

10

APPROVAL TO EXPROPRIATE LANDS TEMPORARY EASEMENTS ON DAVIS DRIVE, PROJECT 90760 TOWN OF NEWMARKET

The Finance and Administration Committee recommends the adoption of the recommendations contained in the following report dated June 6, 2012, from the Commissioner of Corporate Services.

1. RECOMMENDATIONS

It is recommended that:

1. Council, as approving authority, approve the expropriation of the following lands required for the widening and reconstruction of Davis Drive in the Town of Newmarket:

Municipal Address	Legal Description
17555 Yonge Street	A temporary easement expiring on May 31, 2014 in Part of Lot 96, Conc. 1, East of Yonge St., Township of East Gwillimbury designated as Parts 3, 4, 9, 14, 26, 27, 30, 31, 33 and 34 on Plan YR1369724
39 Davis Drive	A temporary easement expiring on May 31, 2014 in Part of Lot 96, Conc. 1, East of Yonge St., former Township of East Gwillimbury, designated as Part 3 on Plan YR1369527
69 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Lot 96, Conc. 1, East of Yonge Street, former Township of East Gwillimbury designated as Part 3 on Plan YR1369526
77 – 83 Davis Drive	A temporary easement expiring on May 31, 2014 in Part of Block A on Plan 492 East Gwillimbury, designated as Parts 3 and 4 on Plan YR1369525
85 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Block A on Plan 492, East Gwillimbury designated as Part 3 on Plan YR1369524
89 – 91 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Block A on Plan 492, East Gwillimbury designated as Parts 3 and 6 on Plan YR1369414

Report No. 7 of the Finance and Administration Committee
Regional Council Meeting of June 28 2012

Municipal Address	Legal Description
83 – 97 Davis Drive	A temporary easement expiring on May 31, 2014 in Part of Block A on Plan 492, East Gwillimbury designated as Part 3 on Plan YR1369413
99 – 101 Davis Drive	A temporary easement expiring on May 31, 2014 in Part of Block A on Plan 492 East Gwillimbury designated Part 3 on Plan YR1369412
103 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Block A on Plan 492 East Gwillimbury designated as Part 3 on Plan YR1369411
105 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Block A on Plan 492 East Gwillimbury designated as Parts 5 and 6 on Plan YR1369307
111 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Block A on Plan 492 East Gwillimbury designated as Part 3 on Plan YR1369306
135 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Lot 96, Conc. 1 East of Yonge St., former Township of East Gwillimbury designated as Part 3 on Plan YR1369305
161 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Lot 96, Conc. 1, East of Yonge St., former Township of East Gwillimbury designated as Part 1 on Plan YR1373070
191 Davis Drive	A temporary easement expiring on May 31, 2014 in Part of Lots 259 and 261 on Plan 492, East Gwillimbury designated as Part 3 on Plan YR1368466
Vacant Land, south side Penn Avenue	A temporary easement expiring on May 31, 2014 in Part of Lots 257 and 258 on Plan 492, East Gwillimbury, designated as Parts 1 and 4 on Plan YR1368382
Vacant Land, south side Penn Avenue	A temporary easement expiring on May 31, 2014 in Part of Lots 255 and 256 on Plan 492 East Gwillimbury designated as Parts 2 and 4 on Plan YR1368383
Vacant Land, south side Penn Avenue	A temporary easement expiring on May 31, 2014 in Part of Lots 253 and 254 on Plan 492, East Gwillimbury designated as Parts 2 and 4 on Plan YR1368704
188 Penn Avenue	A temporary easement expiring on May 31, 2014 in Part Lot 252 on Plan 492, East Gwillimbury designated as Part 3 on Plan YR1368703

Report No. 7 of the Finance and Administration Committee
Regional Council Meeting of June 28 2012

