

14
EXPROPRIATION OF LAND
TORONTO YORK SPADINA SUBWAY EXTENSION
VIVA PROJECT 90996

The Finance and Administration Committee recommends:

- 1. Adoption of the recommendations contained in the following report dated May 6, 2010, from the Commissioner of Corporate Services to expropriate certain lands; and**
- 2. Rescission of the authorities to expropriate lands that are no longer required which were approved by Regional Council on January 21, 2010, as set out in the memorandum, May 6, 2010, from the Commissioner of Corporate Services (see Attachment 4).**

1. RECOMMENDATIONS

It is recommended that:

1. Authority be granted to apply for approval to expropriate the amended property requirements for the Toronto York Spadina Subway Extension (TYSSE) 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	Fee Simple	Parts 1, 2, 8, & 10 Drawing No. A0328-G0317
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 Strata with Permanent Surface Easement	Parts 5 & 6 Drawing No. A0328-G0317
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	Parts 3, 5, 7 and 9 Drawing No. A0328-G0317

Report No. 5 of the Finance and Administration Committee
Regional Council Meeting of May 20, 2010

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	Part 4 Drawing No. A0328-G0317
Millway Avenue East	Part of PIN 03277-0109(LT), Part of Lot 6 and 7, Concession 5 designated as Parts 1, 2, 3, 11 and 13, Plan 65R19190 save and except Part 13, Plan 65R19490, City of Vaughan	Fee Simple	Part 4 Drawing No. A0328-G0318
Millway Avenue East	Part of PIN 03277-0109(LT), Part of Lot 6 and 7, Concession 5 designated as Parts 1, 2, 3, 11 and 13, Plan 65R19190 save and except Part 13, Plan 65R19490, City of Vaughan	Temporary Easement	Part 3 Drawing No. A0328-G0318
3200 Highway 7 West	Part of PIN 03277-0128(LT), Part of Lot 6, Concession 5 designated as Parts 5, 8, 9, 14 and 19, Plan 65R19190 except Parts 8 and 11, Plan 65R19490 and except Parts 1 and 2, Plan 65R27420, City of Vaughan	Fee Simple	Part 5 Drawing No. A0328-G0318
3200 Highway 7 West	Part of PIN 03277-0128(LT), Part of Lot 6, Concession 5 designated as Parts 5, 8, 9, 14 and 19, Plan 65R19190 except Parts 8 and 11, Plan 65R19490 and except Parts 1 and 2, Plan 65R27420, City of Vaughan	Temporary Easement	Part 6 Drawing No. A0328-G0318
Millway Avenue West	Part of PIN 03277-0115(LT), Part of Lot 6, Concession 5 designated as Parts 5 and 6, Plan 65R14767 save and except Parts 1, 2, 3, 4, 5, 6, 7 and 8, Plan 65R19276 and Part 12, Plan 65R19490, City of Vaughan	Fee Simple	Parts 1 & 7 Drawing No. A0328-G0318

Address	Legal Description	Interest Required	Part and Drawing Number
Millway Avenue West	Part of PIN 03277-0115(LT), Part of Lot 6, Concession 5 designated as Parts 5 and 6, Plan 65R14767 save and except Parts 1, 2, 3, 4, 5, 6, 7 and 8, Plan 65R19276 and Part 12, Plan 65R19490, City of Vaughan	Fee Simple Strata with Permanent Surface Easement	Part 2 Drawing No. A0328-G0318
Millway Avenue West	Part of PIN 03277-0115(LT), Part of Lot 6, Concession 5 designated as Parts 5 and 6, Plan 65R14767 save and except Parts 1, 2, 3, 4, 5, 6, 7 and 8, Plan 65R19276 and Part 12, Plan 65R19490, City of Vaughan	Temporary Easement	Parts 2 & 8 Drawing No. A0328-G0318
101 Edgeley Boulevard	Part of PIN 03277-0107(LT), Part of Blocks 79, 80, 81 and 82, Blocks 83 and 84, Plan 65M2545 designated Parts 9 to 18 inclusive, Plan 65R19276 and Part of Lot 6 and 7, Concession 5 designated as Parts 1, 2, 3, 4, 5, 6, 7 and 8, Plan 65R19276 except Part 7, Plan 65R19490, City of Vaughan	Temporary Easement	Part 9 Drawing No. A0328-G0318
900-944 Applewood Crescent	Part of PIN 03277-0113(LT), Blocks 79, 80, 81 and 82, Plan 65M2545 save and except Parts 9, 10, 11, 12, 13 and 14, Plan 65R19276, City of Vaughan	Temporary Easement	Part 10 Drawing No. A0328-G0318

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 be required pursuant to the provisions of the *Expropriations Act*.

4. Regional Council, as approving authority, approve of the expropriation of the lands described in Recommendation 1, provided there is no 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 owners along the selected route for the extension of TYSSE from Steeles Avenue to just north of Highway 7 in the City of Vaughan (*see Attachment 1*).

3. BACKGROUND

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

This project received approval of the Environmental Assessment Report prepared by the TTC from the Ministry of 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 the 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 Corporate 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 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.

