

Clause 7 in Report No. 3 of Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on February 15, 2018.

7

Acquisition of Land
Major Mackenzie Drive from
Canadian Pacific Railway Crossing to Islington Avenue
Disposition of Land
6191 Major Mackenzie Drive
City of Vaughan

Committee of the Whole recommends adoption of the following recommendations contained in the report dated January 25, 2018 from the Commissioner of Corporate Services:

1. Council authorize the acquisition of land required for reconstruction of Major Mackenzie Drive, in the City of Vaughan for Properties 1 to 4 as set out in Attachment 1.
2. Council authorize the disposition of land in the City of Vaughan for Property 5 as set out in Attachment 1.
3. The Commissioner of Corporate Services be authorized to execute all necessary documents to complete the transaction.

Report dated January 25, 2018 from the Commissioner of Corporate Services now follows:

1. Recommendations

It is recommended that:

1. Council authorize the acquisition of land required for reconstruction of Major Mackenzie Drive, in the City of Vaughan for Properties 1 to 4 as set out in Attachment 1.

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2. Council authorize the disposition of land in the City of Vaughan for Property 5 as set out in Attachment 1.
3. The Commissioner of Corporate Services be authorized to execute all necessary documents to complete the transaction.

2. Purpose

This report seeks Council approval for the acquisition and disposition of lands (land exchange) between the Region and Nashville Developments Inc. for widening and reconstructing Major Mackenzie Drive, from Barons Street, approximately five hundred metres west of the Canadian Pacific Railway crossing to Islington Avenue, in the City of Vaughan.

The location of the lands owned by the Region and Nashville Developments Inc. is shown in Attachment 2.

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

3. Background and Previous Council Direction

The widening and reconstruction of Major Mackenzie Drive was approved under the Western Vaughan Individual Environmental Assessment in 2011

The widening and reconstruction of Major Mackenzie Drive between Highway 50 and Highway 400 is part of the approved Western Vaughan Individual Environmental Assessment (EA), which was contained in Report No. 2 of the Transportation Services Committee and approved by Council on [February 17, 2011](#). The improvements to Major Mackenzie Drive include road widening from two to six lanes, Transit-HOV lanes and off-street cycling facilities.

Council authorized the expropriation of properties required for the widening in September 2015

On [September 24, 2015](#), Council authorized the expropriation of seven privately owned properties in the vicinity of Barons Street, approximately five hundred metres west of the Canadian Pacific Railway crossing, and Islington Avenue. The subject lands that are owned by Nashville Major Developments Inc. were

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originally included in the lands to be expropriated. Negotiations with Nashville Developments Inc. were successful and the lands were removed from the final step of the expropriation process.

The Region and Nashville Developments Inc. own properties fronting on Major Mackenzie Drive

The Region requires approximately 1.24 acres of fee simple interest and a 3.92 acre four-year temporary easement along the north side of Major Mackenzie Drive. These lands are owned by Nashville Developments Inc.

Nashville Developments Inc. has expressed an interest in obtaining the surplus portion of land owned by the Region located on the south side of Major Mackenzie Drive at 6191 Major Mackenzie Drive. The Region expropriated the land in 2015 for the road widening. A buyout of the entire 7.08 acre site was necessary because the portion not required for the project was no longer accessible. The Region will maintain approximately 0.98 acres of land for the project and the remaining 6.10 acres are surplus to the project.

The owners wish to obtain the Region lands to construct a storm water management pond to support the development of their residential lands fronting on the north side of Major Mackenzie Drive.

4. Analysis and Implications

The parties have negotiated the terms of the land exchange, including the nominal transfer of the temporary easements to the Region

Staff and representatives from Nashville Developments Inc. have negotiated the recommended general terms of the land exchange. The land exchange would see the Region transfer land fronting on the south side of Major Mackenzie Drive for the fee simple interest in portions of the lands owned by Nashville Developments Inc. on the north side of Major Mackenzie Drive. In addition, Nashville Developments Inc. has agreed to transfer the temporary easements to the Region at no cost.

The estimates of market value for the lands owned by Nashville Developments Inc. and the Region were derived from independent appraisals. The value of the Nashville Developments Inc. lands to be transferred to the Region in fee simple

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is less than the value of the Region lands, resulting in a payment to the Region upon completion of the land exchange.

