

Clause 27 in Report No. 12 of Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on September 20, 2018.

27

Acquisition of Land
York Durham Sewage System Modifications
Town of Newmarket

Committee of the Whole recommends adoption of the following recommendations contained in the report dated August 16, 2018 from the Commissioner of Corporate Services:

1. Council authorize the acquisition of the interests in land set out in Attachment 1, for the York Durham Sewage System Modifications project, in the Town of Newmarket.
2. The Commissioner of Corporate Services be authorized to execute the agreement of purchase and sale and all necessary documents to complete the transactions.

(See Clause 40.)

Report dated August 16, 2018 from the Commissioner of Corporate Services now follows:

1. Recommendations

It is recommended that:

1. Council authorize the acquisition of the interests in land set out in Attachment 1, for the York Durham Sewage System Modifications project, in the Town of Newmarket.
2. The Commissioner of Corporate Services be authorized to execute the agreement of purchase and sale and all necessary documents to complete the transactions.

2. Purpose

This report seeks Council approval to acquire permanent and temporary easement interests in the lands required for the York Durham Sewage System Modifications project, in the Town of Newmarket. The locations of the lands are shown on the maps in Attachments 2, 3, 4 and 5.

Private Attachment 1 to this report will be considered in private session because it relates to the acquisition of land by the Region.

3. Background and Previous Council Direction

The Upper York Sewage Solutions project will provide servicing for planned growth

The purpose of the Upper York Sewage Solutions project is to develop a sustainable sewage servicing solution to accommodate planned growth in the Towns of Aurora, East Gwillimbury and Newmarket. The York Durham Sewage System Modifications is one of three major components of the Upper York Sewage Solutions project. The other two components are the proposed Water Reclamation Centre and the Total Phosphorous Offsets Initiative.

Council previously approved the expropriation of land for this project

On [May 19, 2016](#), Council authorized an application for approval to expropriate and on [September 22, 2016](#) and [June 28, 2018](#) Council authorized approvals to expropriate privately owned properties required for the York Durham Sewage System Modifications. The properties subject to this report were not included in the expropriations as they are owned by public authorities.

Approval for the Environmental Assessment for the Upper York Sewage Solutions project is pending

The Upper York Sewage Solutions project is following the planning process established under the *Environmental Assessment Act* for an individual Environmental Assessment (EA). The EA was conducted in two parts, a Terms of Reference, essentially a road map for how the EA would be undertaken, and the EA itself. Having received approval from the Ministry of the Environment and Climate Change (MOECC) on the Terms of Reference, the final EA report was submitted for approval on July 25, 2014.

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Following the submission, MOECC staff began an internal review and public consultation process, in accordance with regulatory guidelines. The Notice of Completion of Ministry Review was published on January 22, 2016. The public comment period on the review ended February 26, 2016. All comments received were documented and the next step is for the Ministry of Environment, Conservation and Parks (MOECP), formerly MOECC, to render a decision on approval of the EA.

An Order was made under the Environmental Assessment Act to exempt the York Durham Sewage System Modifications component

On March 7, 2018, the Minister of Natural Resources and Forestry issued a Declaration Order (the "*Declaration Order*") to exempt the York Durham Sewage System Modifications component from the requirements of the *Environmental Assessment Act*. As a result, the Region is able to proceed and implement the twinning of the forcemains and alterations to the Newmarket and Bogart Creek Sewage Pumping Stations that comprise the York Durham Sewage System Modifications.

The York Durham Sewage System Modifications include:

- A new 5.2 kilometre forcemain from the existing Newmarket Sewage Pumping Station to the existing gravity sewer that discharges to the Aurora Sewage Pumping Station.
- A new 0.5 kilometre forcemain from the existing Bogart Creek Sewage Pumping Station to the new Newmarket forcemain.

Alterations to the Newmarket and Bogart Creek Sewage Pumping Stations will occur to facilitate connection of the new forcemains.

4. Analysis and Implications

Negotiations have been successfully completed for the acquisition of the subject properties

Staff has completed negotiations to acquire the subject properties. Compensation for the property acquisitions is based on market value derived from independent appraisals.

