

13
EXPROPRIATION OF LAND
WOODBINE BY-PASS, PHASE 3
PROJECT 9868, TOWN OF MARKHAM

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

1. RECOMMENDATIONS

It is recommended that:

1. Authority be granted to apply for approval to expropriate the following land required to construct the portion of the new Woodbine By-pass from north of Elgin Mills Road to where the road joins Woodbine Avenue in the Town of Markham, in The Regional Municipality of York, as shown on Attachment 1:
 - (a) a fee simple interest in approximately 40,000 m² (9.88 acres), being
Part of Lots 27 and 28, Concession 3, Town of Markham: and
Part of Lot 28, Concession 3, Town of Markham.
2. The Commissioner of Corporate Services be authorized to serve and publish Notice of Application as required by the *Expropriations Act*.
3. The Commissioner of Corporate Services be authorized to forward to the Chief Inquiry Officer, pursuant to the provisions of the *Expropriations Act*, any requests for hearing that may be received.
4. Regional Council, as approving authority, approve of the expropriation of the lands described in paragraph 1, provided there is no hearing of necessity.
5. The Manager of Realty Services be authorized to execute and serve any notices required by the *Expropriations Act*.
6. The lands being expropriated and required for road purposes be dedicated as a common and public highway.
7. Authority be granted for the introduction of the necessary bills in Council to give effect to the foregoing.

2. PURPOSE

The purpose of this report is to obtain Regional Council's approval to expropriate land for the construction of the new Woodbine By-pass in the Town of Markham. (*Attachment 1*).

3. BACKGROUND

The 404 North Developers Group has committed to the Town of Markham to design and construct Phase 3 of the Woodbine By-pass and the town sanitary trunk sewer. The developers' group wishes to proceed with the work as soon as possible.

The Region will enter into a development charges credit agreement for the reimbursement of the implementation costs of the Phase 3 Woodbine By-pass by the developers, subject to the Region's D.C. credit policy.

Current discussions with two owners have indicated they may be a non-participant and the developers group want to confirm that the Region is prepared to proceed with expropriation of all or parts of the by-pass lands if necessary. Commencing the expropriation process will ensure the properties required are obtained so as to not delay the project's construction schedule, however, negotiations will continue with the property owners in order to secure negotiated settlements.

4. FINANCIAL IMPLICATIONS

Surveys of the property for Phase 3 of the Woodbine By-pass have not been completed at this time. An offer of compensation must be made under Section 25 of the *Expropriations Act* to all of the owners of the listed part(s) on the reference plan(s), when available. These offers must be made within 90 days of the registration of the expropriation plan(s). Staff will report back to Council prior to making these offers.

5. LOCAL MUNICIPAL IMPACT

The construction of the Woodbine By-pass will provide an important connection from Major Mackenzie Drive adjacent to Highway 404 to service development in this area of Markham.

6. CONCLUSION

Reference plans showing the Region's requirements are not available at this time; however, in order to ensure that the project is not delayed, it is appropriate to proceed with expropriation.

(The attachment referred to in this clause was included in the agenda for the September 5, 2007 Committee meeting.)