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EXPROPRIATION SETTLEMENT AND CONVEYANCE OF LAND DONALD COUSENS PARKWAY, PROJECT 8071 TOWN OF MARKHAM

The Transportation and Works Committee recommends the adoption of the recommendations contained in the following report, May 29, 2007, from the Commissioner of Corporate Services and Commissioner of Finance:

1. RECOMMENDATIONS

It is recommended that:

1. The following agreement be accepted and that the Commissioner of Corporate Services be authorized to complete this transaction in accordance with the terms of the agreement.
2. Regional Council declare surplus and give notice of its intention to sell the lands described as being Part 1 on Reference Plan 65R 24745, Town of Markham (*see Attachment 1*).
3. The lands described in Recommendation No. 2 be stopped up and closed as public highway.
4. Regional Council authorize the sale of the above described lands to the abutting land owner as provided for in the expropriation settlement agreement.

2. PURPOSE

The purpose of this report is to:

1. Obtain Regional Council's approval to accept the following expropriation settlement and land exchange for the property required for the construction of the Donald Cousens Parkway (formerly Markham By-pass) in the Town of Markham (*see Attachment 1*).
2. Declare the lands described in Recommendation No. 2 above as surplus to the Region's requirements and give notice of its intention to sell the lands.
3. Do all acts necessary to stop up and close the lands described in Recommendation No. 2 above.

2.1 Property No. 1

OWNER: Richard Chester Pearse

PROJECT:	The construction of the Donald Cousens Parkway (formerly Markham By-pass) in the Town of Markham
SUBJECT PROPERTY:	Part of Lot 16 and 17, Concession 9, in the Town of Markham, in The Regional Municipality of York
AUTHORITY:	By-law R-1223-2000-054
TOTAL OWNERSHIP:	88.63 ha (219 acres)
AREA TAKEN:	Fee simple interest in Parts 1 and 2 on Expropriation Plan D958, being 3.488 ha (8.619 acres)
LAND CONVEYED:	Fee simple interest in Part 1 on Reference Plan 65R-24745, being 2.095 ha (5.177 acres)
COMMENTS:	The subject property is located on the south side of the Parkway and north of Sixteenth Avenue in the Town of Markham. In order to settle this expropriation, the Region agrees to stop up and close and convey Part 1 on Reference Plan 65R-24745 to the Vendor for the same per acre rate.
PROJECT NUMBER:	8071

3. BACKGROUND

The Region previously purchased a temporary road having an area of 2.095 ha (5.177 acres), described as Part 1 on Reference Plan 65R-24745 from the Vendor. At the time of purchase it was agreed that the Region would sell it back to the vendor at the market value at the time of conveyance. Since that time, the Region expropriated 8.619 acres for the new Parkway. The Region no longer requires the temporary road and has removed the road and all of the construction materials, light standards, etc. The vendor now wishes to purchase his property back from the Region to add to the rest of his farm.

A fee appraisal of the fair market value of the land has been obtained.

4. FINANCIAL IMPLICATIONS

The total amount of compensation involved in connection with the above transaction is \$2,801,175.00, less the amount previously paid at the time of expropriation, being

\$2,370,000.00, leaving \$431,175.00 to be paid. In addition to the foregoing, legal, appraisal, consulting fees and interest as per the *Expropriation Act* are payable.

The sale of the surplus land to the abutting owner is valued at \$1,682,525.00; therefore, \$1,186,205.00 will be payable to the Region. The proceeds from the sale of this property will be deposited into the Region's Capital Reserve.

5. LOCAL MUNICIPAL IMPACT

There is no municipal impact associated with this report.

6. CONCLUSION

The agreement, which is the subject of this report, is an expropriation settlement for the construction of the Donald Cousens Parkway (formerly Markham By-pass) in the Town of Markham. The project is now near completion and it is recommended that this acquisition be completed.

The property to be conveyed, described in Recommendation No. 2 above, will be surplus to the Region's road needs and it is now in order to declare these lands surplus, authorize the stopping up and closing of these lands as public highway, and authorize the sale of the lands to the property owner, as provided for in the expropriation settlement agreement.

The Senior Management Group has reviewed this report.

(The attachment referred to in this clause was included in the agenda for the June 13, 2007 Committee meeting.)