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DISPOSAL OF EXPROPRIATED PROPERTY
TOWN OF MARKHAM

The Finance and Administration Committee recommends the adoption of the recommendations contained in the following report, May 26, 2005, from the Commissioner of Finance:

1. RECOMMENDATIONS

It is recommended that:

1. Regional Council declare surplus and give notice of its intention to sell 0.29 acres of land described as being Part 7, Expropriation Plan D959 in the Town of Markham.

2. Regional Council, in accordance with Section 42 of the *Expropriations Act*, authorize the sale of these lands to Cornell Rouge Development Corp., being the owner from which the lands were expropriated, for the sum of $84,129.51.

3. The appropriate Regional officials perform all acts necessary to give effect to the foregoing.

2. PURPOSE

The purpose of this report is to obtain Council's approval to:

1. Declare the lands described in Recommendation 1 above as surplus to the Region's requirements.
2. To sell the lands located on the south side of 16th Avenue (YR 73) and east of the existing Markham By-pass in the Town of Markham (*see Attachment 1)*, to Cornell Rouge Development Corp., the owner from which the lands were expropriated for the sum of $84,129.51.

3. BACKGROUND

Regional Council, at its meeting held on September 23, 2004 approved the By-law that authorized the expropriation of the necessary lands to construct Phase 3 of the Markham By-pass. Part 7 on Expropriation Plan D959, which is the subject of this report, was part of the land expropriated. The owner affected by the expropriation of Part 7 is Cornell Rouge Development Corp. The highest and best use of this land is Urban Residential development land and Cornell Rouge, operating as Madison Homes, is currently developing a residential subdivision.

The piece of property to be sold back to Cornell Rouge Development Corp. is 0.1174 ha (0.29 acres) in size and was originally required for side slope grading along the existing Markham By-pass. Madison Homes has levelled the site in order to build a sales pavilion and parking lot, eliminating the need for the Region to do side slope grading in this area.

Negotiations are presently being carried out to try to settle this outstanding expropriation. The Region, under Section 25 of the *Expropriations Act* offered $290,000.00 an acre (based on an external appraisal) for this land. The owner wishes to adjust the Section 25 expropriation compensation using this same value and have the property deeded back to them.

4. ANALYSIS AND OPTIONS

This property is part of an outstanding expropriation. The parcel of land to be sold back to the owner, Cornell Rouge Development Corp., is 0.29 acres in size and is located within the subdivision being developed by the owner. The land is not of a size or in a location that would be of use to the Region. If the Region declares the land surplus to its needs the Region must, under the *Expropriations Act,* offer the property back to the party from which it was expropriated.

5. FINANCIAL IMPLICATIONS

The deeding back of this property to Cornell Rouge Development Corp. will reduce the property expropriation costs by $84,129.51 for this project.

6. LOCAL MUNICIPAL IMPACT

The expropriation from Cornell Rouge Development Corp. was for land that was required for the Markham By-Pass that will, upon completion of construction, relieve some of the congestion on the local north/south roads in Markham.

7. CONCLUSION

There is an outstanding expropriation with Cornell Rouge Development Corp. for property south of 16th Avenue and west of Reesor Road in the Town of Markham to construct Phase 3 of the Markham By-pass. The parcel of land, which is the subject of this report, is 0.29 acres in size and was originally required by the Region for side slope grading along the Markham By-pass. It is described as Part 7 on Expropriation Plan D959 and fronts on land that Cornell Rouge operating as Madison Homes is currently developing into a subdivision. Madison Homes has eliminated the need for side slope grading by filling in this area for a sales pavilion and parking lot.

The Senior Management Group has reviewed this report.

(The attachment referred to in this clause was included in the agenda for the June 2, 2005 Committee meeting.)