 in Part Lot 251 on Plan 492 East Gwillimbury designated as Part 3 on Plan YR1368618
194 Penn Avenue	A temporary easement expiring on May 31, 2014 in Part Lot 251 on Plan 492 East Gwillimbury designated as Part 3 on Plan YR1368746
196 Penn Avenue	A temporary easement expiring on May 31, 2014 in Part Lot 250 on Plan 492 East Gwillimbury designated as Part 3 on Plan R753720
200 Penn Avenue	A temporary easement expiring on May 31, 2014 in Part Lot 249 on Plan 492 East Gwillimbury designated as Part 3 on Plan YR1369725
202 Penn Avenue	A temporary easement expiring on May 31, 2014 in Part Lot 249 on Plan 492 East Gwillimbury designated as Part 3 on Plan YR1369726
251-259 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Lot 96, Conc. 1 East of Yonge St., former Township of East Gwillimbury designated as Part 3 on Plan YR1369727
8 Hill Street	A temporary easement expiring on May 31, 2014 in Part Lots 10, 11 and 12, Plan 112, Town of Newmarket, designated as Part 1 on Plan YR1369728
291 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Lots 7, 8 and 9 on Plan 112, Newmarket designated as Part 2 on Plan YR1370146
315 Davis Drive	A temporary easement expiring on May 31, 2014 in part of Maple St. on Plan 112 (closed by Bylaw 2006-74 Inst. No. R751052) Newmarket designated as Part 4 on Plan YR1370521; and A temporary easement expiring on May 31, 2014 in Part of Lot 3 on Plan 112, Newmarket designated as Part 3 on Plan YR1370145
333 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Lots 1 and 2 Plan 112 Newmarket and Part Lots 32 and 33, North of Huron St., Plan 78 Newmarket, designated as Part 3 on Plan YR1370522
345 Davis Drive	A temporary easement expiring on May 31, 2014 in Part of Lots 29, 30, 31 north side Huron St., Plan 78 Newmarket designated as Part 3 on Plan YR1370523

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Municipal Address	Legal Description
351 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Lot 29, North of Huron St., Plan 78 Newmarket designated as Part 2 on Plan YR1370920
355 Davis Drive	A temporary easement expiring on May 31, 2014 in Part of Lot 28, north of Huron St., Plan 78 Newmarket designated as Part 2 on Plan YR1370921
371 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Lots 25 and 26, North of Huron St., Plan 78 Newmarket designated as Part 2 on Plan YR1371150
383 – 415 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Lots 17, 18, 19, 20, 21, 22, 23, and 24, North of Huron St., Plan 78 Newmarket designated as Parts 2, 5 and 8 on Plan YR1371151
435 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Lots 14 and 15 on N.S. Huron St. Plan 78, Newmarket designated as Part 2 on Plan YR1371414
447 Davis Drive	A temporary easement expiring on May 31, 2014 in Part of Lots 12, 13, 14 and E, north side of Huron St., all on Plan 78 Newmarket; designated as Part 3 on Plan YR1371415
465 Davis Drive	A temporary easement expiring on May 31, 2014 in part Block D on Plan 78 Newmarket designated as Part 1 on Plan YR1371416; and A temporary easement expiring on May 31, 2014 in Part of Block D, on Plan 78 Newmarket designated as Parts 6 and 7 on Plan YR1371416
531 Davis Drive	A temporary easement expiring on May 31, 2014 in Part of Lots 1, 2, 3, 4, 5, 6, 7 and 8, n.s. of Huron St. Plan 78, Newmarket, designated as Part 4 on Plan YR1373077
567 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Lot 1, Conc. 2, Township of East Gwillimbury, designated as Part 2 on Plan YR1371736
581 – 589 Davis Drive and 597 Davis Drive	A temporary easement expiring on May 31, 2014 in Part of Lots 1, 2 and 3, north of Huron St. on Plan 56 East Gwillimbury, designated as Parts 2, 3 and 4 on Plan YR1371737 A temporary easement expiring on May 31, 2014 in Part Lots 3 and 4, north of Huron St. in Plan 56 East Gwillimbury designated as Part 5 on Plan YR1371737