Municipal Address	Legal Description
190 Penn Avenue	A temporary easement expiring on May 31, 2014 in Part Lot 252 on Plan 492, East Gwillimbury designated as Part 3 on Plan YR1368619
192 Penn Avenue	A temporary easement expiring on May 31, 2014 in Part Lot 251 on Plan 492 East Gwillimbury designated as Part 3 on Plan YR1368618
194 Penn Avenue	A temporary easement expiring on May 31, 2014 in Part Lot 251 on Plan 492 East Gwillimbury designated as Part 3 on Plan YR1368746
196 Penn Avenue	A temporary easement expiring on May 31, 2014 in Part Lot 250 on Plan 492 East Gwillimbury designated as Part 3 on Plan R753720
200 Penn Avenue	A temporary easement expiring on May 31, 2014 in Part Lot 249 on Plan 492 East Gwillimbury designated as Part 3 on Plan YR1369725
202 Penn Avenue	A temporary easement expiring on May 31, 2014 in Part Lot 249 on Plan 492 East Gwillimbury designated as Part 3 on Plan YR1369726
251 - 259 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Lot 96, Conc. 1 East of Yonge St., former Township of East Gwillimbury designated as Part 3 on Plan YR1369727
8 Hill Street	A temporary easement expiring on May 31, 2014 in Part Lots 10, 11 and 12, Plan 112, Town of Newmarket, designated as Part 1 on Plan YR1369728
291 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Lots 7, 8 and 9 on Plan 112, Newmarket designated as Part 2 on Plan YR1370146
315 Davis Drive	A temporary easement expiring on May 31, 2014 in part of Maple St. on Plan 112 (closed by Bylaw 2006-74 Inst. No. R751052) Newmarket designated as Part 4 on Plan YR1370521 A temporary easement expiring on May 31, 2014 in Part of Lot 3 on Plan 112, Newmarket designated as Part 3 on Plan YR1370145
333 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Lots 1 and 2 Plan 112 Newmarket and Part Lots 32 and 33, North of Huron St., Plan 78 Newmarket, designated as Part 3 on Plan YR1370522

Report No. 7 of the Finance and Administration Committee
Regional Council Meeting of June 28 2012

Municipal Address	Legal Description
345 Davis Drive	A temporary easement expiring on May 31, 2014 in Part of Lots 29, 30, 31 north side Huron St., Plan 78 Newmarket designated as Part 3 on Plan YR1370523
351 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Lot 29, North of Huron St., Plan 78 Newmarket designated as Part 2 on Plan YR1370920
355 Davis Drive	A temporary easement expiring on May 31, 2014 in Part of Lot 28, north of Huron St., Plan 78 Newmarket designated as Part 2 on Plan YR1370921
371 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Lots 25 and 26, North of Huron St., Plan 78 Newmarket designated as Part 2 on Plan YR1371150
383 – 415 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Lots 17, 18, 19, 20, 21, 22, 23, and 24, North of Huron St., Plan 78 Newmarket designated as Parts 2, 5 and 8 on Plan YR1371151
435 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Lots 14 and 15 on N.S. Huron St. Plan 78, Newmarket designated as Part 2 on Plan YR1371414
447 Davis Drive	A temporary easement expiring on May 31, 2014 in Part of Lots 12, 13, 14 and E, north side of Huron St., all on Plan 78 Newmarket; designated as Part 3 on Plan YR1371415
465 Davis Drive	A temporary easement expiring on May 31, 2014 in part Block D on Plan 78 Newmarket designated as Part 1 on Plan YR1371416; and A temporary easement expiring on May 31, 2014 in Part of Block D, on Plan 78 Newmarket designated as Parts 6 and 7 on Plan YR1371416
531 Davis Drive	A temporary easement expiring on May 31, 2014 in Part of Lots 1, 2, 3, 4, 5, 6, 7 and 8, n.s. of Huron St. Plan 78, Newmarket, designated as Part 4 on Plan YR1373077
581 – 589 Davis Drive and 597 Davis Drive	A temporary easement expiring on May 31, 2014 in Part of Lots 1, 2 and 3, north of Huron St. on Plan 56 East Gwillimbury, designated as Parts 2, 3 and 4 on Plan YR1371737 A temporary easement expiring on May 31, 2014 in Part Lots 3 and 4, north of Huron St. in Plan 56 East Gwillimbury designated as Part 5 on Plan YR1371737

Report No. 7 of the Finance and Administration Committee
Regional Council Meeting of June 28 2012

