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COMPENSATION FOR EXPROPRIATION
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 September 11, 2012, from the Commissioner of Corporate Services.

1. RECOMMENDATIONS

It is recommended that:

Council authorize offers of compensation under the *Expropriations Act* to be made to the owners of the following lands, which were expropriated for widening and reconstruction of road and intersection improvements, in order to provide designated lanes for the Viva transit system along the Davis Drive corridor, in the Town of Newmarket:

Municipal Address	Legal Description
17555 Yonge Street	A temporary easement expiring on May 31, 2014 in Part of Lot 96, Conc. 1, East of Yonge St., Township of East Gwillimbury designated as Parts 3, 4, 9, 14, 26, 27, 30, 31, 33 and 34 on Plan YR1369724
39 Davis Drive	A temporary easement expiring on May 31, 2014 in Part of Lot 96, Conc. 1, East of Yonge St., former Township of East Gwillimbury, designated as Part 3 on Plan YR1369527
77 – 83 Davis Drive	A temporary easement expiring on May 31, 2014 in Part of Block A on Plan 492 East Gwillimbury, designated as Parts 3 and 4 on Plan YR1369525
85 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Block A on Plan 492, East Gwillimbury designated as Part 3 on Plan YR1369524
89 – 91 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Block A on Plan 492, East Gwillimbury designated as Parts 3 and 6 on Plan YR1369414
83 – 97 Davis Drive	A temporary easement expiring on May 31, 2014 in Part of Block A on Plan 492, East Gwillimbury designated as Part 3 on Plan YR1369413
99 – 101 Davis Drive	A temporary easement expiring on May 31, 2014 in Part of Block A on Plan 492 East Gwillimbury designated Part 3 on Plan YR1369412

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Municipal Address	Legal Description
103 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Block A on Plan 492 East Gwillimbury designated as Part 3 on Plan YR1369411
111 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Block A on Plan 492 East Gwillimbury designated as Part 3 on Plan YR1369306
135 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Lot 96, Conc. 1 East of Yonge St., former Township of East Gwillimbury designated as Part 3 on Plan YR1369305
161 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Lot 96, Conc. 1, East of Yonge St., former Township of East Gwillimbury designated as Part 1 on Plan YR1373070
191 Davis Drive	A temporary easement expiring on May 31, 2014 in Part of Lots 259 and 261 on Plan 492, East Gwillimbury designated as Part 3 on Plan YR1368466
Vacant Land, south side Penn Avenue	A temporary easement expiring on May 31, 2014 in Part of Lots 257 and 258 on Plan 492, East Gwillimbury, designated as Parts 1 and 4 on Plan YR1368382
Vacant Land, south side Penn Avenue	A temporary easement expiring on May 31, 2014 in Part of Lots 255 and 256 on Plan 492 East Gwillimbury designated as Parts 2 and 4 on Plan YR1368383
Vacant Land, south side Penn Avenue	A temporary easement expiring on May 31, 2014 in Part of Lots 253 and 254 on Plan 492, East Gwillimbury designated as Parts 2 and 4 on Plan YR1368704
188 Penn Avenue	A temporary easement expiring on May 31, 2014 in Part Lot 252 on Plan 492, East Gwillimbury designated as Part 3 on Plan YR1368703
190 Penn Avenue	A temporary easement expiring on May 31, 2014 in Part Lot 252 on Plan 492, East Gwillimbury designated as Part 3 on Plan YR1368619
192 Penn Avenue	A temporary easement expiring on May 31, 2014 in Part Lot 251 on Plan 492 East Gwillimbury designated as Part 3 on Plan YR1368618
194 Penn Avenue	A temporary easement expiring on May 31, 2014 in Part Lot 251 on Plan 492 East Gwillimbury designated as Part 3 on Plan YR1368746
196 Penn Avenue	A temporary easement expiring on May 31, 2014 in Part Lot 250 on Plan 492 East Gwillimbury designated as Part 3 on Plan R753720