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Municipal Address	Legal Description
603 Davis Drive	A temporary easement expiring on May 31, 2014 in Part of Lots 4 and 5, North of Huron St., Plan 56 East Gwillimbury designated as Part 4 on Plan YR1371738
615 Davis Drive	A temporary easement expiring on May 31, 2014 in Part of Lots 7 and 8, N.S. Huron St., Plan 56 East Gwillimbury, designated as Part 2 on Plan YR1371813
625 Davis Drive	A temporary easement expiring on May 31, 2014 in Part of Lot 9 on N.S. of Huron St., Plan 56 East Gwillimbury designated as Part 2 on Plan YR1371814
631 Davis Drive	A temporary easement expiring on May 31, 2014 in Part of Lot 10 on N.S. of Huron St., Plan 56 East Gwillimbury designated as Part 2 on Plan YR1371815
637 Davis Drive	A temporary easement expiring on May 31, 2014 in Part of Lot 11 on N.S. of Huron St. Plan 56 East Gwillimbury designated as Part 2 on Plan YR1371816
641 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Lot 1, Conc. 2, Township of East Gwillimbury designated as Part 2 on Plan YR1371992
647 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Lot 1, Conc. 2, Township of East Gwillimbury designated as Part 2 on Plan YR1371993
655 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Lot 1, Conc. 2 Township of East Gwillimbury designated as Part 2 on Plan YR1371994
665 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Lot 1, Conc. 2 Township of East Gwillimbury designated as Parts 3, 6 and 10 on Plan YR1371995
679 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Lot 1, Conc. 2 Township of East Gwillimbury designated as Part 3 on Plan YR1372028
693 Davis Drive	A temporary easement expiring on May 31, 2014 in Part of Lot 1, Conc. 2 Township of East Gwillimbury designated as Part 5 on Plan YR1378245
713 Davis Drive	A temporary easement expiring on May 31, 2014 in Part of Lot 1, Conc. 2 Township of East Gwillimbury designated as Parts 6 and 7 on Plan YR1378496

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Municipal Address	Legal Description
721 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Lot 1, Concession 2, former Township of East Gwillimbury designated as Part 1 on Plan YR1371418
40 Huron Heights Drive	A temporary easement expiring on May 31, 2014 in Part Lot 1, Concession 2, former Township of East Gwillimbury designated as Part 2 on Plan YR1372303
749 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Lot 1, Conc. 2, former Township of East Gwillimbury designated as Part 2 on Plan YR1371417
795 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Lot 1, Concession 2, former Township of East Gwillimbury designated as Parts 3, 4, 5 and 6 on Plan YR1378260
20 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Lot 95, Conc. 1 Township of Whitchurch designated as Part 2 on Plan YR1377169
54 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Lot 95, Conc. 1 Township of Whitchurch designated as Parts 3, 4, 5, 6, 11, 12, 15 and 16 on Plan YR1367335
130 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Lot 95, Conc. 1 Township of Whitchurch designated as Part 1 on Plan YR1367931
130 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Lots 7, 8 and 9 on Plan 32 Whitchurch designated as Parts 4, 8 and 9 on Plan YR1369176
200 Davis Drive	A temporary easement expiring on May 31, 2014 in Part of Common Elements of YRCP No. 698, Newmarket designated as Part 3 on Plan YR1370041
270 Davis Drive	A temporary easement expiring on May 31, 2014 in Part of Common Elements of YRCP No. 836, Town of Newmarket designated as Part 4 on Plan YR1370425
280 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Lot 2 on Plan 32 Town of Newmarket designated as Parts 1, 8, 9 and 16 on Plan YR1378495
26 Lorne Avenue	A temporary easement expiring on May 31, 2014 in Part Lot 1 on Plan 32 Town of Newmarket designated as Part 4 on Plan YR1369893

