

**15**  
**EXPROPRIATION SETTLEMENT**  
**DAVIS DRIVE, VIVA PROJECT 90991**  
**TOWN OF NEWMARKET**

**The Finance and Administration Committee recommends the adoption of the recommendations contained in the following report dated May 31, 2012, from the Commissioner of Corporate Services.**

**1. RECOMMENDATIONS**

It is recommended that:

1. Council authorize the following expropriation settlement for land expropriated for the vivaNext Davis Drive project, in the Town of Newmarket, on the terms set out in this report, subject to the approval of Metrolinx.
2. The Commissioner of Corporate Services be authorized to complete the transaction in accordance with the terms of the agreement upon receipt of approval of the agreement from Metrolinx.

**2. PURPOSE**

This report seeks Council approval to accept the Minutes of Settlement for lands that have been expropriated for the vivaNext Davis Drive (D1) project.

**3. BACKGROUND**

**Environmental Assessment for widening and reconstruction of Davis Drive was approved in 2009**

The Environmental Assessment for this project was approved in 2009. Pre-construction activities commenced in 2011, with the construction of retaining walls at various locations along the corridor. Construction of the project between Yonge Street and Huron Heights Drive is to commence in the spring of 2012.

**Council authorized the expropriation of properties on Davis Drive in 2009**

Council at its meeting on January 22, 2009, authorized the expropriation of properties required for the widening and reconstruction of Davis Drive, in the Town of Newmarket.

### **Settlement of all requirements has been reached**

The terms of the agreement have been agreed to in principle, and the parties are working toward completing the Minutes of Settlement. The agreement will be a full settlement by the owner. In addition, the owner will be required to execute a full release of all claims under the *Expropriations Act*.

This agreement was arbitrated at the Board of Negotiation hearing held on May 9, 2012, and resolves all outstanding items related to this property. Metrolinx is required to approve the settlement terms.

## **4. ANALYSIS AND OPTIONS**

### **Property Description** (*Council Attachment 1*)

The subject land is now a vacant parcel that, at the time of expropriation, was developed with a retail storefront with two commercial tenants, a residential unit at the rear of the main floor, and three upper level residential units.

|                   |                                                                                                                                                                             |
|-------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| OWNER:            | Lina Covatta                                                                                                                                                                |
| PROJECT:          | Widening and reconstruction of Davis Drive between Yonge Street and Huron Heights Drive for the vivaNext Rapid Transit Project                                              |
| SUBJECT PROPERTY: | Part of Lot 96, Concession 1, east side of Yonge Street, Town of Newmarket, (formerly Town of East Gwillimbury), containing a total area of 0.40 acres (17,560 square feet) |
| AREA TAKEN:       | The entire parcel, further described on Expropriation Plan YR1363692                                                                                                        |
| PROJECT:          | 90991 Viva Rapidways Davis Drive                                                                                                                                            |

### **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 lands will assist the Region in meeting its transportation needs.

**5. FINANCIAL IMPLICATIONS**

Funds for compensation payable are included in Metrolinx Funding 2012.

**6. LOCAL MUNICIPAL IMPACT**

The widening and reconstruction of Davis Drive will support future growth and improve safety of the travelling public for the Newmarket community.

