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COMPENSATION FOR EXPROPRIATION DAVIS DRIVE, VIVA PROJECT YR00D1 TOWN OF NEWMARKET

The Finance and Administration Committee recommends the adoption of the recommendation contained in the following report dated November 3, 2011, from the Commissioner of Corporate Services.

1. RECOMMENDATION

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 vivaNext transit system along the Davis Drive corridor.

2. PURPOSE

This report seeks Council's approval 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 vivaNext transit system along the Davis Drive corridor. These offers will be served in accordance with the Act.

3. BACKGROUND

Council authorized the expropriation of properties required for the Davis Drive, vivaNext project in May, 2011

On May 19, 2011, Council authorized the expropriation of properties required for the construction of the Davis Drive, vivaNext project, in the Town of Newmarket. Expropriation plans were registered on August 10, 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 at the south east corner of Davis Drive and Yonge Street, in the Town of Newmarket. It is improved with a large commercial plaza and associated parking lot.

OWNER:	Loblaw Properties Limited
LEGAL DESCRIPTION:	Part Lot 95, Concession 1, geographic Township of Whitchurch, now Town of Newmarket
TOTAL OWNERSHIP:	20,193 m ² (217,364 square feet)
EXPROPRIATED PROPERTY:	Fee simple interest in Part 1 on Expropriation Plan YR1692687
AREA EXPROPRIATED:	86.4 m ² (930 square feet)

Property No. 2 *(see attachment 2)*

The subject property is located on the south side of Davis Drive, between Roxborough Road and Alexander Road, in the Town of Newmarket. It is improved with a Church building and associated parking lot.

OWNER:	The Trustees of the Newmarket Gospel Hall
LEGAL DESCRIPTION:	Part Lot 13, Registered Plan No. 81, Town of Newmarket
TOTAL OWNERSHIP:	2,748 m ² (29,580 square feet)
EXPROPRIATED PROPERTY:	Fee simple interest in Parts 1, 2 and 3 on Expropriation Plan YR1692702, together with a

three-year temporary easement over Part 4 on said plan

AREA EXPROPRIATED: Fee simple 57.3 m² (617 square feet)
Temporary easement 110.4 m² (1188 square feet)

Property No. 3 (*see attachment 3*)

The subject property is located on the north side of Davis Drive, between Barbara Road and Longford Drive, in the Town of Newmarket. It is a remnant parcel of vacant commercial land, subject to right of access in favour of the adjoining parcels to the north until such time as this land is dedicated as a public road.

OWNER: Estate of Dorothy Muril McDougall and Estate of Clarence Allan

LEGAL DESCRIPTION: Part Lot 96, Concession 1, geographic Township of Whitchurch, now Town of Newmarket

TOTAL OWNERSHIP: 93 m² (1,001 square feet)

EXPROPRIATED PROPERTY: Fee simple interest in Parts 1 and 2 on Expropriation Plan YR1692720

AREA EXPROPRIATED: 93 m² (1,001 square feet)

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 transit needs along the Davis Drive corridor.

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 the 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

Construction of dedicated lanes along Davis Drive for Viva buses will integrate improved public transit facilities, while 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 August 10, 2011, three expropriation plans were registered with respect to certain lands required for the Davis Drive, vivaNext project. The *Expropriations Act* requires that offers of compensation for expropriated lands be served on 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 Barry Crowe, Director, Property Services Branch, Ext. 1684.

The Senior Management Group has reviewed this report.

(The three attachments referred to in this clause were included in the agenda for the November 3, 2011 Committee meeting.)



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LOCATION PLAN

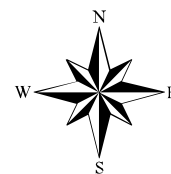
PROJECT NUMBER YR00D1
 Viva - Davis Drive
 TOWN OF NEWMARKET

