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EXPROPRIATION OF LAND
DAVIS DRIVE, PROJECT 8056
TOWN OF NEWMARKET

The Transportation and Works Committee recommends the adoption of the recommendations contained in the following report, March 23, 2005, from the Commissioner of Corporate Services:

1. RECOMMENDATIONS

It is recommended that:

1. Authority be granted to apply for approval to expropriate the following land within the Town of Newmarket, in The Regional Municipality of York:
 - (a) fee simple interest in approximately 154 m² (0.038 acres), being Part 1 on Reference Plan 65R-27831
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. The 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 one owner in preparation for future road improvements to Yonge Street and Davis Drive, in the Town of Newmarket (*see Attachment No. 1*).

3. BACKGROUND

Regional Council, on April 17, 2003, adopted By-law R-1367-2003-039 that authorized improvements to the intersection of Davis Drive (YR 31) and George Street, in the Town of Newmarket. The property described in this report was part of the Davis Drive/George Street intersection improvements, however; this project was delayed when the Region entered into discussions with the Town of Newmarket to improve Davis Drive and the Yonge Street corridor.

Title searches of property for this project revealed that a small strip of land along the Davis Drive road allowance was not owned by The Regional Municipality of York. It was discovered that when the Ministry of Transportation (MTO) transferred Davis Drive to the Region in 1996 the strip of land, now described as Part 1 on Reference Plan 65R-27831 and the subject of this report, was not owned by MTO and therefore MTO could not transfer it to the Region. Further investigation has revealed that this strip of land was never sold to MTO by the original owner.

The Region has now acquired a widening along Davis Drive to the south of the said strip and in order to acquire ownership to Part 1 on Reference Plan 65R-27831 in preparation for future improvements to Davis Drive it is necessary to expropriate this land.

4. FINANCIAL IMPLICATIONS

There are no financial implications attached to this report. The expropriation is being carried out to gain possession of a strip of land from an owner whose whereabouts are unknown and does not own any abutting property.

5. LOCAL MUNICIPAL IMPACT

There is no municipal impact associated with the expropriation of this property.

6. CONCLUSION

A reference plan showing the Region's requirements has been registered. In order to acquire ownership of this land, it is appropriate to proceed with expropriation. The above noted reference plan will be available at Committee for your review.

The Senior Management Group has reviewed this report.

(The attachment referred to in this clause was included in the agenda for the May 4, 2005 Committee meeting.)