

10
EXPROPRIATION SETTLEMENT
DAVIS DRIVE, VIVA PROJECT 90991
TOWN OF NEWMARKET

The Finance and Administration Committee recommends the adoption of the recommendations contained in the following report dated April 10, 2012, from the Commissioner of Corporate Services.

1. RECOMMENDATIONS

It is recommended that:

1. Council authorize the following expropriation settlement for the vivaNext Davis Drive project, in the Town of Newmarket, on the terms set out in this report.
2. The Commissioner of Corporate Services be authorized to complete the transaction in accordance with the terms of the agreement.

2. PURPOSE

This report seeks Council approval to accept the Minutes of Settlement for lands that have been expropriated for the vivaNext Davis Drive (D1) project.

3. BACKGROUND

Environmental Assessment for widening and reconstruction of Davis Drive was approved in 2009

The Environmental Assessment for this project was approved in 2009. Pre-construction activities commenced in 2011, with the construction of retaining walls at various locations along the corridor. Construction of the project between Yonge Street and Huron Heights Drive is to commence in the spring of 2012.

Council authorized the expropriation of properties on Davis Drive in 2009

Council at its meeting on September 2, 2009 authorized the expropriation of properties required for the widening and reconstruction of Davis Drive, in the Town of Newmarket.

4. ANALYSIS AND OPTIONS

Property No. 1 (*see Council Attachment 1*)

OWNERS:	Lawton Brothers (Realty) Ltd.
PROJECT:	Widening and reconstruction of Davis Drive between Yonge Street and Huron Heights Drive
SUBJECT PROPERTY:	Part of Lot 96, Concession 1, East Yonge St. Conc. 1 East Gwillimbury Pt 1, 65R766; Town of Newmarket, comprising 88,750 sq. m. (955,297 sq. ft.)
AREA TAKEN:	Fee simple interest Part 1 on Expropriation Plan YR1369526, comprising 752 sq. m. (8,092 sq. ft.) Permanent easement or rights in the nature of an easement, in, under, over, along, and upon the lands Part 2 on Expropriation Plan YR1369526 comprising 38 sq. m. (405 sq. ft.) Three year temporary easement or rights in the nature of an easement, in, under, over, along, and upon the lands being Part 3 on Expropriation Plan YR1369526, comprising 104 sq. m. (1,118 sq. ft.) The temporary limited interest has been extended until September 2, 2014.
COMMENTS:	The subject property is a commercial establishment comprised of several tenants presently carrying on a variety of businesses.
PROJECT:	90991 Viva Rapidways Davis Drive

Link to Key Council - approved Plans

From Vision to Results: 2011 to 2015 Strategic Plan

Priority Area – Focus Growth along Regional Centres and Corridors

Optimize the transportation capacity and services in Regional Centres and Corridors

The acquisition of these lands will assist the Region in meeting its transportation needs.

5. FINANCIAL IMPLICATIONS

Funds for compensation payable are included in Metrolinx Funding 2012. This agreement is a full settlement by the owner and the owner has executed a full release of all claims under the *Expropriations Act*.

6. LOCAL MUNICIPAL IMPACT

The widening and reconstruction of Davis Drive will support future growth and improve safety of the travelling public for the Newmarket community.

The property in this report was acquired for the construction of dedicated lanes for vivaNext buses along Davis Drive in Newmarket, which will support the Region's goal for higher density mixed use transit-oriented development in accordance with the approved municipal official plans.