200 Penn Avenue	A temporary easement expiring on May 31, 2014 in Part Lot 249 on Plan 492 East Gwillimbury designated as Part 3 on Plan YR1369725
202 Penn Avenue	A temporary easement expiring on May 31, 2014 in Part Lot 249 on Plan 492 East Gwillimbury designated as Part 3 on Plan YR1369726
251 - 259 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Lot 96, Conc. 1 East of Yonge St., former Township of East Gwillimbury designated as Part 3 on Plan YR1369727
8 Hill Street	A temporary easement expiring on May 31, 2014 in Part Lots 10, 11 and 12, Plan 112, Town of Newmarket, designated as Part 1 on Plan YR1369728
291 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Lots 7, 8 and 9 on Plan 112, Newmarket designated as Part 2 on Plan YR1370146
315 Davis Drive	A temporary easement expiring on May 31, 2014 in part of Maple St. on Plan 112 (closed by Bylaw 2006-74 Inst. No. R751052) Newmarket designated as Part 4 on Plan YR1370521 A temporary easement expiring on May 31, 2014 in Part of Lot 3 on Plan 112, Newmarket designated as Part 3 on Plan YR1370145
333 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Lots 1 and 2 Plan 112 Newmarket and Part Lots 32 and 33, North of Huron St., Plan 78 Newmarket, designated as Part 3 on Plan YR1370522
345 Davis Drive	A temporary easement expiring on May 31, 2014 in Part of Lots 29, 30, 31 north side Huron St., Plan 78 Newmarket designated as Part 3 on Plan YR1370523
351 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Lot 29, North of Huron St., Plan 78 Newmarket designated as Part 2 on Plan YR1370920
355 Davis Drive	A temporary easement expiring on May 31, 2014 in Part of Lot 28, north of Huron St., Plan 78 Newmarket designated as Part 2 on Plan YR1370921
371 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Lots 25 and 26, North of Huron St., Plan 78 Newmarket designated as Part 2 on Plan YR1371150
383 – 415 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Lots 17, 18, 19, 20, 21, 22, 23, and 24, North of Huron St., Plan 78 Newmarket designated as Parts 2, 5 and 8 on Plan YR1371151

435 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Lots 14 and 15 on N.S. Huron St. Plan 78, Newmarket designated as Part 2 on Plan YR1371414
447 Davis Drive	A temporary easement expiring on May 31, 2014 in Part of Lots 12, 13, 14 and E, north side of Huron St., all on Plan 78 Newmarket; designated as Part 3 on Plan YR1371415
465 Davis Drive	A temporary easement expiring on May 31, 2014 in part Block D on Plan 78 Newmarket designated as Part 1 on Plan YR1371416; and A temporary easement expiring on May 31, 2014 in Part of Block D, on Plan 78 Newmarket designated as Parts 6 and 7 on Plan YR1371416
531 Davis Drive	A temporary easement expiring on May 31, 2014 in Part of Lots 1, 2, 3, 4, 5, 6, 7 and 8, n.s. of Huron St. Plan 78, Newmarket, designated as Part 4 on Plan YR1373077
581 – 589 Davis Drive and 597 Davis Drive	A temporary easement expiring on May 31, 2014 in Part of Lots 1, 2 and 3, north of Huron St. on Plan 56 East Gwillimbury, designated as Parts 2, 3 and 4 on Plan YR1371737 A temporary easement expiring on May 31, 2014 in Part Lots 3 and 4, north of Huron St. in Plan 56 East Gwillimbury designated as Part 5 on Plan YR1371737
603 Davis Drive	A temporary easement expiring on May 31, 2014 in Part of Lots 4 and 5, North of Huron St., Plan 56 East Gwillimbury designated as Part 4 on Plan YR1371738
615 Davis Drive	A temporary easement expiring on May 31, 2014 in Part of Lots 7 and 8, N.S. Huron St., Plan 56 East Gwillimbury, designated as Part 2 on Plan YR1371813
625 Davis Drive	A temporary easement expiring on May 31, 2014 in Part of Lot 9 on N.S. of Huron St., Plan 56 East Gwillimbury designated as Part 2 on Plan YR1371814
631 Davis Drive	A temporary easement expiring on May 31, 2014 in Part of Lot 10 on N.S. of Huron St., Plan 56 East Gwillimbury designated as Part 2 on Plan YR1371815
637 Davis Drive	A temporary easement expiring on May 31, 2014 in Part of Lot 11 on N.S. of Huron St. Plan 56 East Gwillimbury designated as Part 2 on Plan YR1371816
641 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Lot 1, Conc. 2, Township of East Gwillimbury designated as Part 2 on Plan YR1371992

