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APPROVAL TO EXPROPRIATE LANDS TEMPORARY EASEMENTS ON HIGHWAY 7, PROJECT 90773 TOWN OF MARKHAM AND THE TOWN OF RICHMOND HILL

Regional Council at its meeting on June 28, 2012, adopted this Clause as amended to include the four amendments referred to in the communication from the Commissioner of Corporate Services, dated June 26, 2012, as follows:

- 1) The last sentence of the second paragraph of Section 4, Analysis and Options, of the Report be deleted in its entirety and replaced with the following:**

The expiry date for the new easement interest over the property listed under Recommendation 1 of this Report, beside Reference Number 49, 50, 52, will be September 10, 2013. The expiry date for the balance of the new easement interests will be June 30, 2014.

- 2) The last sentence of the last paragraph of Section 3, Background, of the Report be deleted in its entirety and replaced with the following:**

Notices of Application to Expropriate have been served on the owners. One Hearing of Necessity request was received, but was subsequently withdrawn.

- 3) The number of temporary easement interests referenced in the first paragraph of Section 7, Conclusion, be amended to 31 instead of 30.**

- 4) The municipal address of the property, indicated as 120 South Town Centre Boulevard be amended to Southwest Corner of Highway 7 and South Town Centre Boulevard.**

The Finance and Administration Committee recommends the adoption of the recommendations contained in the following report dated May 9, 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 Highway 7 in the Town of Markham and the Town of Richmond Hill:

Ref No.	Address	Legal Description
5	5 Rockwell Road and 372 Highway 7E	Part of PIN 03119-0018 (LT) Part Lot 31, Plan 2607 designated as Part 6 on Plan YR1349903 Part of PIN 03119-0017 (LT), Part Lot 31, Plan 2607 designated as Part 7 on Plan YR1349903
6	376 Highway 7E	Part of PIN 03119-0016 (LT), Part Lot 32, Plan 2607 designated as Part 8 on Plan YR1349903
7	380 Highway 7E	Part of PIN 03119-0015 (LT), Part Lot 32, Plan 2607 designated as Part 9 on Plan YR1349903
8	382 Highway 7E	Part of PIN 03119-0014 (LT), Part Lot 32, Plan 2607 designated as Part 10 on Plan YR1349903
11	400 Highway 7E	Part of PIN 03119-0011 (LT), Part Lot 11, Conc. 2 RH (MKM) designated as Part 2 on Plan YR1349900
12	404 - 408 Highway 7E	Part of PIN 03119-0010 (LT), Part Lot 11, Conc. 2 RH (MKM) designated as Part 4 on Plan YR1364637
15	420 Highway 7E	Part of PIN 03124-0544 (LT), Part Block 92, Plan 65M-2579 designated as Part 3 on Plan YR1363978
16	95 - 115 Times Avenue	Part of PIN 03029-1122 (LT), Part Block 10, Plan 65M-3226 designated as Part 3 on Plan YR1363983
19	300 West Beaver Creek	Part of PIN 03124-0549 (LT), Part Block 1, Plan 65M-2203 designated as Part 3 on Plan YR1372760
21	11 - 27 Allstate Parkway	Part of PIN 03046-0069 (LT), Part Block 8, Plan 65M-2029 designated as Part 3 on Plan YR1366035