Municipal Address	Legal Description
603 Davis Drive	A temporary easement expiring on May 31, 2014 in Part of Lots 4 and 5, North of Huron St., Plan 56 East Gwillimbury designated as Part 4 on Plan YR1371738
615 Davis Drive	A temporary easement expiring on May 31, 2014 in Part of Lots 7 and 8, N.S. Huron St., Plan 56 East Gwillimbury, designated as Part 2 on Plan YR1371813
625 Davis Drive	A temporary easement expiring on May 31, 2014 in Part of Lot 9 on N.S. of Huron St., Plan 56 East Gwillimbury designated as Part 2 on Plan YR1371814
631 Davis Drive	A temporary easement expiring on May 31, 2014 in Part of Lot 10 on N.S. of Huron St., Plan 56 East Gwillimbury designated as Part 2 on Plan YR1371815
637 Davis Drive	A temporary easement expiring on May 31, 2014 in Part of Lot 11 on N.S. of Huron St. Plan 56 East Gwillimbury designated as Part 2 on Plan YR1371816
641 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Lot 1, Conc. 2, Township of East Gwillimbury designated as Part 2 on Plan YR1371992
647 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Lot 1, Conc. 2, Township of East Gwillimbury designated as Part 2 on Plan YR1371993
655 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Lot 1, Conc. 2 Township of East Gwillimbury designated as Part 2 on Plan YR1371994
665 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Lot 1, Conc. 2 Township of East Gwillimbury designated as Parts 3, 6 and 10 on Plan YR1371995
679 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Lot 1, Conc. 2 Township of East Gwillimbury designated as Part 3 on Plan YR1372028
693 Davis Drive	A temporary easement expiring on May 31, 2014 in Part of Lot 1, Conc. 2 Township of East Gwillimbury designated as Part 5 on Plan YR1378245
713 Davis Drive	A temporary easement expiring on May 31, 2014 in Part of Lot 1, Conc. 2 Township of East Gwillimbury designated as Parts 6 and 7 on Plan YR1378496
721 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Lot 1, Concession 2, former Township of East Gwillimbury designated as Part 1 on Plan YR1371418

Report No. 7 of the Finance and Administration Committee
Regional Council Meeting of June 28 2012

Municipal Address	Legal Description
40 Huron Heights Drive	A temporary easement expiring on May 31, 2014 in Part Lot 1, Concession 2, former Township of East Gwillimbury designated as Part 2 on Plan YR1372303
749 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Lot 1, Conc. 2, former Township of East Gwillimbury designated as Part 2 on Plan YR1371417
795 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Lot 1, Concession 2, former Township of East Gwillimbury designated as Parts 3, 4, 5 and 6 on Plan YR1378260
20 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Lot 95, Conc. 1 Township of Whitchurch designated as Part 2 on Plan YR1377169
54 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Lot 95, Conc. 1 Township of Whitchurch designated as Parts 3, 4, 5, 6, 11, 12, 15 and 16 on Plan YR1367335
130 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Lot 95, Conc. 1 Township of Whitchurch designated as Part 1 on Plan YR1367931
130 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Lots 7, 8 and 9 on Plan 32 Whitchurch designated as Parts 4, 8 and 9 on Plan YR1369176
200 Davis Drive	A temporary easement expiring on May 31, 2014 in Part of Common Elements of YRCP No. 698, Newmarket designated as Part 3 on Plan YR1370041
270 Davis Drive	A temporary easement expiring on May 31, 2014 in Part of Common Elements of YRCP No. 836, Town of Newmarket designated as Part 4 on Plan YR1370425
280 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Lot 2 on Plan 32 Town of Newmarket designated as Parts 1, 8, 9 and 16 on Plan YR1378495
26 Lorne Avenue	A temporary easement expiring on May 31, 2014 in Part Lot 1 on Plan 32 Town of Newmarket designated as Part 4 on Plan YR1369893