647 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Lot 1, Conc. 2, Township of East Gwillimbury designated as Part 2 on Plan YR1371993
655 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Lot 1, Conc. 2 Township of East Gwillimbury designated as Part 2 on Plan YR1371994
665 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Lot 1, Conc. 2 Township of East Gwillimbury designated as Parts 3, 6 and 10 on Plan YR1371995
679 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Lot 1, Conc. 2 Township of East Gwillimbury designated as Part 3 on Plan YR1372028
693 Davis Drive	A temporary easement expiring on May 31, 2014 in Part of Lot 1, Conc. 2 Township of East Gwillimbury designated as Part 5 on Plan YR1378245
713 Davis Drive	A temporary easement expiring on May 31, 2014 in Part of Lot 1, Conc. 2 Township of East Gwillimbury designated as Parts 6 and 7 on Plan YR1378496
721 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Lot 1, Concession 2, former Township of East Gwillimbury designated as Part 1 on Plan YR1371418
749 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Lot 1, Conc. 2, former Township of East Gwillimbury designated as Part 2 on Plan YR1371417
795 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Lot 1, Concession 2, former Township of East Gwillimbury designated as Parts 3, 4, 5 and 6 on Plan YR1378260
20 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Lot 95, Conc. 1 Township of Whitchurch designated as Part 2 on Plan YR1377169
54 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Lot 95, Conc. 1 Township of Whitchurch designated as Parts 3, 4, 5, 6, 11, 12, 15 and 16 on Plan YR1367335
130 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Lot 95, Conc. 1 Township of Whitchurch designated as Part 1 on Plan YR1367931
130 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Lots 7, 8 and 9 on Plan 32 Whitchurch designated as Parts 4, 8 and 9 on Plan YR1369176
200 Davis Drive	A temporary easement expiring on May 31, 2014 in Part of Common Elements of YRCP No. 698, Newmarket designated as Part 3 on Plan YR1370041