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Property impacts will be minimal

Permanent and temporary easements are required along the entire length of the new forcemain between the Newmarket and Aurora pumping stations. The majority of the temporary easements required for construction purposes are within green spaces. Permanent easements are mainly within greenspace, parking areas and adjacent to road right of ways. Since the new forcemain is below grade, it is not anticipated to impede the property use, except during construction.

Like all major infrastructure construction projects, there will be construction related disruptions. Avoiding impacts to the trail system was identified as a constraint during design, and considerable effort was expended to minimize impacts to the trail system as much as possible. As many of the properties are along trail systems, a few minor detours will be in place and the Tom Taylor Trail will be temporary closed at one location twice during construction. The Region is committed to working closely with Town staff, the contractor and the community to minimize inconvenience and disruptions during construction.

Environmental due diligence has been completed

A Phase One Environmental Site Assessment (ESA) was performed route wide to assess the potential environmental conditions of the lands. Based on the results of the Phase One ESA, a Phase Two ESA and Soil Quality Investigation were required. The Phase Two ESA and Soil Quality Investigation were completed and reviewed by staff in consultation with Legal Services. No significant environmental issues were identified and no further action is warranted with regards to the environmental conditions of the lands.

5. Financial Considerations

The funding required to complete these property acquisitions is included in the approved 2018 Capital Budget for Environmental Services.

6. Local Municipal Impact

The Upper York Sewage Solutions project is a key piece of infrastructure required to accommodate forecasted growth in the Towns of Aurora, East Gwillimbury and Newmarket. With receipt of the Declaration Order, issued by the Minister of Natural Resources and Forestry, for the York Durham Sewage System Modifications, implementation of this project can proceed.

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The Region established a “Working Together” Committee with the Town of Newmarket and the Lake Simcoe Region Conservation Authority to ensure the project has minimal impacts on the community, timely and transparent communication, and to deliver various aspects of the project in a collaborative and consistent manner.

The York Durham Sewage System Modifications project will ensure reliable wastewater service for the local communities, and will enable the Region to address the risks of sewage overflow and surcharge during high-flow conditions in the Town of Newmarket. Construction is scheduled to commence in the first quarter of 2019.

The acquisition of the subject properties supports the construction of the York Durham Sewage System Modifications.

7. Conclusion

The purpose of the York Durham Sewage System Modifications project is to provide sewage servicing to accommodate planned growth in the Towns of Aurora, Newmarket and East Gwillimbury.

The Declaration Order issued by the Minister of Natural Resources and Forestry exempted the York Durham Sewage System Modifications component from the requirements of the *Environmental Assessment Act*. This allows the Region to proceed and implement the twinning of the forcemains and alterations to the Newmarket and Bogart Creek Sewage Pumping Stations that comprise the York Durham Sewage System Modifications.

Staff has concluded negotiations for the acquisition of the subject properties. The acquisition of the lands is necessary for the York Durham Sewage System Modifications project. To ensure possession of lands, staff recommends that Council approve the acquisition of the lands detailed in this report.

For more information on this report, please contact Michael Shatil, Director, Property Services at 1-877-464-9675 ext. 71684.

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Town of Newmarket

The Senior Management Group has reviewed this report.

Recommended by:

Approved for Submission:

Dino Basso
Commissioner of Corporate Services

Bruce Macgregor
Chief Administrative Officer

August 16, 2018

Attachments (5)