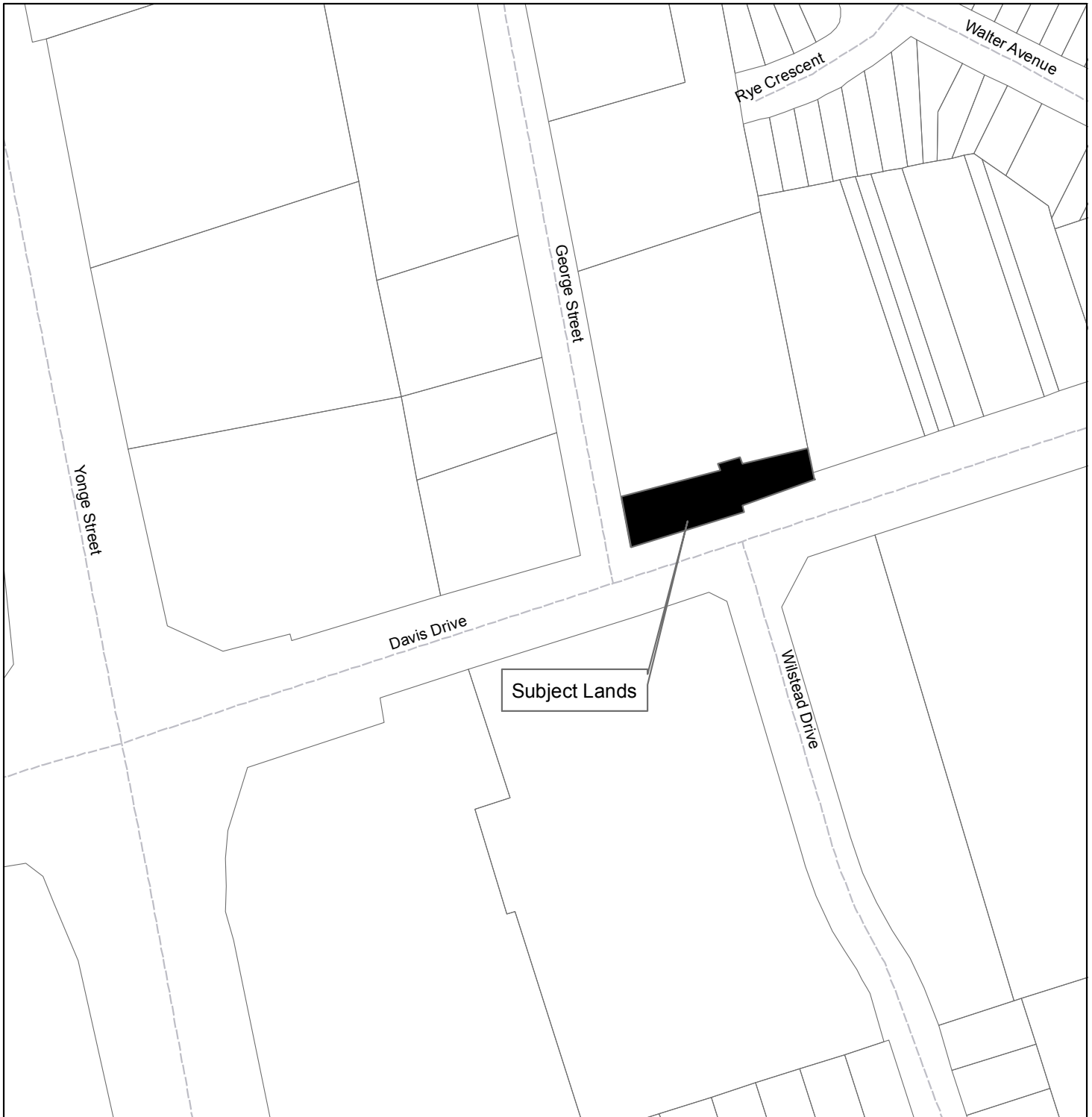
7. CONCLUSION

It is recommended this report be authorized to complete the expropriation settlement for the lands taken for the widening and reconstruction of Davis Drive, for dedicated lanes for the vivaNext rapid transit buses.

For more information on this report, please contact Barry Crowe, Director, Property Services Branch at Ext. 1684.

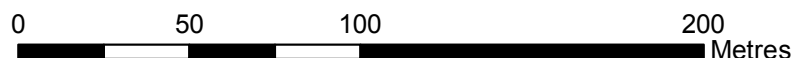
The Senior Management Group has reviewed this report.

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



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LOCATION PLAN
EXPROPRIATION SETTLEMENT - DAVIS DRIVE
VIVA PROJECT 90991
TOWN OF NEWMARKET



PROPERTY SERVICES