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270 Davis Drive	A temporary easement expiring on May 31, 2014 in Part of Common Elements of YRCP No. 836, Town of Newmarket designated as Part 4 on Plan YR1370425
280 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Lot 2 on Plan 32 Town of Newmarket designated as Parts 1, 8, 9 and 16 on Plan YR1378495
26 Lorne Avenue	A temporary easement expiring on May 31, 2014 in Part Lot 1 on Plan 32 Town of Newmarket designated as Part 4 on Plan YR1369893
25 Lorne Avenue	A temporary easement expiring on May 31, 2014 in Part Lot 1 on Plan 32, and part of Lot 95, Conc. 1, former Township of Whitchurch designated as Part 3 on Plan YR1371156
350 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Lots 21, 22, 23, 24, and 25 on the ss of Huron St. (Davis Drive), Plan 78, Town of Newmarket designated as Parts 3 and 4 on Plan R753737
390 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Lots 16, 17, and 18, ss Huron St., Plan 78, Town of Newmarket designated as Part 3 on Plan YR1371154
400 – 406 Davis Drive	A temporary easement expiring on May 31, 2014 in Part of Lots 14 and 15 ss of Huron St. Plan 78, Town of Newmarket designated as Part 2 on Plan YR1371155
16 Main Street South	A temporary easement expiring on May 31, 2014 in Part Lots 1 and 2 west side of Main St. Plan 78, Town of Newmarket designated as Part 3 on Plan YR1371152
446 Davis Drive	A temporary easement expiring on May 31, 2014 in Part of Lots 9 and 10 on the ss of Davis Drive, formerly Huron St. on Plan 78, Town of Newmarket designated as Part 3 on Plan R753738
524 Davis Drive	A temporary easement expiring on May 31, 2014 in Part of Lot 1, ss Huron St., Plan 78, Newmarket; part of road allowance btwn Conc. 1 and 2, Town of Whitchurch (closed by By-Law No. IF294), Town of Newmarket designated as Part 3 on Plan YR1364439
540 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Lot 1 on Plan 125, Town of Newmarket designated as Part 3 on Plan R753740
534 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Lots 1 and 2 on Plan 125, Town of Newmarket designated as Part 3 on Plan R753739
712 Davis Drive	A temporary easement expiring on May 31, 2014 in Part of Common Elements, YRCP No. 695 designated as Part 4 on Plan YR1372312

724 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Lot 13, Plan 81, Town of Newmarket designated as Part 2 on Plan YR1372313
730 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Lot 13, Plan 81, Town of Newmarket designated as Part 2 on Plan YR1372314
776 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Lot 13 on Plan 81, Town of Newmarket designated as Part 2 on Plan YR1372301
5 Alexander Road	A temporary easement expiring on May 31, 2014 in Part Lot 13, Plan 81, Town of Newmarket designated as Part 2 on Plan YR1372302
800 Davis Drive	A temporary easement expiring on May 31, 2014 in Part Lot 35, Concession 2, former Township of Whitchurch, designated as Part 2 on Plan YR1375887
27 Parkside Drive	A temporary easement expiring on May 31, 2014 in Part Lot 6, Plan 32, Whitchurch, designated as Part 2 on Plan YR1370042

Staff report back to Council after serving these offers.

2. PURPOSE

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

3. BACKGROUND

Council authorized the expropriation of properties for the Davis Drive Viva project in June, 2012

On June 28, 2012, Council authorized the expropriation of temporary easements required for construction working areas and grade matching, for the Davis Drive Viva project. An expropriation plan has been registered for each of the properties, vesting ownership of the lands in the Region.

The *Act* requires the Region to serve section 25 offers of compensation within three (3) months of registration of the plans. These offers are based on appraisals of market value and injurious affection.

4. ANALYSIS AND OPTIONS

Independent appraisal reports will establish values that will form the basis of the offers

An independent appraisal firm will prepare appraisal reports estimating the market value of the subject properties, as well as 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. Staff will report back to Council with the amounts determined by the independent appraisal firm following service of the offers.

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 easements will assist the Region in meeting its transportation needs.

5. FINANCIAL IMPLICATIONS

All costs associated with the acquisition of properties along Davis Drive are funded from Metrolinx Funding 2012.

6. LOCAL MUNICIPAL IMPACT

The construction of dedicated lanes along Davis Drive for Viva buses will provide upgraded capacity to improve traffic operations for the travelling public and will meet the expected growth in this area.