Private Attachments (1)

eDOCS #8801358

Accessible formats or communication supports are available upon request

**Property Schedule
Acquisition of Land
York Durham Sewage System Modifications
Town of Newmarket**

No.	Owner	Municipal Address	Legal Description	Interest Required
1.	The Corporation of the Town of Newmarket	Bayview Parkway west side, south of Green Lane East Newmarket	Part 1, 2, 3, Plan 65R37535	Permanent Easement
			Part 9, 11, 12, 13, Plan 65R37534	
			Part 7, 8, 10, 14, Plan 65R37534	Temporary Easement
			Part 1, 2, 3, 4, 5, 6, Plan 65R37529	
2.	The Corporation of the Town of Newmarket	Bayview Parkway west side, south of Green Lane East Newmarket	Part 4, Plan 65R37535	Permanent Easement
			Part 5, Plan 65R37535	Temporary Easement
3.	The Corporation of the Town of Newmarket	Bayview Parkway, between Green Lane East and Davis Drive Newmarket	Part 3, 4, Plan 65R37534	Permanent Easement
			Part 5, 6, Plan 65R37534	Temporary Easement
4.	The Corporation of the Town of Newmarket	Main Street, south of Green Lane East and west of Bayview Parkway Newmarket	Part 2, Plan 65R37534	Permanent Easement
			Part 1, Plan 65R37534	Temporary Easement

No.	Owner	Municipal Address	Legal Description	Interest Required
5.	The Corporation of the Town of Newmarket	Bayview Parkway east side, south of Green Lane East Newmarket	Part 15, 16, 17, Plan 65R37534	Permanent Easement
6.	The Corporation of the Town of Newmarket	56 Charles Street Newmarket	Part 4, Plan 65R37528	Permanent Easement
			Part 5, Plan 65R37528	Temporary Easement
7.	The Corporation of the Town of Newmarket	535 Queen Street Newmarket	Part 2, Plan 65R37528	Permanent Easement
			Part 1, 3, Plan 65R37528	Temporary Easement
8.	The Corporation of the Town of Newmarket	Timothy Street north side, west of Prospect Street Newmarket	Part 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 15, 16, 17, 18, Plan 65R37530	Permanent Easement
			Part 12, 13, 14, Plan 65R37530	Temporary Easement
9.	The Corporation of the Town of Newmarket	Cane Parkway east side, north of Mulock Drive Newmarket	Part 3, 4, 5, 6, 7, 8, Plan 65R37532	Permanent Easement
10.	The Corporation of the Town of Newmarket	Cane Parkway east side, north of Mulock Drive Newmarket	Part 1, 2, 9, Plan 65R37533	Permanent Easement
11.	The Corporation of the Town of Newmarket	Mulock Drive south side, west of Stevens Court Newmarket	Part 12 & 13, Plan 65R36345	Permanent Easement

