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EXPROPRIATION OF LAND NINTH LINE IN THE TOWNS OF MARKHAM AND WHITCHURCH-STOUFFVILLE PROJECTS 8066 AND 8578

The Finance and Administration Committee recommends the adoption of the recommendations contained in the following report dated September 1, 2010, from the Commissioner of Corporate Services.

1. RECOMMENDATIONS

It is recommended that:

1. Council authorize the application for approval to expropriate the following lands within the Towns of Markham and Whitchurch-Stouffville:
 - (a) a fee simple interest in approximately 8,817.5 m² (2.179 acres), being
 - Parts 1, 2, 3 and 4 on Reference Plan 65R-31442
 - Parts 1, 5, on Reference Plan 65R-31445
 - Parts 1 and 2 on Reference Plan 65R-31446
 - Parts 1 and 3 on Reference Plan 65R-31447
 - Parts 6, 15, 16, 17, 18, 19, 23, 24, 25, 26 and 27 on Reference Plan 65R-31664
 - Parts 1, 2, 3, 4 and 5 on Reference Plan 65R-32524
 - Part 1 on Reference Plan 65R-32477
 - (b) temporary limited interests in approximately 1,483.7 m² (0.367 acres) terminating December 31, 2012 are required for the purposes of building demolition. The lands are legally described as Part 1 on Plan L12-011028, Parts 1 and 2 on Plan L12-011026 and Part 1 on Plan L12-011027.
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 any requests for a Hearing of Necessity that may be received and conduct such hearings as may proceed pursuant to the provisions of the *Expropriations Act*.
4. Regional Council, as approving authority, approve of the expropriation of the lands described in Recommendation 1, provided there is no Hearing of Necessity.

5. If approval to expropriate the lands is given, the Manager, Realty Services, Property Services Branch, be authorized to execute and serve any notices required by the *Expropriations Act*.
6. Authority be granted for the introduction of the necessary bills in Council to give effect to the forgoing.

2. PURPOSE

The purpose of this report is to obtain Regional Council's approval to expropriate land for the widening and reconstruction of the Ninth Line in the Towns of Markham and Whitchurch-Stouffville, together with a jog elimination at Main Street in the Town of Whitchurch-Stouffville (Attachment 1).

Fifteen (15) properties are impacted by this report.

3. BACKGROUND

In August 1999, York Region completed a Class Environmental Assessment Study for Ninth Line from Highway 407 to Main Street (Stouffville) and received Environmental Assessment Act clearance to proceed to the implementation phase.

The projected population increase of 3,500 people adjacent to the Ninth Line corridor in Stouffville by 2021 horizon year was used in the 1999 Ninth Line Environmental Study Report to assess the need for improvements.

The 1999 Ninth Line Environmental Study Report concluded that:

- 4-lane roadway widening of Ninth Line is required from Highway 407 to Major Mackenzie Drive
- Intersection jog eliminations at Major Mackenzie Drive East, Elgin Mills Road and Main Street (Stouffville) with Ninth Line are required and;
- 2-lane reconstruction of Ninth Line north of Major Mackenzie Drive to Main Street (Stouffville) is required and will provide sufficient capacity.

The Environmental Study Report Addendum for these projects was submitted to the Ministry of Environment in 2008 and received approval in March 2009.

4. ANALYSIS AND OPTIONS

The expropriation process must commence to ensure property will be acquired to meet construction timelines

Property negotiations to acquire the necessary lands commenced in 2008 and 19 settlements have been reached throughout the Ninth Line corridor. Staff are continuing to negotiate agreements of purchase and sale for the required interest. Issuing Notices of Application for Approval to Expropriate Land will not create a legal obligation for the Region to proceed to expropriation, but will preserve the Region's rights to acquire the lands in a timely fashion if negotiations are not ultimately successful.

Notices of Application for Approval to Expropriate Land impacting the 15 properties covered in this report will be sent following Council approval.

5. FINANCIAL IMPLICATIONS

The funds required to complete the property acquisition for these projects are granted from Regional Council's approval of the 2010 Capital Works Budget.

6. LOCAL MUNICIPAL IMPACT

The widening and reconstruction of the Ninth Line together with a jog elimination at Main Street in the community of Stouffville will provide upgraded capacity to improve traffic operations for the travelling public and will meet the expected growth in this area.