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Municipal Address	Legal Description
25 Lorne Avenue	A temporary easement expiring on May 31, 2014 in Part Lot 1 on Plan 32, and part of Lot 95, Conc. 1, former Township of Whitchurch designated as Part 3 on Plan YR1371156
350 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Lots 21, 22, 23, 24, and 25 on the ss of Huron St. (Davis Drive), Plan 78, Town of Newmarket designated as Parts 3 and 4 on Plan R753737
390 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Lots 16, 17, and 18, ss Huron St., Plan 78, Town of Newmarket designated as Part 3 on Plan YR1371154
400 – 406 Davis Drive	A temporary easement expiring on May 31, 2014 in Part of Lots 14 and 15 ss of Huron St. Plan 78, Town of Newmarket designated as Part 2 on Plan YR1371155
16 Main Street South	A temporary easement expiring on May 31, 2014 in Part Lots 1 and 2 west side of Main St. Plan 78, Town of Newmarket designated as Part 3 on Plan YR1371152
446 Davis Drive	A temporary easement expiring on May 31, 2014 in Part of Lots 9 and 10 on the ss of Davis Drive, formerly Huron St. on Plan 78, Town of Newmarket designated as Part 3 on Plan R753738
524 Davis Drive	A temporary easement expiring on May 31, 2014 in Part of Lot 1, ss Huron St., Plan 78, Newmarket; part of road allowance btwn Conc. 1 and 2, Town of Whitchurch (closed by By-Law No. IF294), Town of Newmarket designated as Part 3 on Plan YR1364439
540 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Lot 1 on Plan 125, Town of Newmarket designated as Part 3 on Plan R753740
534 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Lots 1 and 2 on Plan 125, Town of Newmarket designated as Part 3 on Plan R753739
712 Davis Drive	A temporary easement expiring on May 31, 2014 in Part of Common Elements, YRCP No. 695 designated as Part 4 on Plan YR1372312
724 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Lot 13, Plan 81, Town of Newmarket designated as Part 2 on Plan YR1372313

Municipal Address	Legal Description
730 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Lot 13, Plan 81, Town of Newmarket designated as Part 2 on Plan YR1372314
776 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Lot 13 on Plan 81, Town of Newmarket designated as Part 2 on Plan YR1372301
5 Alexander Road	A temporary easement expiring on May 31, 2014 in Part Lot 13, Plan 81, Town of Newmarket designated as Part 2 on Plan YR1372302
800 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Lot 35, Concession 2, former Township of Whitchurch, designated as Part 2 on Plan YR1375887
27 Parkside Drive	A temporary easement expiring on May 31, 2014 in Part Lot 6, Plan 32, Whitchurch, designated as Part 2 on Plan YR1370042

2. The Commissioner of Corporate Services be authorized to execute the Application for Approval to Expropriate Land and the Notice of Application for Approval to Expropriate Land (the “Notice”) and to serve and publish the Notice as required under the *Expropriations Act*.
3. The Commissioner of Corporate Services be authorized to forward to the Chief Inquiry Officer any requests for an inquiry that are received and to represent the Region as necessary at an inquiry held under the *Expropriations Act*.
4. Council authorize the introduction of the necessary bylaws to give effect to these recommendations.

2. PURPOSE

This report seeks Council approval for an application to expropriate temporary easement interests from 80 properties in the Town of Newmarket to facilitate ongoing road and intersection improvements, in order to provide designated lanes for the Viva transit system along the corridor (*see Council Attachment 1*). There is a need to extend the duration of easements previously expropriated. The purpose of the limited interests is to facilitate construction and maintenance as more particularly described in *Council Attachment 2*.

While the Region has secured access to commence construction there would need to be assurance this can continue past the original period. Should negotiations with the landowners not prove successful the Region would need to commence expropriation proceedings to ensure ongoing construction access.