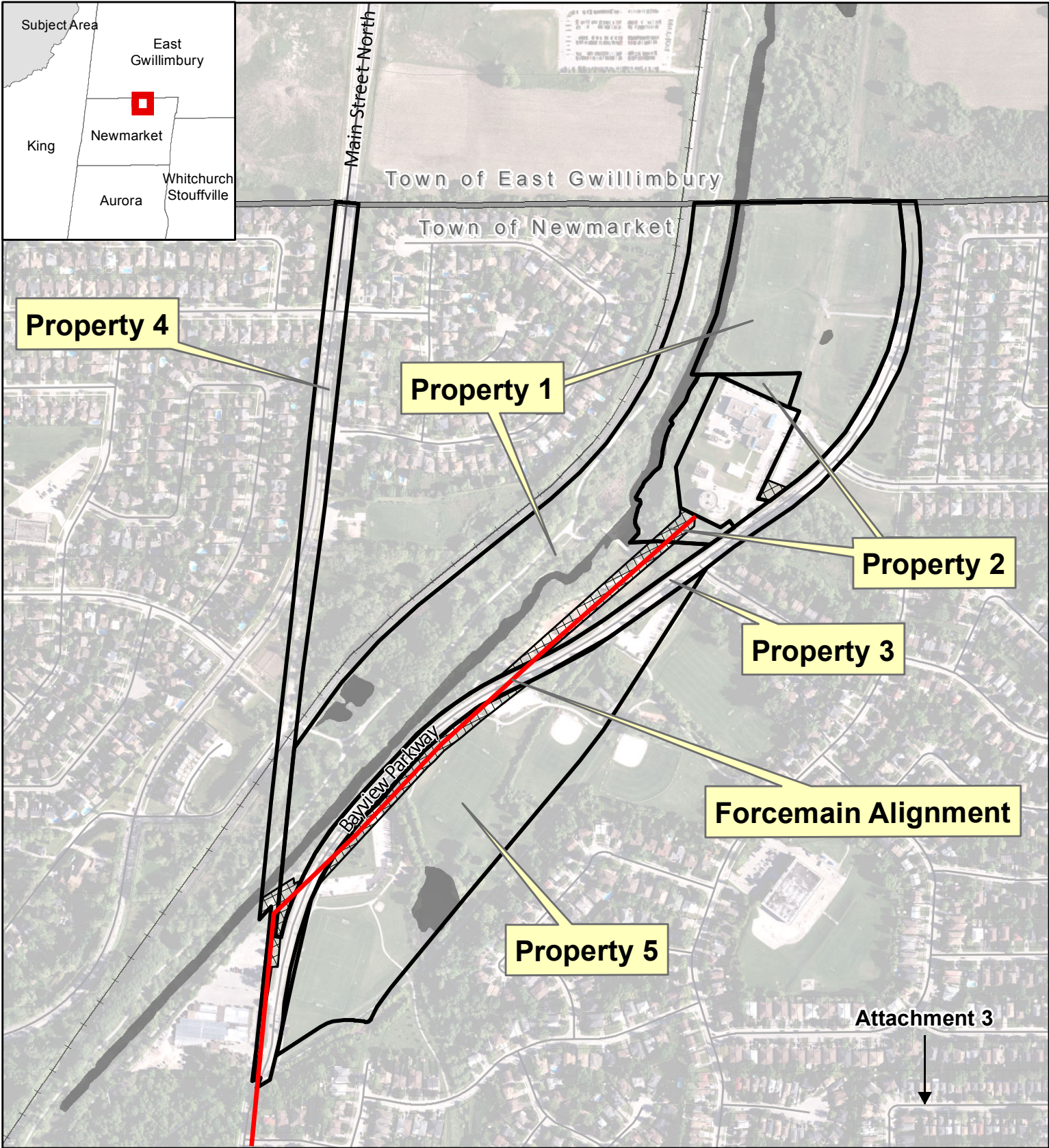
No.	Owner	Municipal Address	Legal Description	Interest Required
12.	The Corporation of the Town of Newmarket	Mulock Drive south side, west of Bayview Avenue Newmarket	Part 7, 8, Plan 65R36346	Permanent Easement
			Part 2, 3, 5, Plan 65R37313	
			Part 4, Plan 65R36346, save and except Part 2, Plan 65R37313	Temporary Easement
			Part 5, 6, 9, Plan 65R36346, save and except Part 5, Plan 65R37313	
			Part 10, Plan 65R36346, save and except Part 3, Plan 65R37313	
			Part 6, 7, 8, 9, Plan 65R37313	
13.	The Corporation of the Town of Newmarket	Mulock Drive south side, west of Bayview Avenue Newmarket	Part 14, Plan 65R37313	Temporary Easement
14.	The Corporation of the Town of Newmarket	Mulock Drive south side, west of Bayview Avenue Newmarket	Part 1, 2, Plan 65R36347	Permanent Easement
			Part 3, Plan 65R36347	Temporary Easement

No.	Owner	Municipal Address	Legal Description	Interest Required
15.	Hydro One Networks Inc. Hydro One Networks Inc.	Adjacent to St. Andrews Golf Course Aurora	Part: 10, 11, 12, 13, 14, 15, 16, Plan 65R36344	Permanent Easement
		Adjacent to St. Andrew's Golf Course, Aurora	Part: 9, 17, 18, 19, Plan 65R36344	Temporary Easement
		North of St. Andrew's Golf Course Aurora	Part: 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, Plan 65R37352	
		West of Sydor Court Newmarket	Part: 10, 11, 12, 13, Plan 65R37313	
		South of Mulock Drive Newmarket	Part 9, 10, 11, 12, 13, 14, Plan 65R36343	
Part: 1, 2, Plan 65R37311				