On June 25, 2009 Regional Council authorized staff to commence the process of expropriating lands 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 lands (Clause 4 of Report 7 of the Rapid Transit Public/Private Partnership Steering Committee), in connection with the acquisition of land for the extension of the Spadina Subway from Steeles Avenue to the Vaughan Metropolitan Centre.

On January 21, 2010 Regional Council authorized the 30% design amended property requirements for the expropriation of lands for the Toronto York Spadina Subway Extension (TYSSE) Project

On January 21, 2010, Regional Council authorized the amended property requirements identified in the 30% Toronto York Spadina Subway Extension design (Report No. 1 of the Commissioner of Corporate Services). Notices of Application for Approval to Expropriate Land are scheduled to be sent April 30, 2010 to most registered property owners.

4. ANALYSIS AND OPTIONS

Land requirements for the Toronto York Spadina Subway Extension have been amended as a result of cost saving design changes on some properties

Design changes due to cost saving measures and a shift in location of the transformer sub-station just south of Highway 7 to align with the City of Vaughan's future road network have affected the land requirements for two properties along Highway 7 (*see Attachments 2 and 3*). Notices of Application for Approval to Expropriate Land for these two properties are being held until May 30, 2010 in order to obtain Regional Council approval for the amended requirements.

5. FINANCIAL IMPLICATIONS

Funding for the expropriated properties 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 subject properties is necessary to allow the Toronto York Spadina Subway Extension project to proceed in a timely manner.

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

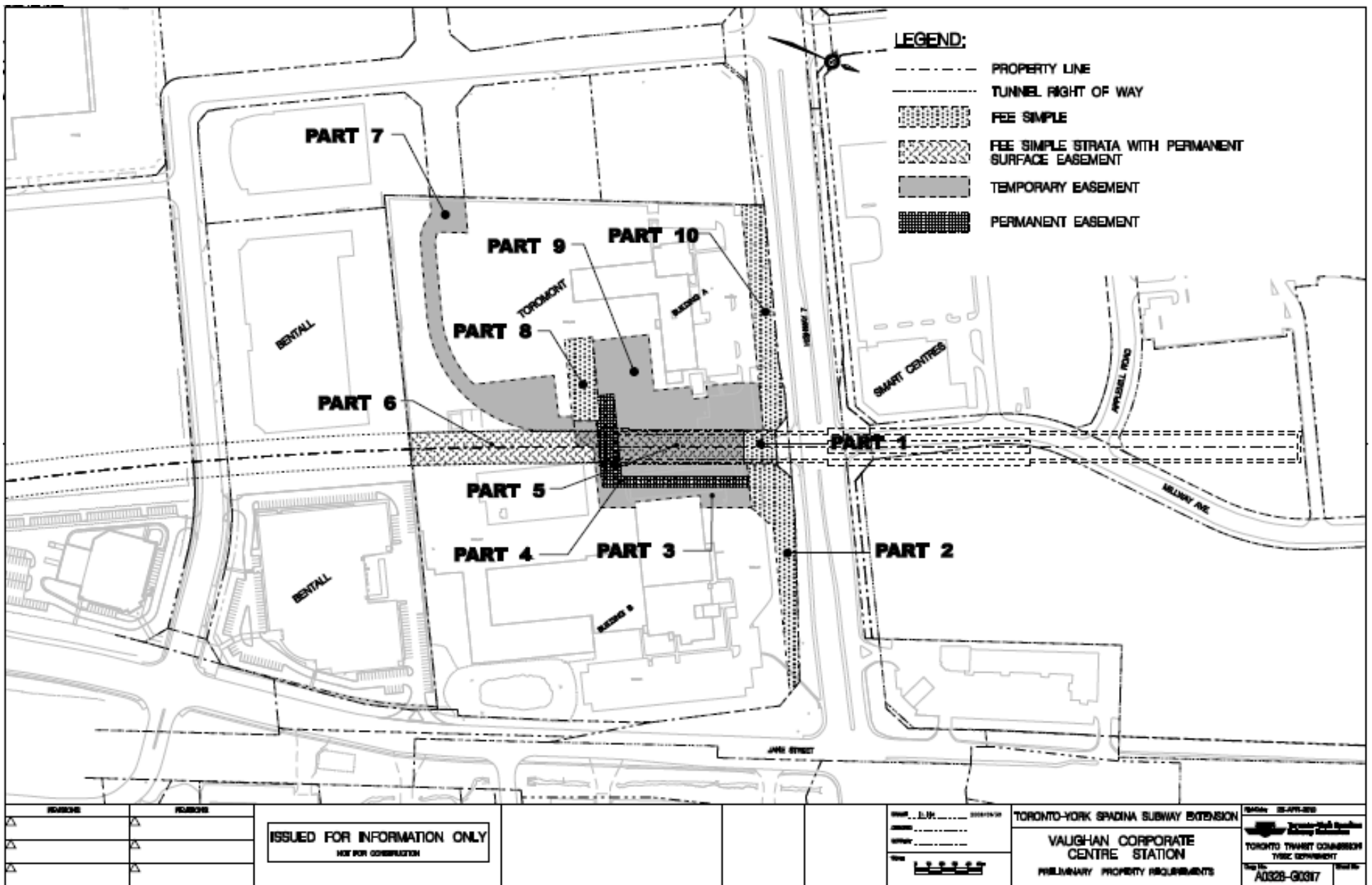
(Attachments 1, 2 and 3 referred to in this clause were included in the agenda for the May 6, 2010 meeting. Attachment 4 is attached to this report.)