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Ref No.	Address	Legal Description
22	S.S. Highway 7E	Part of PIN 03031-0010 (LT), Part Lot 7, Plan 65M-2326 designated as Part 6 on Plan YR1366025
23	S.S. Highway 7E	Part of PIN 03031-0011 (LT), Part Lot 8, Plan 65M-2326 designated as Part 3 on Plan YR1366025
24	75 Frontenac Drive	Part of PIN 03046-0202 (LT), Part Lot 11, Conc. 3, MKM (MKM) designated as Parts 2 & 3 on Plan YR1375521
25	25 - 71 Cochrane Drive	Part of PIN 03031-0121 (LT), Part Lot 9, Plan 65M-2326 designated as Part 8 on Plan YR1366491
28	8555 Woodbine Avenue	Part of PIN 03045-0402 (LT), Part Block A, Plan 4556 designated as Parts 2 & 3 on Plan YR1366729
29	3088 Highway 7	Part of PIN 03045-0404 (LT), Part of Blocks A and D, Plan 4556 designated as Part 3 on draft Plan YR1366554
30	3085 Highway 7	Part of PIN 03032-0003 (LT), Part West Half Lot 10, Conc. 4 MKM (MKM) designated as Part 2 on Plan YR1372305
31	3130-3150 Highway 7	Part of PIN 03045-0007 (LT), Part Block E, Plan 4556 designated as Part 4 on Plan YR1372824
32 & 33	3265 - 3275 Highway 7	Part of PIN 03032-0302 (LT), Part Lot 10, Conc. 4 MKM (MKM) designated as Parts 2 & 3 on Plan YR1372931
35A, 35B, 36	N.S. Highway 7	Part of PIN 03045-0052 (LT), Part Block 1, Plan 65M-2445 designated as Parts 1, 2, 3 & 4 on Plan YR1372307
49, 50, 52	120 South Town Centre Boulevard	Part of PIN 03033-0074 (LT), Part Block 1, Plan 65M-2668 designated as Parts 3 & 4 on draft Plan YR1372304
56	120 South Town Centre Boulevard	Part of PIN 03033-0011 (LT), Part Block 4, Plan 65M-2668 designated as Parts 1 & 3 on draft Plan YR1372523

Ref No.	Address	Legal Description
57	130 South Town Centre Boulevard	Part of PIN 03033-0113 (LT), Part Block 4, Plan 65M-2668 designated as Part 5 on Plan YR1372523
E4	130 Pond Drive	Part of PINs 29489-0001 (LT) to 29489-0366 (LT), Part of Common Elements YRCP No. 958 designated as Part 1 on Plan YR1364213
E7	500 Highway 7E	Part of PIN 03124-0558 (LT), Part Block 1, Plan 65M-2106 designated as Part 1 on Plan YR1365965
E10	600 Highway 7E and 9009 Leslie Street	Part of PIN 03125-0129 (LT), Part Lot 11, Concession 3, RH (MKM) designated as Parts 1, 2, 3 & 4 on Plan YR1372934
E11	650 Highway 7E	Part of PIN 03125-0186 (LT) Part Blocks 1 and 7, Plan 65M - 2287 and Part Lot 11, Concession 3 RH (MKM) designated as Parts 1, 2, 3, 4, 5, 6, 7, 8, & 9 on Plan YR1373071
E12	255 East Beaver Creek Road	Part of PIN 03125-0185 (LT), Part Block 1, Plan 65M-2287 designated as Parts 1 & 2 on Plan YR1373072
E13	2830 Highway 7	Part of PIN 03046-0070 (LT), Part Lot 11, Concession 3, MKM (MKM) designated as Part 1 on Plan YR1365824
E19	3105 - 3175 Highway 7	Part of PIN 03032-0207 (LT), Part Lot 10, Concession 4 MKM (MKM) designated as Parts 1 & 2 on Plan YR1372306

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.

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 Highway 7 project

Construction is currently in progress for the widening and reconstruction of Highway 7. On May 17, 2012, Regional Council authorized an application for approval to expropriate 30 temporary easements interests.

All of the required easement areas were previously expropriated in 2009, based on three year terms. The 30 expropriated temporary easements will be terminating between July 29, 2012 and September 17, 2012.

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.

Notices of Application to Expropriate have been served on the owners and no Hearing of Necessity requests were received.

4. ANALYSIS AND OPTIONS

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. The expiry date for the new easement interests will be June 30, 2014.

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 are currently being prepared and the proposed offers will be the subject of a further report to Council.

6. LOCAL MUNICIPAL IMPACT

The construction of dedicated lands along Highway 7 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 Highway 7 will require the acquisition of 30 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 are attached to this report.)

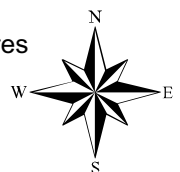
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LOCATION PLAN

APPROVAL TO EXPROPRIATE LANDS

Temporary Easements on Highway 7, Project 90773

TOWNS OF RICHMOND HILL AND MARKHAM



**APPROVAL TO EXPROPRIATE LANDS
TEMPORARY EASEMENTS ON HIGHWAY 7,
TOWN OF MARKHAM AND TOWN OF RICHMOND HILL**

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 Highway 7 and works ancillary thereto.