Nashville Developments Inc. is interested in the land exchange because it will permit the relocation of an existing storm water management pond, which provides a higher lot yield of the development lands to the north.

Environmental due diligence is completed for the Nashville Developments Inc. lands

A Contamination Overview Study was completed for the limits of this project. The study did not identify any potential environmental issues with the Nashville Developments Inc. lands and no additional environmental work was required. The review of the environmental investigation was carried out in consultation with Legal Services.

The Region will transfer the lands to Nashville Developments Inc. in an "as is, where is" condition

The Region conducted environmental due diligence during the 2015 expropriation and found that environmental contamination was present on the site. Nashville Developments Inc. have agreed to acquire the lands "as is, where is", which means that the Region will provide no representations and warranties as to the conditions of the lands at closing.

5. Financial Considerations

Proceeds realized from the sale or other disposition of the lands will be allocated in accordance with the Surplus Management Policy contained within the Reserve and Reserve Fund Policy.

6. Local Municipal Impact

Widening and reconstruction of Major Mackenzie Drive will provide upgraded capacity to improve traffic operations for the travelling public and support growth within this area, as established in the York Region Official Plan.

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7. Conclusion

Nashville Developments Inc. owns future development lands fronting on the north side of Major Mackenzie Drive, in the City of Vaughan. The Region requires approximately 1.24 acres of land in fee simple, and approximately 3.92 acres of temporary easement for a term of four years.

Nashville Developments Inc. is interested in acquiring the remaining lands of a Region-owned site of approximately 6.10 acres of land, fronting on the south side of Major Mackenzie Drive. In exchange, Nashville Developments Inc. has agreed to transfer a temporary easement to the Region at no cost.

The land exchange is beneficial and agreeable to Nashville Developments Inc. and the Region. It is recommended that Council authorize the land transfers as described in this report.

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

The Senior Management Group has reviewed this report.

January 25, 2018

Attachments (2)

Private Attachments (1)

eDOCS #8161114

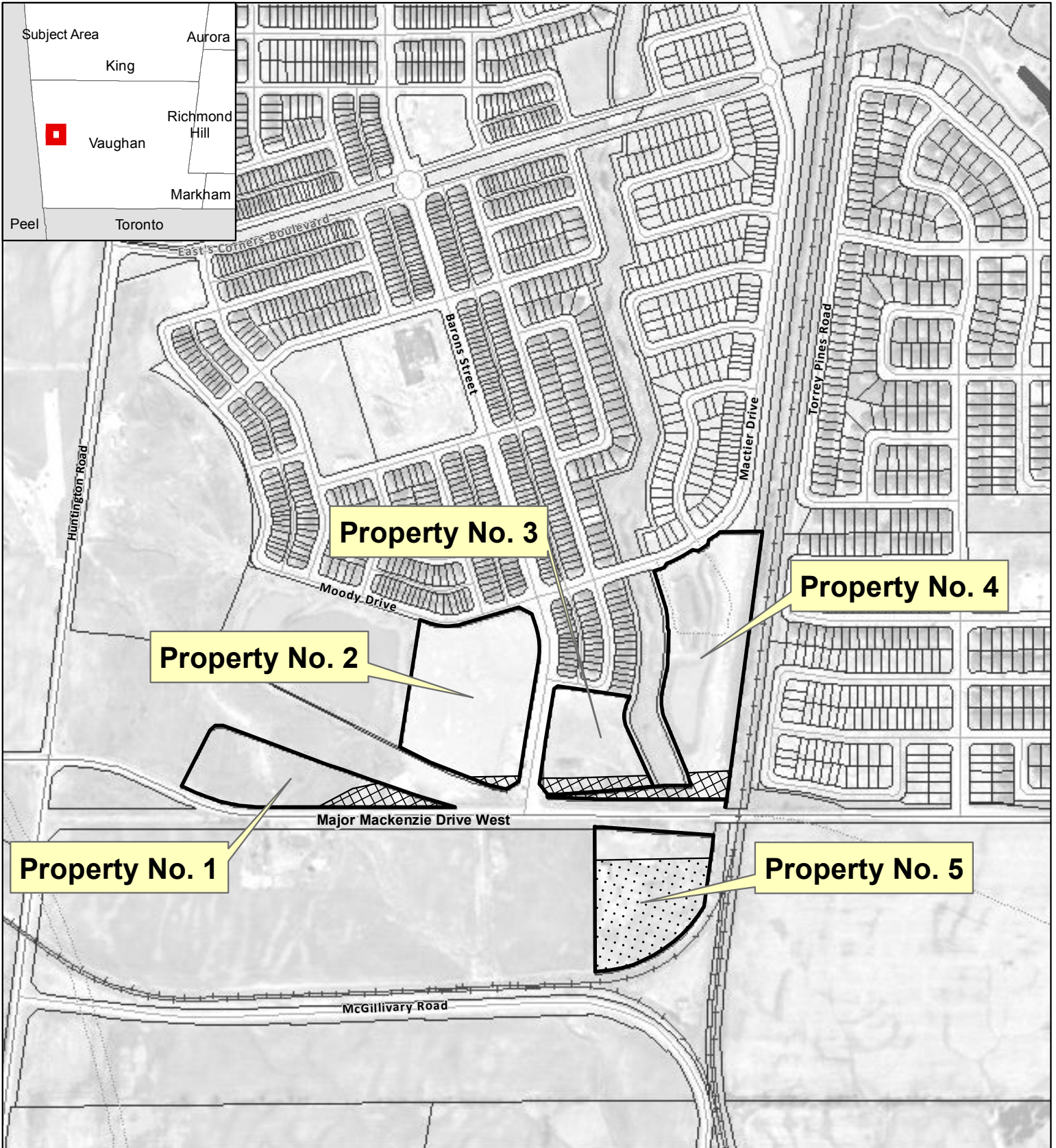
Accessible formats or communication supports are available upon request