The temporary easements required are described as a temporary limited interest commencing on December 1, 2018 and expiring on November 30, 2023 in, under, over, along and upon and for municipal purposes including, but not limited to, entering on the lands with all vehicles, machinery, workmen and other material for construction purposes, which may include (1) relocation of existing services and utilities, (2) work that supports the construction of municipal infrastructure within the Region's permanent takings, (3) staging and storage of materials and equipment, (4) geotech testing, borehole testing, and other investigative works, (5) removal, relocation and/or installation of signage, (6) hard and soft landscaping, paving, grading and reshaping the lands to the limit of the reconstruction of the municipal road fronting the lands herein described, (7) the installation and removal of temporary (i) pedestrian access and walkways, (ii) parking measures including re-striping of aisles, lanes, and parking stalls, (iii) construction access roads, (iv) shoring and formwork, (v) drainage and erosion/sediment control measures (vi) traffic signals, (vii) fencing, and (viii) handrails, and (8) works ancillary to any of the foregoing and necessary to the works to be performed in association with the Upper York Sewage Solutions.

The permanent easements required are described as a limited interest in perpetuity in, under, over, along and upon and for municipal purposes including, but not limited to, entering on the lands with all vehicles, machinery, workmen and other material (i) to construct and maintain permanent municipal infrastructure which may include installation, maintenance, relocation and/or removal of retaining walls, shoring and formwork and/or drainage, erosion or sediment control measures such as watermains

No.	Owner	Municipal Address	Legal Description	Interest Required
<p>and storm sewers, and (ii) for construction purposes which include, but are not limited to, (1) relocation of existing services and utilities, (2) staging and storage of materials and equipment, (3) geotech testing, borehole testing, and other investigative works, (4) removal, relocation and/or installation of signage, (5) hard and soft landscaping, paving, grading and reshaping the lands to the limit of the reconstruction of municipal road fronting the lands herein described, (6) the installation and removal of temporary (i) pedestrian access and walkways, (ii) parking measures including re-striping of aisles, lanes, and parking stalls, (iii) shoring and formwork, (iv) drainage and erosion/sediment control measures, (v) traffic signals, (vi) fencing, and (vii) handrails, and (7) works ancillary to any of the foregoing and necessary to the works to be performed in association with the Upper York Sewage Solutions.</p>				



York Region

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The Regional Municipality of York
Property Services, Corporate Services
August 2018