Municipal Address	Legal Description
25 Lorne Avenue	A temporary easement expiring on May 31, 2014 in Part Lot 1 on Plan 32, and part of Lot 95, Conc. 1, former Township of Whitchurch designated as Part 3 on Plan YR1371156
350 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Lots 21, 22, 23, 24, and 25 on the ss of Huron St. (Davis Drive), Plan 78, Town of Newmarket designated as Parts 3 and 4 on Plan R753737
390 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Lots 16, 17, and 18, ss Huron St., Plan 78, Town of Newmarket designated as Part 3 on Plan YR1371154
400 – 406 Davis Drive	A temporary easement expiring on May 31, 2014 in Part of Lots 14 and 15 ss of Huron St. Plan 78, Town of Newmarket designated as Part 2 on Plan YR1371155
16 Main Street South	A temporary easement expiring on May 31, 2014 in Part Lots 1 and 2 west side of Main St. Plan 78, Town of Newmarket designated as Part 3 on Plan YR1371152
446 Davis Drive	A temporary easement expiring on May 31, 2014 in Part of Lots 9 and 10 on the ss of Davis Drive, formerly Huron St. on Plan 78, Town of Newmarket designated as Part 3 on Plan R753738
524 Davis Drive	A temporary easement expiring on May 31, 2014 in Part of Lot 1, ss Huron St., Plan 78, Newmarket; part of road allowance btwn Conc. 1 and 2, Town of Whitchurch (closed by By-Law No. IF294), Town of Newmarket designated as Part 3 on Plan YR1364439
540 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Lot 1 on Plan 125, Town of Newmarket designated as Part 3 on Plan R753740
534 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Lots 1 and 2 on Plan 125, Town of Newmarket designated as Part 3 on Plan R753739
712 Davis Drive	A temporary easement expiring on May 31, 2014 in Part of Common Elements, YRCP No. 695 designated as Part 4 on Plan YR1372312
724 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Lot 13, Plan 81, Town of Newmarket designated as Part 2 on Plan YR1372313

Municipal Address	Legal Description
730 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Lot 13, Plan 81, Town of Newmarket designated as Part 2 on Plan YR1372314
776 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Lot 13 on Plan 81, Town of Newmarket designated as Part 2 on Plan YR1372301
5 Alexander Road	A temporary easement expiring on May 31, 2014 in Part Lot 13, Plan 81, Town of Newmarket designated as Part 2 on Plan YR1372302
800 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Lot 35, Concession 2, former Township of Whitchurch, designated as Part 2 on Plan YR1375887
27 Parkside Drive	A temporary easement expiring on May 31, 2014 in Part Lot 6, Plan 32, Whitchurch, designated as Part 2 on Plan YR1370042

2. The Commissioner of Corporate Services, or designate, be authorized to execute and serve any notices required under the *Expropriations Act*.
3. Council authorize the introduction of the necessary bylaws to give effect to these recommendations.
4. Council authorize a single source contract with Cushman & Wakefield Ltd. for the provision of appraisal services in accordance with Section 25 of the *Expropriations Act* to a maximum amount of \$158,000 excluding taxes, pursuant to the single source provisions of the purchasing by-law.
5. The Commissioner of Corporate Services be authorized to execute the contract, subject to the approval of Legal Services as to form and content.
6. Council authorize a single source contract with Lloyd & Purcell Ltd. for the provision survey services in accordance with Section 9 of the *Expropriations Act* to a maximum amount of \$134,300 excluding taxes, pursuant to the single source provisions of the purchasing by-law.
7. The Commissioner of Corporate Services be authorized to execute the contract, subject to the approval of Legal Services as to form and content.

2. PURPOSE

This report seeks authority to expropriate temporary easement interests required for the widening and reconstruction of road and intersection improvements, in order to provide designated lanes for the Viva transit system along the corridor (*see Council Attachment 1*). The purpose of the temporary easement interests is to facilitate construction and maintenance as more particularly described in *Council Attachment 2*.

3. BACKGROUND

In January 2009, Council authorized initiating proceedings to expropriate lands required for the Davis Drive project

Construction activities on Davis Drive commenced in 2011 with installation of retaining walls at various locations. On March 22, 2012, Council authorized an application for approval to expropriate 79 temporary easement interests.

Staff from Property Services anticipate successful negotiations with property owners for several of the temporary easements. It is necessary to complete expropriation of the remaining properties in order to secure access to the lands in time for construction to commence.

All of the required easement areas were previously expropriated in 2009, based on three year terms. All expropriated temporary easements will therefore be terminating between August and October of 2012. The construction schedule for Davis Drive has been revised, necessitating the requirement of an additional period beyond the expiry of the temporary easements to May 31, 2014.

