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EXCHANGE OF LAND TOWN OF NEWMARKET

The Finance and Administration Committee recommends the adoption of the recommendations contained in the following report, September 12, 2003, from the Commissioner of Corporate Services:

1. RECOMMENDATIONS

It is recommended that:

1. Regional Council declare surplus and give notice of its intention to convey to the Town of Newmarket part of Lot 4, Concession 2 in the Town of Newmarket in The Regional Municipality of York designated as Part 1 on Plan 65R25812 subject to the reservation of an easement in favour of the Region for the nominal sum of \$2.00.
2. The above transfer of land be subject to the Town of Newmarket conveying to The Regional Municipality of York:
 - (i) Fee Simple interest in part of Lot 4, Concession 2 in the Town of Newmarket in The Regional Municipality of York designated as Parts 5, 12 and 17 on Plan 65R25812;
 - (ii) Permanent Easement interest for access purposes in part of Lot 4, Concession 2 in the Town of Newmarket in The Regional Municipality of York designated as Parts 9 and 10 on Plan 65R25812; and
 - (iii) Temporary Construction Easement for two years in part of Lot 4, Concession 2 in the Town of Newmarket in The Regional Municipality of York designated as Parts 1, 4, 6, 7, 8, 9, 10, 11 and 18 on Plan 65R25812.

for the nominal sum of \$2.00.

3. By-Law No. S-1-70-19 be amended to delete the Newmarket/East Gwillimbury Water Pollution Control Plant.
4. The appropriate Regional officials perform all acts necessary to give effect to the foregoing.

2. PURPOSE

The purpose of this report is to obtain Council's approval to:

1. Declare the lands described in Recommendation 1 above as surplus to the Region's requirements, subject to the reservation of an easement in favour of the Region and to give notice of its intention to convey the lands to the Town of Newmarket.

2. Transfer these lands to the Town of Newmarket in exchange for the lands and interests in lands described in Recommendation 2 above.
3. Amend By-Law No. S-1-70-19 to delete the Newmarket/East Gwillimbury Water Pollution Control Plant.
4. Have the appropriate Regional officials perform all acts necessary to give effect to the foregoing.

3. BACKGROUND

A land swap between the Town of Newmarket and The Regional Municipality of York has been proposed in connection with the construction of the Water and Wastewater Bayview Operations Centre to be located on the Newmarket Pumping Station site at 360/380 Bayview Parkway (*see Attachment No. 1*).

This site was purportedly acquired from the Ontario Water Resources Commission by the Regional Corporation through its assumption of the Newmarket/East Gwillimbury Water Pollution Control Plant in By-Law No. S-1-70-19 enacted in 1970. The instrument number referred to in the by-law, however, was incorrect. The Province under the Municipal Water and Sewage Transfer Act has subsequently transferred the site to the Regional Corporation. This site will contain both the Newmarket Pumping Station and the Water and Wastewater Bayview Operations Centre.

A survey of the above site and surrounding lands owned by the Town of Newmarket indicates that the fences do not match the property limits. The following proposal will have the effect of adjusting the property limits to roughly correspond to the existing fenceline. The following lands and interests in lands are required by the Region for or in connection with the construction of the Water and Wastewater Bayview Operations Centre:

1. Fee Simple interest in part of Lot 4, Concession 2 in the Town of Newmarket in The Regional Municipality of York designated as Parts 5, 12 and 17 on Plan 65R25812 (*see Attachment Nos. 2 and 3*);
2. Permanent Easement interest for access purposes in part of Lot 4, Concession 2 in the Town of Newmarket in The Regional Municipality of York designated as Parts 9 and 10 on Plan 65R25812 (*see Attachment Nos. 2 and 3*); and
3. Temporary Construction Easement for two years in part of Lot 4, Concession 2 in the Town of Newmarket in The Regional Municipality of York designated as Parts 1, 4, 6, 7, 8, 9, 10, 11 and 18 on Plan 65R25812 (*see Attachment Nos. 2 and 3*).

The Town of Newmarket has requested that the Region, in return for deeding over the above interests, transfer to the Town that part of Lot 4, Concession 2 in the Town of Newmarket designated as Part 1 on Plan 65R25812 (*see Attachment Nos. 2 and 3*). These lands are required by the Town for existing storm water drainage swales and for trails associated with the Nokiidaa Trail System. The Nokiidaa Trail System is a major, multi-year ecological initiative supported by the Towns of Aurora, Newmarket, East Gwillimbury and Georgina, the Lake Simcoe Region Conservation Authority, local business partners, the Chippewas of Georgina Island, the Trillium Foundation and the Federal Government. Stream bank and corridor restoration activities along the East Holland River are being completed in conjunction with a series of trails that will provide local residents and visitors with the opportunity to enjoy the Region's heritage and natural environment. It has been determined by staff in the Transportation and Works Department that these lands are surplus to Regional requirements providing a blanket easement is retained by the Region for underground services including the forcemain out and piping into the pumping station and for an overflow pipe to the East Holland River.

4. ANALYSIS AND OPTIONS

The Region requires additional lands and easements to construct the Water and Wastewater Bayview Operations Centre. The transfer of the fee simple lands reflects, to a greater or lesser extent, the current limits of occupation. The transfer of lands to the Town, subject to the reservation of an easement for pipes, provides the Region with an opportunity to contribute to the Nokiidaa Trail System.

No appraisal of the relative land values has been carried out.

5. FINANCIAL IMPLICATIONS

The proposed transfers will be carried out for nominal consideration.

6. LOCAL MUNICIPAL IMPACT

The proposed transfers are, more or less, formalizing the current occupation limits. By providing lands for the Nokiidaa Trail System, the Region is enhancing the quality of the environment for the people of Newmarket and the users of the trails.

7. CONCLUSION

The Region requires the hereinbefore described lands and easements to facilitate construction of the Water and Wastewater Bayview Operations Centre. In return, the Town of Newmarket has requested a conveyance of lands for existing storm water drainage swales and for trails associated with the Nokiidaa Trail System. These lands are surplus to Regional requirements providing an easement is reserved in favour of the Region for pipes. It is recommended that the Region and the Town proceed with the land swap described above.

(A copy of the attachments referred to in the foregoing has been forwarded to each Member of Council with the October 2, 2003, Finance and Administration Committee agenda and a copy thereof is on file in the Office of the Regional Clerk.)