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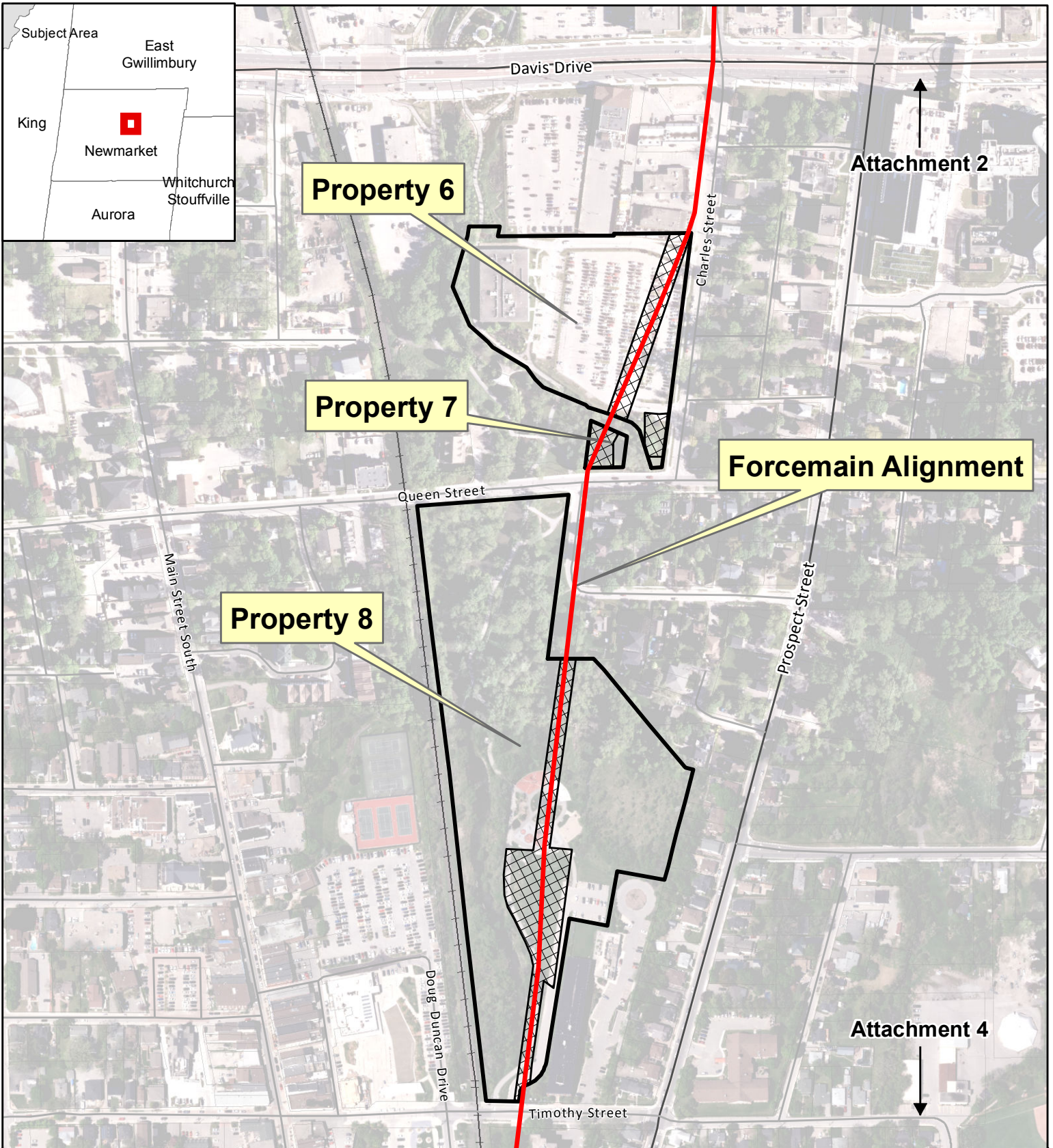
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Location Plan
Acquisition of Land
York Durham
Sewage System Modifications
Town of Newmarket
September 6, 2018






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Metres

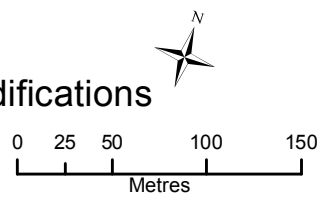
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- Subject Property
- Interest Required
- Parcel
- Road
- Forcemain Alignment

