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COMPENSATION FOR EXPROPRIATION DAVIS DRIVE - VIVA PROJECT 90760, TOWN OF NEWMARKET

The Finance and Administration Committee recommends the adoption of the recommendations contained in the following report dated August 18, 2011, from the Commissioner of Commissioner of Corporate Services.

1. RECOMMENDATIONS

It is recommended that:

1. Council authorize an offer of compensation under section 25 of the *Expropriations Act* to be made to the owners of lands expropriated for road and intersection improvements and to provide designated lanes for the Viva transit system along the Davis Drive corridor.
2. Staff report back to Council on the final terms of the agreements.

2. PURPOSE

This report seeks approval of Council to serve an offer of compensation under section 25 of the *Expropriations Act* (the Act) to owners whose lands have been expropriated for road and intersection improvements and to provide designated lanes for the Viva transit system along the Davis Drive corridor.

3. BACKGROUND

Council at its meeting on May 19, 2011 authorized the expropriation of properties for the Davis Drive – Viva Project 90760

On May 19, 2011, Council authorized the expropriation of properties required for the construction of the Davis Drive, Viva project, in the Town of Newmarket. Expropriation plans were registered on July 12, 2011, vesting ownership of the lands in the Region. The Act requires the Region to serve offers of compensation within three (3) months of registration of the plan. These offers are based on appraisals of market value and injurious affection.

4. ANALYSIS AND OPTIONS

Independent appraisal reports have established values which form the basis of the offers

An independent appraisal firm prepared appraisal reports estimating the market value of the subject property and damages for injurious affection. Section 25 of the Act requires the Region to offer (a) full compensation for the owner's interest and (b) immediate payment of 100 per cent of the market value.

Property No. 1 *(see attachment 1)*

The subject property is located on the south side of Davis Drive between Charles Street and the GO train line. The property is a remnant parcel of land which consists of the bed of the East Holland River.

OWNER:	Estate of William Howard Seba Cane
LEGAL DESCRIPTION:	Part of Block F, Registered Plan 262, Town of Newmarket
TOTAL OWNERSHIP:	1,331 square metres (14,327.23 square feet)
EXPROPRIATED PROPERTY:	Fee simple interest in Parts 1, 2, 3 & 4 on Expropriation Plan YR1676786
AREA EXPROPRIATED:	159 square metres (1,711.52 square feet)

Property No. 2 *(see attachment 1)*

The subject property is located on the south side of Davis Drive between the GO train line and Superior Street. The property is improved with large commercial sign and a store.

OWNER:	Newmarket Property Corporation
LEGAL DESCRIPTION:	Part of Block B, Registered Plan 78, Town of Newmarket
TOTAL OWNERSHIP:	5,960 square metres (64,155.0 square feet)
EXPROPRIATED PROPERTY:	Fee simple interest in Part 1, 2, 3 & 4 on Expropriation Plan YR1676786

AREA EXPROPRIATED:	Fee simple interest 30.6 square metres (329.39 square feet) Temporary easement: 31.1 square metres (334.76 square feet)
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5. FINANCIAL IMPLICATIONS

The Davis Drive property costs are funded through the MoveOntario 2020 \$1.4 billion announcement

The executed Memorandum of Agreement recognizes all costs associated with expropriation and property acquisition as project costs, based on an established budget. York Region Rapid Transit Corporation staff provides Metrolinx with cash flow estimates for all project activities to ensure that adequate funds are advanced to York Region for payment of project expenses.

6. LOCAL MUNICIPAL IMPACT

The construction of dedicated lanes along Davis Drive for Viva buses will integrate improved public transit facilities, improving and enriching streetscapes to support the Region's goal for higher density mixed use transit-oriented development in accordance with approved official plans.