3. BACKGROUND

The Environmental Assessment approved in 2009

This project is part of vivaNext transit system and the improvements described herein were set out in the Transit Class Environmental Assessment, for the North Yonge Street Corridor, which was approved in January 2009.

The vivaNext bus rapid transit network in the Davis Drive corridor is currently being constructed

The construction schedule has been revised and the Region finds it necessary to extend the duration of some of the temporary easements obtained to facilitate construction.

Temporary easements are required to facilitate completion of the construction

On January 22, 2009, Council authorized the commencement of the process to expropriate certain land and interests in lands (Clause 1 of Report 3 of the Rapid Transit Public/Private Partnership Steering Committee) in connection with road and intersection improvements along Davis Drive between Yonge Street and the Southlake Regional Health Centre, in the Town of Newmarket (the “Davis Drive Lands”).

The land that was expropriated included 90 temporary easement interests which will expire between August 26, 2012 and September 24, 2012 (the “Temporary Easements”).

Based on the revised construction schedule it is expected that 80 Temporary Easements will require an extension of the expiration date until May 31, 2014, to accommodate completion of the construction on Davis Drive. No expansion to the area of the temporary easements will be necessary.

4. ANALYSIS AND OPTIONS

Negotiations are proceeding to acquire the Temporary Easements

Property negotiations to acquire extensions to the Temporary Easements are ongoing and four agreements to extend the Temporary Easements have been obtained. Staff are continuing to negotiate agreements to acquire the Temporary Easements.

Initiating expropriation proceedings will ensure the construction schedule will not be compromised if land acquisitions are delayed

Regional staff anticipate that negotiations will be successfully concluded on many of the outstanding properties. In order to ensure timely acquisition of the extensions to the Temporary Easements, it is recommended that the expropriation process proceed concurrently. If easement extensions are obtained amicably, expropriation will not be necessary.

The first step in the process requires Council, as approving authority, to authorize an application for approval to expropriate. Subsequently, Notices may be served on owners of the subject lands. Receipt of this notice will trigger an owner's right to request a Hearing of Necessity. There is also a statutory obligation to publish the Notices.

Link to Key Council – approved Plans

From Vision to Results: 2011 to 2015 Strategic Plan

Priority Area – Continue to deliver and sustain critical infrastructure

Continue to prioritize new capital infrastructure projects to support managed growth and optimize community benefit.

Improve mobility for users on Regional transportation corridors.

5. FINANCIAL IMPLICATIONS

This project is funded by Metrolinx. The estimated cost for the Region to enter into Temporary Easement agreements is \$440,000. This amount is based on the percentage of the original cost that the Region entered into for the three-year terms with the property owners, with an additional allowance for changes in value from the original expropriations in 2009.

6. LOCAL MUNICIPAL IMPACT

The timely construction of dedicated lanes along Davis Drive for Viva buses is critical to the business/property owners, improvement of public transit facilities and the overall streetscapes to support the Region's goal for higher density mixed use transit-oriented development in accordance with approved official plans.

7. CONCLUSION

This report seeks Council's approval to initiate the expropriation process for 80 Temporary Easements from owners along Davis Drive, in order to complete construction

to implement road and intersection improvements and to provide designated lanes for the vivaNext transit system. To ensure that the project is not delayed, it is necessary to initiate the expropriation process. Staff will continue negotiating for the acquisition of the required properties and expropriation will be abandoned in cases where negotiations are successful.

For more information on this report, please contact Barry Crowe at Ext. 1684.

The Senior Management Group has reviewed this report.

(The 2 attachments referred to in this clause are attached to this report.)

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TOWN OF NEWMARKET



**EXPROPRIATION OF LAND FOR TEMPORARY EASEMENTS
DAVIS DRIVE, VIVA PROJECT 90760
TOWN OF NEWMARKET**

Description of the Temporary Limited Interest/Easement

a temporary easement and/or right in the nature or the said easement in, 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 provide for hard and soft landscaping, grading and re-shaping the lands to the limit of the reconstruction of Davis Drive and works ancillary thereto.