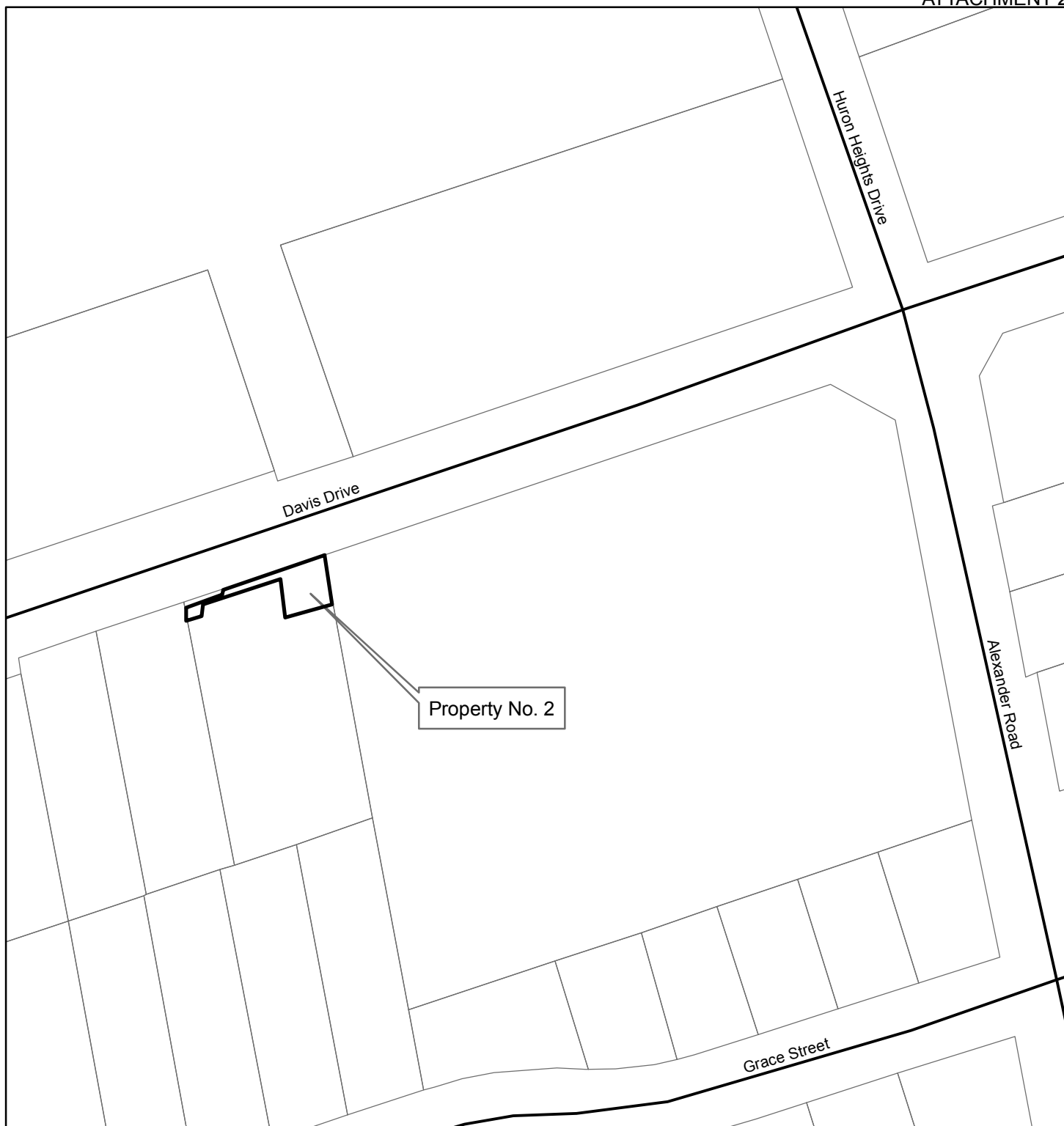


0 35 70 140 Metres

A horizontal scale bar with four segments, labeled with the numbers 0, 35, 70, and 140, followed by the word 'Metres'.

PROPERTY SERVICES





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LOCATION PLAN

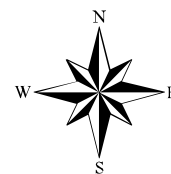
PROJECT NUMBER YR00D1
Viva - Davis Drive
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0 20 40 80 Metres

A horizontal scale bar with markings at 0, 20, 40, and 80 metres.

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LOCATION PLAN

PROJECT NUMBER YR00D1

Viva - Davis Drive

TOWN OF NEWMARKET



0 20 40 80 Metres

A horizontal scale bar with markings at 0, 20, 40, and 80 metres.

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