LOCATION PLAN

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





LOCATION PLAN

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





MEMORANDUM

TO: Finance and Administration Committee

FROM: Jim Davidson, Commissioner, Corporate Services

DATE: May 6, 2010

RE: **Amendment to Expropriation of Land
TYSSE Project 90996, City of Vaughan**

The purpose of this memorandum is to request an amendment to rescind the authorities that are no longer required which were approved by Regional Council at its meeting on January 21, 2010.

I propose the following wording for the recommendation:

It is recommended that the authorities no longer required which were approved by Regional Council on January 21, 2010 as Report No. 1 of the Commissioner of Corporate Services be rescinded as follows:

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	Fee Simple	Parts 1, 5, 6 & 7 A0328-G0314
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 Strata with Permanent Surface Easement	Part 3 A0328-G0314
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	Parts 4, 8, 9 & 10 A0328-G0314

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	Part 2 A0328-G0314
Millway Avenue East	Part of PIN 03277-0109(LT), Part of Lot 6 and 7, Concession 5 designated as Parts 1, 2, 3, 11 and 13, Plan 65R19190 save and except Part 13, Plan 65R19490, City of Vaughan	Fee Simple	Parts 10 & 11 A0328-G0315
Millway Avenue East	Part of PIN 03277-0109(LT), Part of Lot 6 and 7, Concession 5 designated as Parts 1, 2, 3, 11 and 13, Plan 65R19190 save and except Part 13, Plan 65R19490, City of Vaughan	Temporary Easement	Part 9 A0328-G0315
3200 Highway 7 West	Part of PIN 03277-0128(LT), Part of Lot 6, Concession 5 designated as Parts 5, 8, 9, 14 and 19, Plan 65R19190 except Parts 8 and 11, Plan 65R19490 and except Parts 1 and 2, Plan 65R27420, City of Vaughan	Fee Simple	Part 12 A0328-G0315
3200 Highway 7 West	Part of PIN 03277-0128(LT), Part of Lot 6, Concession 5 designated as Parts 5, 8, 9, 14 and 19, Plan 65R19190 except Parts 8 and 11, Plan 65R19490 and except Parts 1 and 2, Plan 65R27420, City of Vaughan	Temporary Easement	Part 6 A0328-G0315
Millway Avenue West	Part of PIN 03277-0115(LT), Part of Lot 6, Concession 5 designated as Parts 5 and 6, Plan 65R14767 save and except Parts 1, 2, 3, 4, 5, 6, 7 and 8, Plan 65R19276 and Part 12, Plan 65R19490, City of Vaughan	Fee Simple	Parts 5 & 8 A0328-G0315

Millway Avenue West	Part of PIN 03277-0115(LT), Part of Lot 6, Concession 5 designated as Parts 5 and 6, Plan 65R14767 save and except Parts 1, 2, 3, 4, 5, 6, 7 and 8, Plan 65R19276 and Part 12, Plan 65R19490, City of Vaughan	Temporary Easement	Part 4 A0328-G0315
101 Edgeley Boulevard	Part of PIN 03277-0107(LT), Part of Blocks 79, 80, 81 and 82, Blocks 83 and 84, Plan 65M2545 designated Parts 9 to 18 inclusive, Plan 65R19276 and Part of Lot 6 and 7, Concession 5 designated as Parts 1, 2, 3, 4, 5, 6, 7 and 8, Plan 65R19276 except Part 7, Plan 65R19490, City of Vaughan	Fee Simple	Part 7 A0328-G0315
101 Edgeley Boulevard	Part of PIN 03277-0107(LT), Part of Blocks 79, 80, 81 and 82, Blocks 83 and 84, Plan 65M2545 designated Parts 9 to 18 inclusive, Plan 65R19276 and Part of Lot 6 and 7, Concession 5 designated as Parts 1, 2, 3, 4, 5, 6, 7 and 8, Plan 65R19276 except Part 7, Plan 65R19490, City of Vaughan	Temporary Easement	Part 3 A0328-G0315
900-944 Applewood Crescent	Part of PIN 03277-0113(LT), Blocks 79, 80, 81 and 82, Plan 65M2545 save and except Parts 9, 10, 11, 12, 13 and 14, Plan 65R19276, City of Vaughan	Fee Simple	Part 1 A0328-G0315
900-944 Applewood Crescent	Part of PIN 03277-0113(LT), Blocks 79, 80, 81 and 82, Plan 65M2545 save and except Parts 9, 10, 11, 12, 13 and 14, Plan 65R19276, City of Vaughan	Temporary Easement	Part 2 A0328-G0315

Jim Davidson

JD/caw