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EXPROPRIATION SETTLEMENT AND LAND ACQUISITION YORK REGION RAPID TRANSIT CORPORATION DAVIS DRIVE PROJECT 90991, TOWN OF NEWMARKET

The Finance and Administration Committee recommends the adoption of the recommendation contained in the following report dated May 14, 2010, from the Commissioner of Corporate Services.

1. RECOMMENDATION

It is recommended that:

1. The agreements set out in this report be accepted and the Commissioner of Corporate Services be authorized to complete the transactions in accordance with the terms of the agreements.

2. PURPOSE

The purpose of this report is to obtain Regional Council's approval to accept the agreements set out in this report as a result of the York Region Rapid Transit expropriation along Davis Drive.

3. BACKGROUND

The lands required for the Davis Drive (D1) project were expropriated

The Region obtained ownership of the lands required for the project in September 2009 and possession of the lands from December 2009 to March 2010. There were 114 properties expropriated with twenty (20) properties originally planned for full buyouts based on the preliminary engineering design. However, design has progressed which has identified other properties for possible buyout. The subject of this report is a buyout that was not originally planned but a business case supports its acquisition. The settlements comprise compensation for the expropriated parcel, the acquisition of the remaining lands of the owner and the commercial tenant's claim.

4. ANALYSIS AND OPTIONS

Property No. 1 *(Attachment 1)*

OWNERS: Karen Maureen Wilson, Robert Coleman Wilson

SUBJECT PROPERTY: Lots 5 and 6, Plan 112, Town of Newmarket

AREA TAKEN: 357.1 square metres
(3844 square feet or 0.088 acres)

COMMENTS: The subject property is a strip widening expropriated from a larger property which is improved with a commercial building and an attached residence. The expropriated area contained the delivery access and parking area of the commercial portion which was utilized as a retail flower shop.

Property No. 2 *(Attachment 1)*

OWNERS: Karen Maureen Wilson, Robert Coleman Wilson

SUBJECT PROPERTY: Lots 5 and 6, Plan 112, Town of Newmarket

AREA TAKEN: 1,092 square metres
(11,756 square feet or 0.270 acres)

COMMENTS: The subject property is balance of the property remaining after the expropriation of Property No. 1. It is improved with a commercial building with an attached residence. The commercial portion was utilized as a retail flower shop. The expropriation resulted in the loss of the delivery access and parking for the commercial use, therefore the owners requested the Region to acquire the remaining property.

Property No. 3 *(Attachment 1)*

TENANT: Karen's and Tina's Flowers Inc.

SUBJECT PROPERTY: Lots 5 and 6, Plan 112, Town of Newmarket

AREA TAKEN: N/A - Lease

COMMENTS:

The loss of the delivery access and parking area (Property No. 1) made the commercial building unviable for any commercial use. This resulted in the commercial tenant having no choice but to vacate the premises. In September 2009, they relocated to a retail plaza on Yonge Street south of Green Lane.

5. FINANCIAL IMPLICATIONS

All costs associated with the procurement of properties along Davis Drive are funded from the Province's \$1.4 billion MoveOntario 2020 announcement. The Region has entered into a Memorandum of Agreement with Metrolinx and has received funding in excess of \$53 million for property and utility work for Davis Drive and Highway 7, from Richmond Hill Centre to Warden Avenue.

