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EXPROPRIATION SETTLEMENT 496 AND 498 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 August 14, 2012, from the Commissioner of Finance.

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 January 2009. Council at its meeting on June 25, 2009 authorized the expropriation of properties required for the widening and reconstruction of Davis Drive, in the Town of Newmarket.

The Region obtained ownership of the lands required for the project between August and September 2009 and settlement of this requirement has been reached

The terms of the Minutes of Settlement for this property were mediated at the Board of Negotiations held on July 17, 2012. The Minutes of Settlement will be a full and final

settlement of the expropriation compensation and the owner will be required to execute a full release of all claims under the *Expropriations Act*. Approval of the terms of the settlement is required by Metrolinx.

4. ANALYSIS AND OPTIONS

Property Description (*see Council Attachment 1*)

The subject land is now a vacant parcel that at the time of expropriation was developed with a two storey building on Property 1, with a retail commercial tenant on the main floor and office tenant on the second floor. Property 2 contained surface parking for occupants and visitors to the building on Property 1.

Property 1

OWNER:	Michael O'Rourke and Drosan Incorporated
PROJECT:	Widening and reconstruction of Davis Drive, between Yonge Street and Huron Heights Drive, for the vivaNext Rapid Transit Project
SUBJECT PROPERTY:	Part of Block F, Registered Plan 262, Town of Newmarket, The Regional Municipality of York
AREA TAKEN:	The entire parcel, comprising 697.5 sq. metres (7,508 sq. feet), described as Parts 1 and 2 on Expropriation Plan YR1364255
PROJECT NUMBER:	90991 Viva Rapidways Davis Drive

Property 2

OWNER:	Alessandro Di Cecco, in trust for Drosan Incorporated and June O'Rourke
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 5, South Side of Huron Street, Registered Plan 78 as in R389945, and Part of Block F, Registered Plan 262, Town of Newmarket, The Regional Municipality of York

AREA TAKEN: The entire parcel, comprising 562.3 sq. metres (6,053 sq. feet), described as Parts 1 and 2 on Expropriation Plan YR1364406

PROJECT NUMBER: 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

Funding for the property acquisition has been received from Metrolinx

All costs associated with the procurement of properties along Davis Drive are funded from the Province's \$1.4 billion Move Ontario 2020 announcement. The Region has entered into a Master of Agreement with Metrolinx and has received funding for property and utility work on the projects for Davis Drive and Highway 7.

6. LOCAL MUNICIPAL IMPACT

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

The properties that are the subject of this report were acquired to facilitate construction of dedicated lanes for vivaNext buses, along Davis Drive, in Newmarket. This supports the Region's goal for higher density mixed-use, transit oriented development in accordance with the approved official municipal plan.

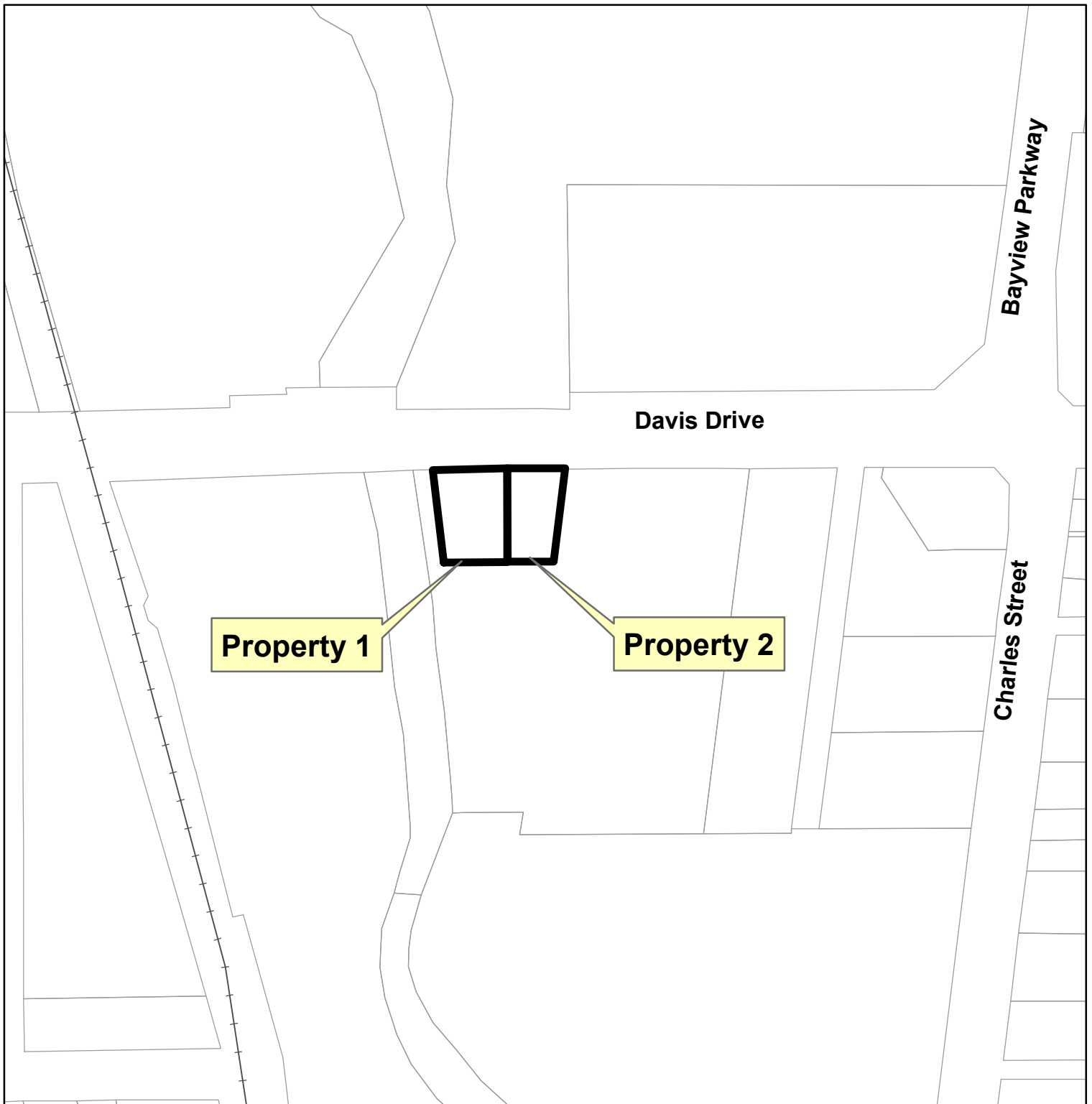
7. CONCLUSION

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 the purpose of 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 Senior Management Group has reviewed this report.

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

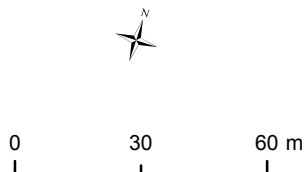


LOCATION PLAN

Expropriation Settlement
 Davis Drive VIVA Project 90991
 Town of Newmarket, Sept. 20, 2012



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 Corporate Services Department
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Legend

-  Subject Property
-  Parcel
-  Railway