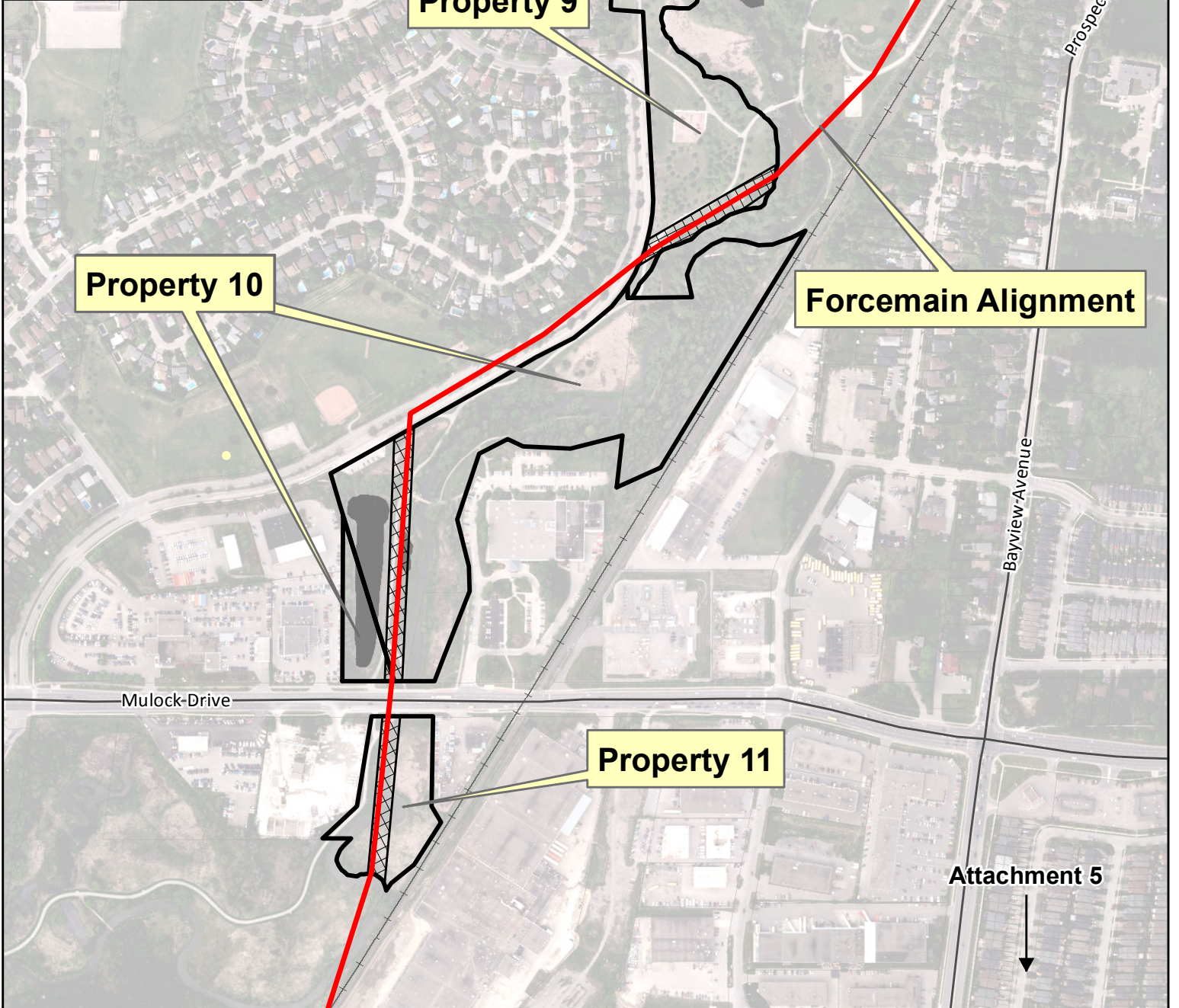
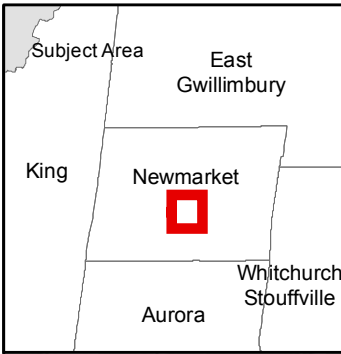


Location Plan
 Acquisition of Land
 York Durham
 Sewage System Modifications
 Town of Newmarket
 September 6, 2018

- Legend**
-  Subject Property
 -  Interest Required
 -  Parcel
 -  Road
 -  Forcemain Alignment




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Location Plan
 Acquisition of Land
 York Durham
 Sewage System Modifications
 Town of Newmarket
 September 6, 2018