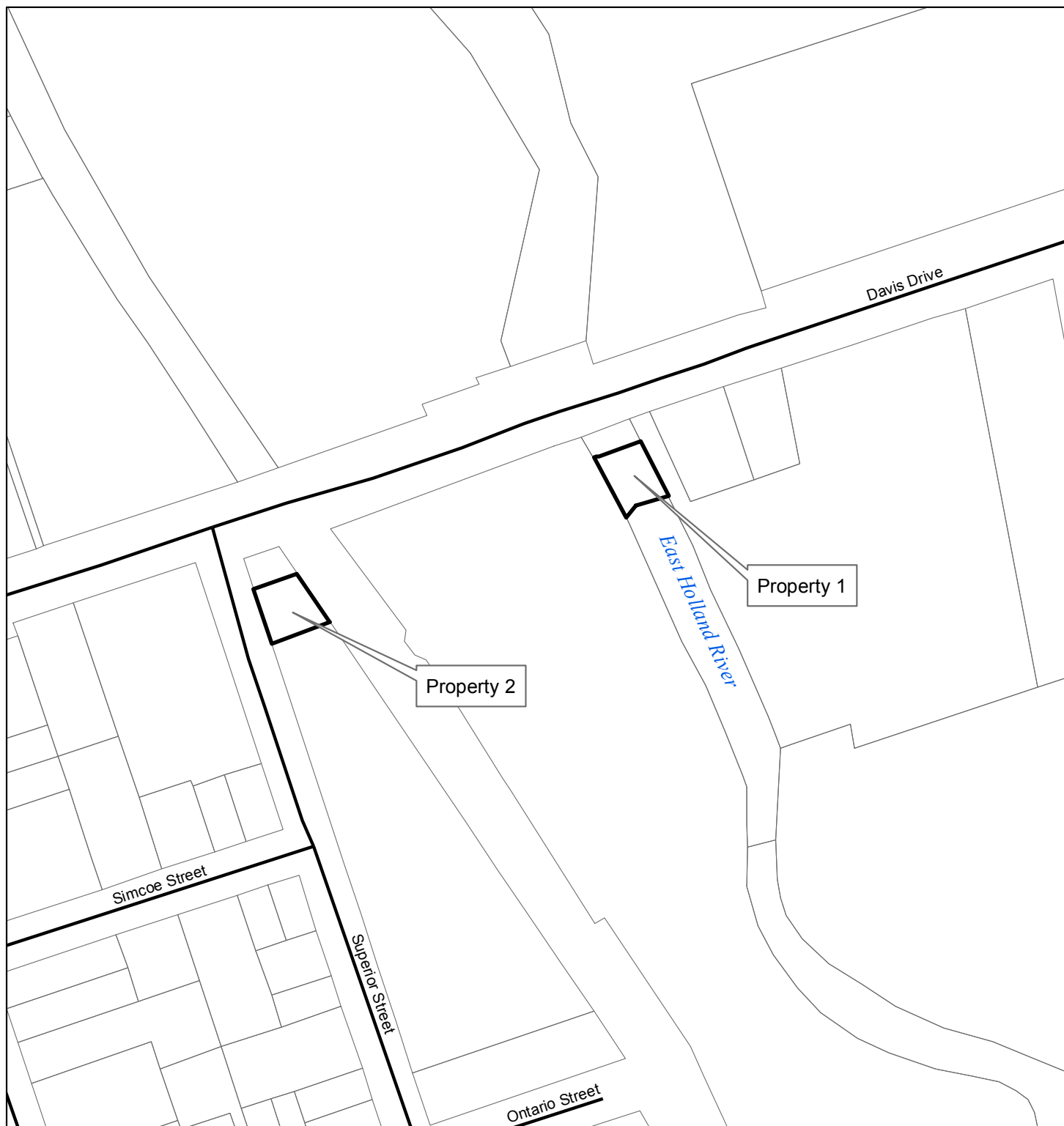
7. CONCLUSION

On July 20, 2011, two expropriation plans were registered with respect to certain lands required for the Davis Drive, Viva project. The *Expropriations Act* requires that offers of compensation for expropriated lands be served on the former owners. It is recommended that the offers set out in this report be served in accordance with the Act.

For more information on this report, please contact Chris Harker, Manager Realty Services, Property Services Branch at Ext. 1899.

The Senior Management Group has reviewed this report.

(The attachment referred to in this clause was included in the agenda for the September 8, 2011 Committee meeting.)



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LOCATION PLAN

COMPENSATION FOR EXPROPRIATION

DAVIS DRIVE - VIVA PROJECT 90760

TOWN OF NEWMARKET



0 30 60 120 Metres

A horizontal scale bar with markings at 0, 30, 60, and 120 metres.

PROPERTY SERVICES