Notices of Application to Expropriate have been served on the owners. Two Hearing of Necessity requests were received, but were subsequently withdrawn. Hearing of Necessity requests were received for the remainder of the properties identified in the table, in Recommendation 1 of this report.

4. ANALYSIS AND OPTIONS

It is anticipated that engaging appraisal and survey services via single source contracts will reduce expenses and reduce the time to complete the contracts

It is a requirement under the *Expropriations Act* that the expropriating authority obtain surveys and appraisals in order to facilitate the transfer of lands and make offers of compensation to property owners. Both the appraiser and the surveyor recommended for single source contracts were selected for the proposed expropriation because they

provided these services for the same lands in 2009, when the original expropriations were undertaken.

Given that both the appraiser and surveyor have previously completed services for these properties, the contracts can be completed with information and resources already available to the contractors, which in turn will lead to reductions in the time and cost associated with completing the contracts.

The total cost of engaging Cushman & Wakefield Ltd. to complete the appraisals is provided at a maximum of \$158,000, based on a quoted amount of \$2,000 per report for 79 appraisal reports. The typical cost to engage an appraiser to complete the assignment would be in the range of \$3,000 to \$5,000 per report, indicating a significant cost savings.

The cost of engaging Lloyd & Purcell Ltd. to complete the surveys is provided at a maximum of \$134,300, based on a quoted amount of \$1,700 per survey. The typical cost to complete these types of survey assignments would be at least \$2,000 to \$2,500. In addition, Lloyd & Purcell is able to expedite the completion of the expropriation plans, given that a portion of the required work can be utilized from the 2009 surveys.

It is anticipated that the total cost of the contracts for both appraisal and survey services will be reduced as amicable negotiations are successfully completed with some of the property owners. Transactions completed amicably will be removed from the list of properties to be expropriated, reducing the overall requirement for appraisal and survey services.

Registration of an expropriation plan will secure access to the lands and ensure that construction can proceed

Under the *Expropriations Act*, registration of an expropriation plan vests lands in the expropriating authority. Right to possession becomes effective three (3) months following registration of the plan.

It is anticipated that the expropriation plan for the properties will be registered no later than July 16, 2012. Accordingly, the Region will have access to the property no later than October 16, 2012, enabling construction to proceed on time.

Link to Key Council – approved Plans

From Vision to Results: 2011 to 2015 Strategic Plan

Priority Area – Focus Growth along Regional Centres and Corridors

Optimize the transportation capacity and services in Regional Centres and Corridors

The acquisition of these easements will assist the Region in meeting its transportation needs.

5. FINANCIAL IMPLICATIONS

There are no financial implications directly associated with this report.

Under section 25 of the Act, the Region is obligated to serve offers of compensation on owners within three months of registration of the plan. The appraisals required to support these offers will be commissioned upon approval of this report and the proposed offers will be the subject of a further report to Council.

6. LOCAL MUNICIPAL IMPACT

The construction of dedicated lanes along Davis Drive for Viva buses will provide upgraded capacity to improve traffic operations for the travelling public and will meet the expected growth in this area.