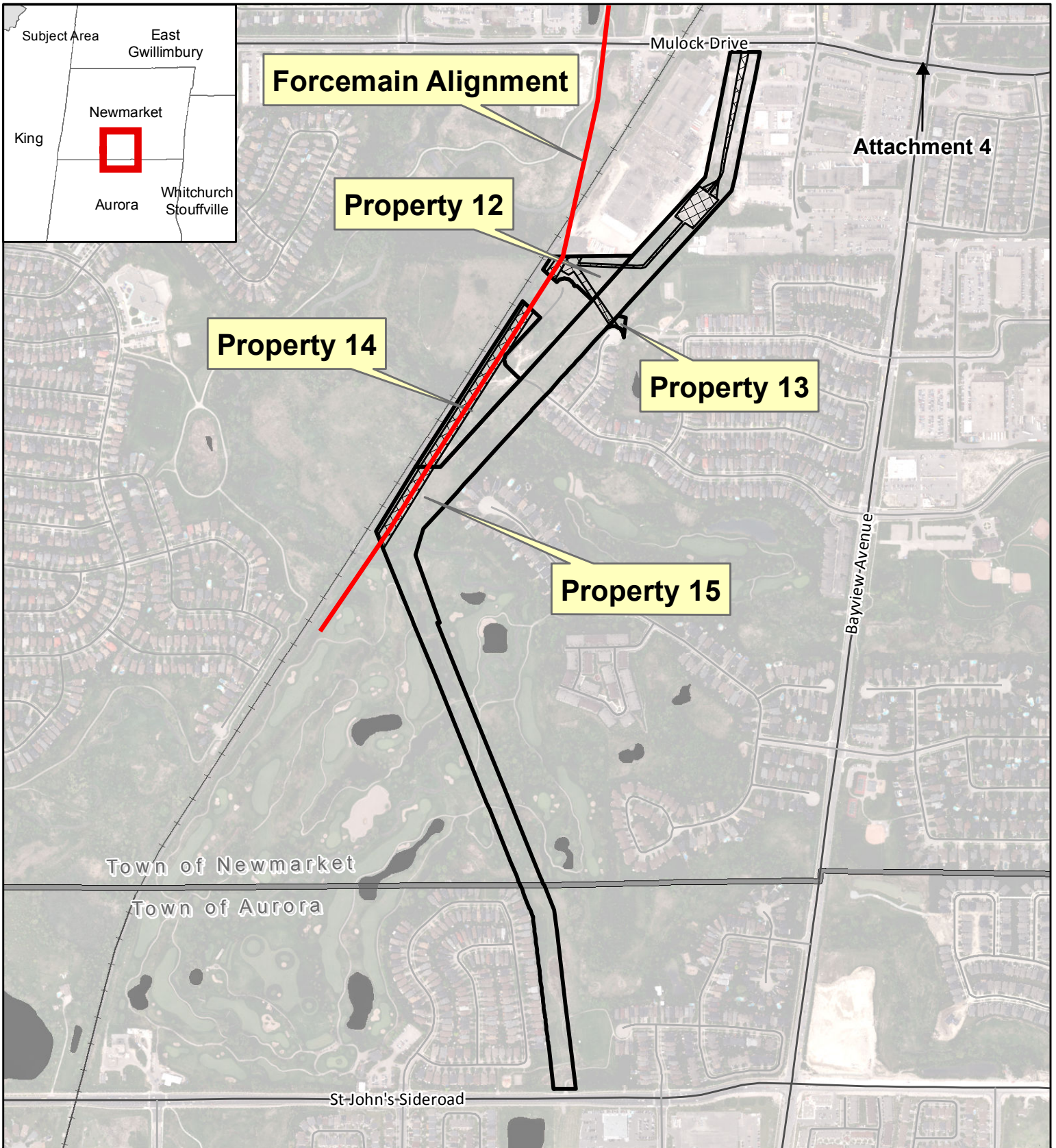
Legend

- Subject Property
- Interest Required
- Parcel
- Road
- Forcemain Alignment

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Town of Newmarket
Town of Aurora

St-John's-Sideroad

Mullock-Drive

Bayview-Avenue

Attachment 4

Forcemain Alignment

Property 12

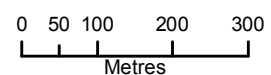
Property 14

Property 13






Property 15



Location Plan
Acquisition of Land
York Durham
Sewage System Modifications
Town of Newmarket
September 6, 2018



Legend

-  Subject Property
-  Interest Required
-  Parcel
-  Road
-  Forcemain Alignment

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