6. LOCAL MUNICIPAL IMPACT

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

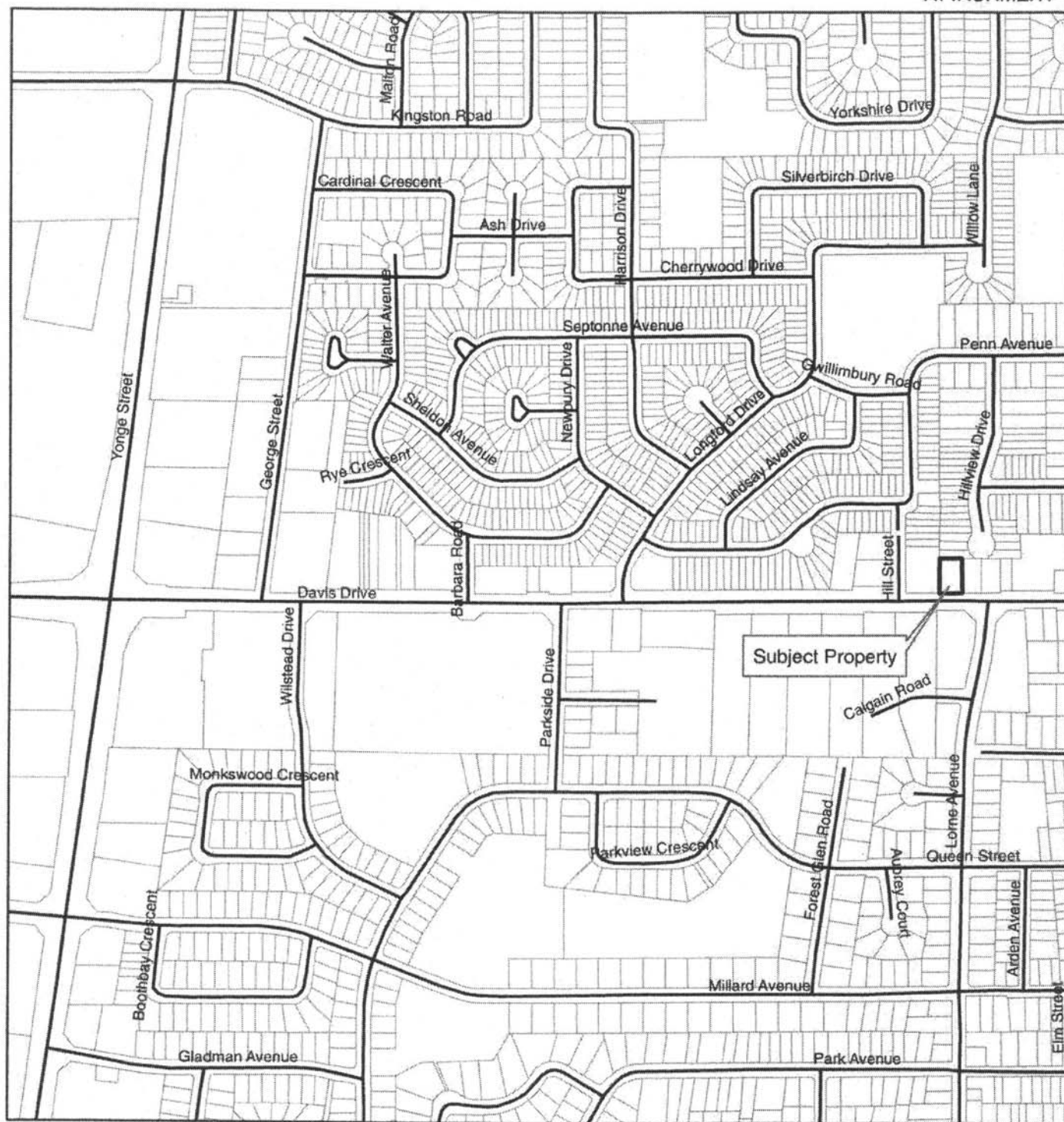
7. CONCLUSION

This report concerns the York Region Rapid Transit Davis Drive (D1) project. The property in this report is significantly impacted by the required road widening and therefore a complete buyout is financially justified. It is therefore recommend these agreements be accepted.

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

The Senior Management Group has reviewed this report.

(The attachments including the private attachment referred to in this clause were included in the agenda for the June 10, 2010 Committee meeting.)



LOCATION PLAN

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Minutes of Settlement
299 Davis Drive
Town of Newmarket



0 65 130 260
Metres

PROPERTY SERVICES