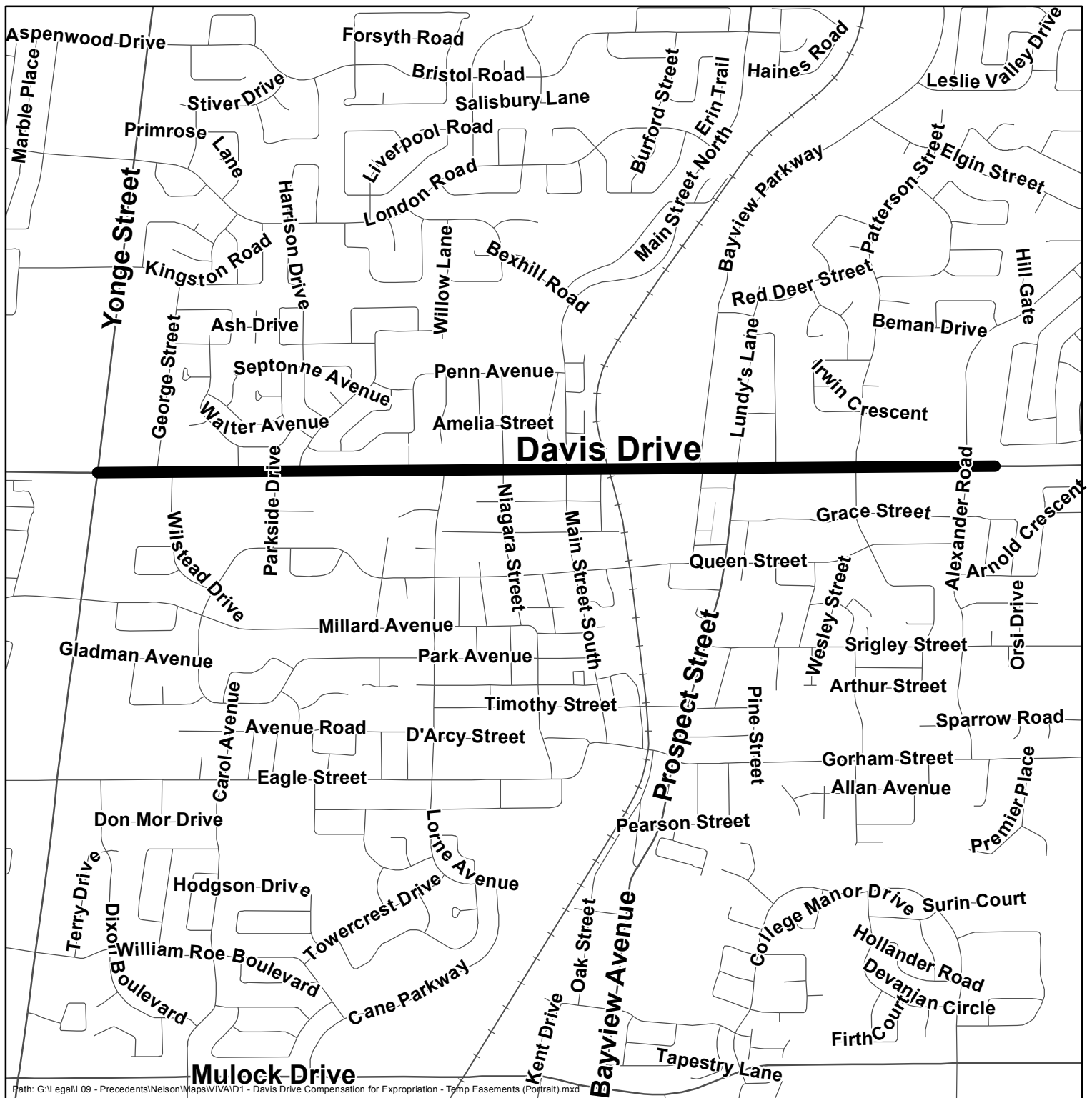
7. CONCLUSION

Expropriation plans have been 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 owners. It is recommended that Council authorize staff to serve offers on the owners of the properties identified in this report, in accordance with the *Act*.

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.)



Path: G:\Legal\09 - Precedents\Nelson\Maps\VIVA\01 - Davis Drive Compensation for Expropriation - Temp Easements (Portrait).mxd

LOCATION PLAN

Compensation for Expropriation
Temporary Easements on Davis Drive
VIVA Project 90991
Town of Newmarket, Oct. 18, 2012



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Corporate Services Department
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Legend

-  Subject Property
-  Road
-  Railway