7. CONCLUSION

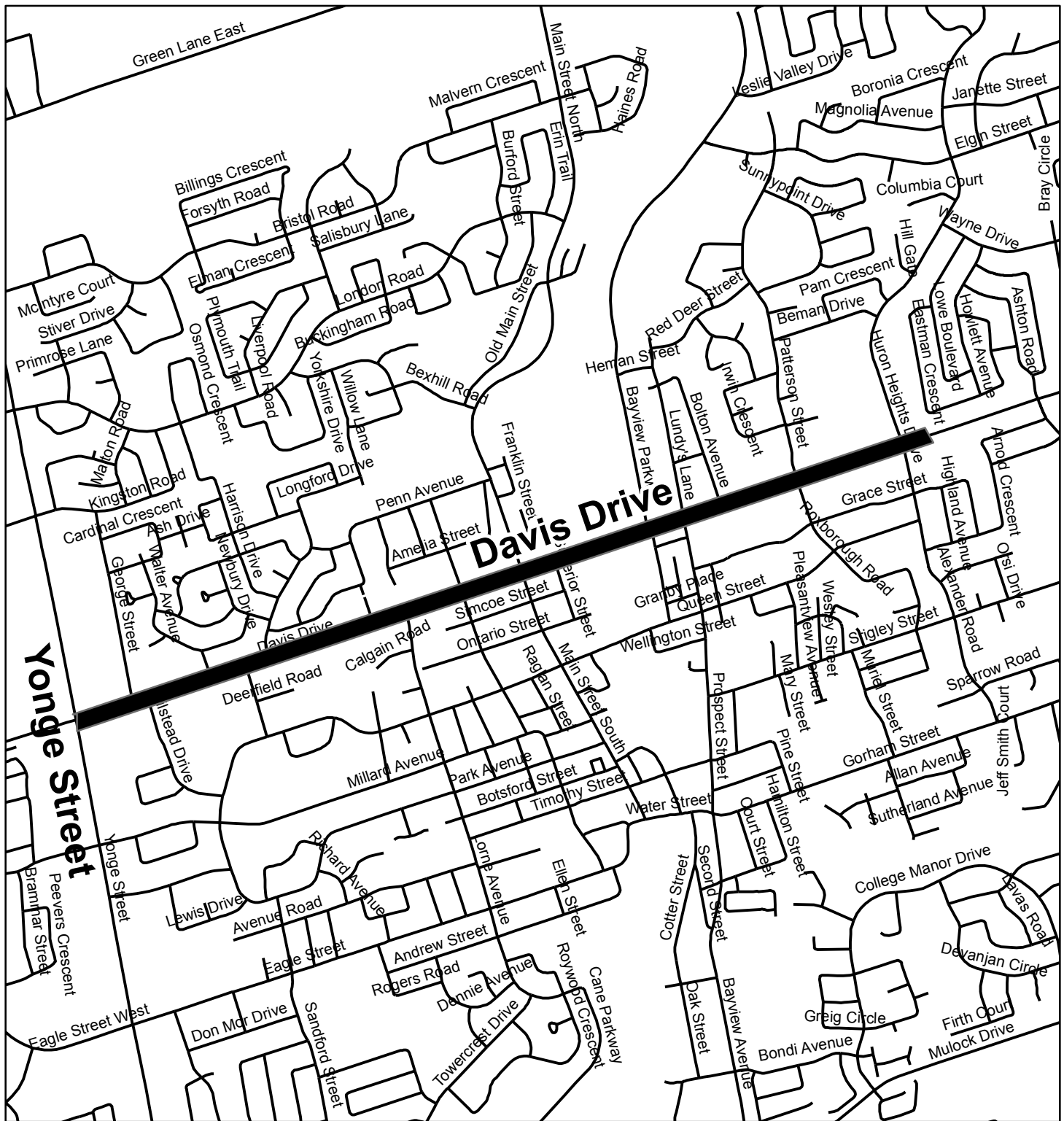
The widening and reconstruction of Davis Drive will require the acquisition of 79 temporary easement interests.

Staff are endeavouring to negotiate amicable easement transactions with property owners. In order to ensure timely possession of the lands to commence construction, it is recommended that Council approve the expropriation of temporary easements for those properties where amicable negotiations are not successful.

For more information on this report, please contact Barry Crowe, Director, Property Services Branch, Ext. 1684.

The Senior Management Group has reviewed this report.

(The two attachments referred to in this clause are attached to this report.)



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LOCATION PLAN

APPROVAL TO EXPROPRIATE LANDS

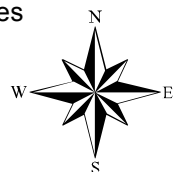
Temporary Easements on Davis Drive, Project 90760

TOWN OF NEWMARKET



0 462.5 925 1,850 Metres

PROPERTY SERVICES



**APPROVAL TO EXPROPRIATE LANDS
TEMPORARY EASEMENTS ON DAVIS DRIVE
TOWN OF NEWMARKET**

Description of the Temporary Limited Interest/Easement

a temporary easement and/or right in the nature or the said easement in, over, along and upon the lands described herein for the municipal purpose of entering on the lands with all vehicles, machinery, workmen and other material to provide for hard and soft landscaping, grading and re-shaping the lands to the limit of the reconstruction of Davis Drive and works ancillary thereto.