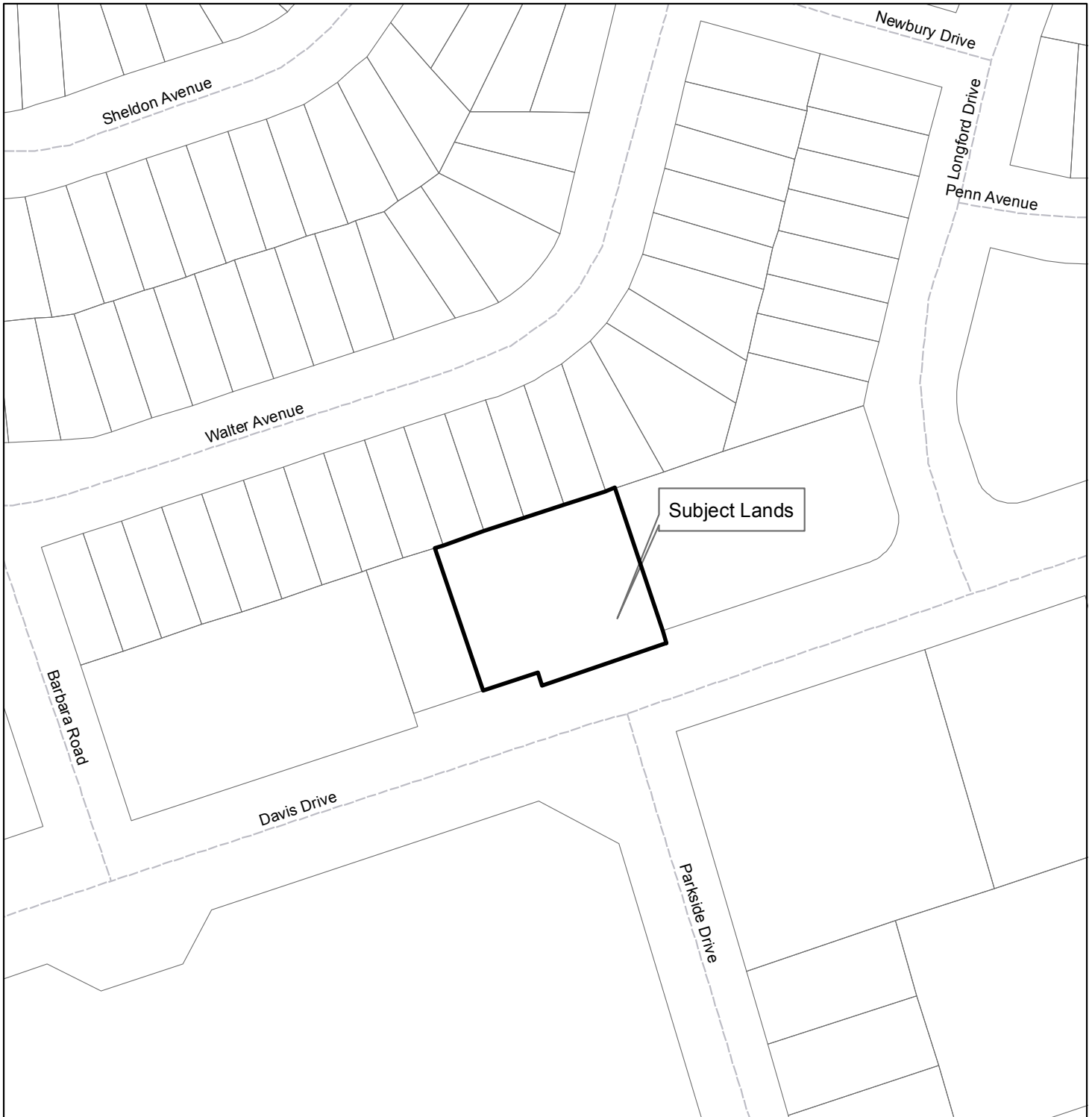
The property in this report was acquired for the construction of dedicated lanes for vivaNext buses along Davis Drive, in Newmarket, which will support the Region's goal for higher density mixed, used transit-oriented development in accordance with the approved municipal official plans.

**7. CONCLUSION**

It is recommended this report be authorized to complete the expropriation settlement for the lands taken for the widening and reconstruction of Davis Drive, for dedicated lanes for the vivaNext rapid transit buses.

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

*(The attachment referred to in this clause is attached to this report.)*



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# LOCATION PLAN

## EXPROPRIATION SETTLEMENT

### DAVIS DRIVE VIVA PROJECT 90991

### TOWN OF NEWMARKET



PROPERTY SERVICES