**Property Schedule
Acquisition of Land
Major Mackenzie Drive from
Canadian Pacific Railway Crossing to Islington Avenue
Disposition of Land
6191 Major Mackenzie Drive
City of Vaughan**

No.	Owner	Municipal Address	Legal Description	Interest Required
1.	Nashville Major Developments Inc.	North of Major Mackenzie Drive West, west of CP Rail Crossing, City of Vaughan	Parts 3, 4, 5 & 6, Plan 65R-35530 & Parts 4 & 5, Draft Plan of Survey L12-012375	Temporary Easement
2.	Nashville Major Developments Inc.	North of Major Mackenzie Drive West, west of CP Rail Crossing, City of Vaughan	Part 3, Draft Plan of Survey L12-012375	Temporary Easement
3.	Nashville Major Developments Inc.	North of Major Mackenzie Drive West, west of CP Rail Crossing, City of Vaughan	Parts 2 & 3, Plan 65R-35564	Fee Simple
			Part 1, Plan 65R-35564 & Part 1, Draft Plan of Survey L12-012374	Temporary Easement
4.	Nashville Major Developments Inc.	North of Major Mackenzie Drive West, west of CP Rail Crossing, City of Vaughan	Part 13, 14 & 15, Plan 65R-35564	Fee Simple
			Part 12, 65R-35564 & Part 7, Draft Plan of Survey L12-012374	Temporary Easement

The temporary easements will run for term of 48 months to commence on closing, and are required for the purpose of entering on the lands with all vehicles, machinery, workers 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 right of way, (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) landscaping, paving, grading and reshaping the lands to the limit of the reconstruction, (7) the installation and removal of temporary detour road, pedestrian access and walkways and all other infrastructure related to the construction, and (8) works ancillary to any of the foregoing.

No.	Owner	Municipal Address	Legal Description	Interest To Be Transferred
5.	The Regional Municipality of York.	6191 Major Mackenzie Drive	Part 14, Plan 65R-14755 save and except Parts 23 & 24, Plan 65R-35564	Fee Simple



Location Plan

Acquisition of Land
 Major Mackenzie Drive from Canadian
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 6191 Major Mackenzie Drive
 City of Vaughan
 February 8, 2018

Legend

- Subject Property
- Interest Required
- Disposition
- Parcel
- Road
- Railway

Produced by:
 The Regional Municipality of York
 (Branch Name), (Department Name)
 January 2018

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