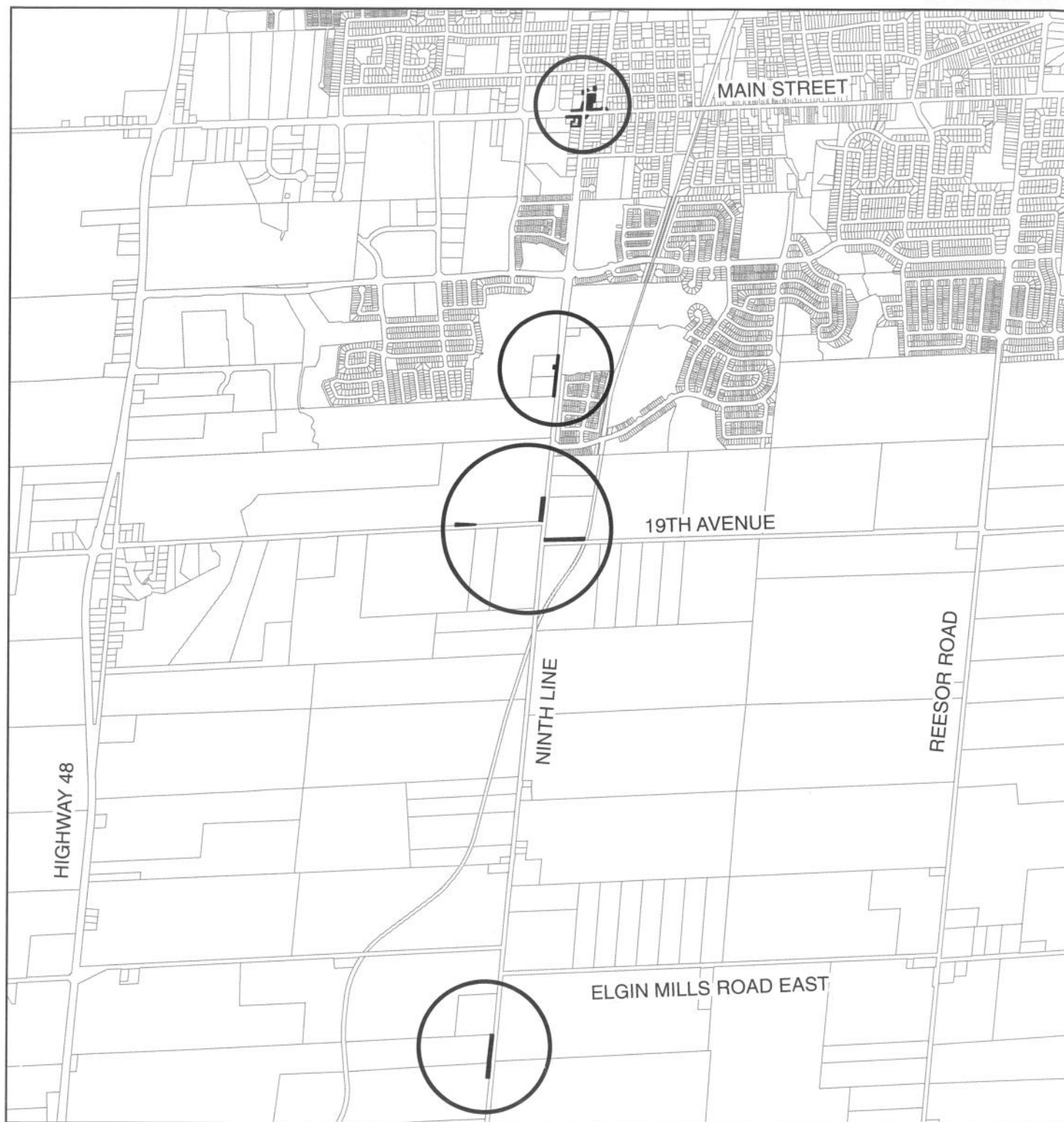
7. CONCLUSION

This report requests Council's approval to initiate the expropriation process for a further 15 properties from owners along Ninth Line in order to implement road and intersection improvements. To ensure the project is not delayed, it is necessary to initiate the expropriation process. The Region will continue entering into negotiated agreements with land owners while the expropriation is ongoing.

For more information on this report, please contact Paul J. Roberts, Manager, Realty Services, Property Services Branch at Ext. 1424.

The Senior Management Group has reviewed this report.

(The attachment referred to in this clause was included in the agenda for the September 16, 2010 Committee meeting.)



LOCATION PLAN

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**Expropriation of Land- Various Properties
Ninth Line and Main Street, Projects 8066 & 8578
Towns of Markham and Whitchurch-Stouffville**



0 500 1,000 2,000
Metres

PROPERTY SERVICES

