

Clause 17 in Report No. 16 of Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on November 16, 2017.

17

Acquisition of Land
3825 Major Mackenzie Drive
City of Vaughan

Committee of the Whole recommends adoption of the following recommendations contained in the report dated October 26, 2017 from the Commissioner of Corporate Services:

1. Council authorize the acquisition of the following property interest for the reconstruction of Major Mackenzie Drive, in the City of Vaughan.

| No. | Owner | Municipal Address | Legal Description | Interest Required |
|-----|---|------------------------------------|-----------------------|--------------------|
| 1. | Her Majesty The Queen in Right of Ontario as Represented by the Minister of Economic Development, Employment and Infrastructure | 3825 Major Mackenzie Drive Vaughan | Part 9, Plan 65R34551 | Permanent Easement |

2. The Commissioner of Corporate Services be authorized to execute the Agreement and all necessary documents to complete the transaction.

Report dated October 26, 2017 from the Commissioner of Corporate Services now follows:

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1. Recommendations

It is recommended that:

1. Council authorize the acquisition of the following property interest for the reconstruction of Major Mackenzie Drive, in the City of Vaughan.

| No. | Owner | Municipal Address | Legal Description | Interest Required |
|-----|---|---------------------------------------|-----------------------|--------------------|
| 3. | Her Majesty The Queen in Right of Ontario as Represented by the Minister of Economic Development, Employment and Infrastructure | 3825 Major Mackenzie Drive Vaughan | Part 9, Plan 65R34551 | Permanent Easement |

2. The Commissioner of Corporate Services be authorized to execute the Agreement and all necessary documents to complete the transaction.

2. Purpose

This report seeks Council approval to acquire a permanent easement for the widening and reconstruction of Major Mackenzie Drive, from Weston Road to Islington Avenue, in the City of Vaughan, as shown in Attachment 1.

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 widening and reconstructing of Major Mackenzie Drive in the City of Vaughan was approved under the Western Vaughan Individual Environmental Assessment

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), approved by Council on [February 17, 2011](#).

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The improvements to Major Mackenzie Drive include widening from two to six lanes, including Transit-HOV lanes and off-street cycling facilities.

Council authorized the expropriation of properties required for the widening in September 2014

On [September 11, 2014](#), Council authorized the expropriation of 20 privately owned properties between Weston Road and Islington Avenue. The subject lands were not expropriated as they are provincially owned and a public authority cannot be expropriated. The Ontario Ministry of Transportation currently operates its Maple Patrol Yard at this location. This yard serves as a maintenance facility for Highway 400 operations.

Utility relocations along the corridor were completed in the spring of 2015 and roadway construction is currently underway, with anticipated completion for late 2017.

A Temporary Licence Agreement was negotiated to allow the Region interim access to the lands

The Region requires access to the subject lands for grading for road works and for the construction of a multi-use path. A permanent easement is required for the ongoing maintenance of the public path. With construction already underway, a temporary license agreement was negotiated to permit the Region temporary access to the lands while the permanent easement is negotiated.

Council previously authorized the fee simple acquisition of the subject lands

On [February 18, 2016](#), Council authorized the fee simple acquisition of the subject lands. Staff was later advised that the Ministry of Transportation did not approve the fee simple acquisition but approved the transfer of a permanent easement interest as an alternative. The Ministry felt it was necessary for the Province to maintain ownership of the lands in the event of future development.

4. Analysis and Implications

Negotiations have been successfully completed for the acquisition of the permanent easement

Staff has completed negotiations with the Province to acquire a permanent easement for the subject lands. The permanent easement will satisfy the

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Region's requirement for continued access to the lands to allow for future maintenance of the constructed multi-use path. The compensation for the acquisition of these lands is based on market value as detailed in the independent appraisal report commissioned by the Region.

The Region completed a Phase One Environmental Site Assessment

Upon obtaining the permanent easement, the Region will be responsible for addressing any issues associated with impacts to the property. The Region completed a Phase One Environmental Site Assessment (ESA) on the subject lands to assess potential environmental concerns. A Phase Two ESA was recommended to investigate any potential environmental concerns associated with the Province's use of the lands as a maintenance operations facility. Staff is in the process of completing the Phase Two ESA to investigate soil and groundwater conditions. The review of the environmental reports and any subsequent action plan will be carried out in consultation with Legal Services.

The Province requires the Region to purchase the easement in an "as is, where is" condition

The Province is only willing to convey the lands to the Region in an "as is, where is" condition with no representations and warranties as to the condition of the lands upon closing.

5. Financial Considerations

The funding required to complete this property acquisition has been included in the 2017 Capital Budget for Transportation Services, Capital Planning and Delivery.

6. Local Municipal Impact

The Western Vaughan Individual EA provided a series of road improvements to address traffic mobility in the Western Vaughan area, in collaboration with the City of Vaughan's Official Plan.

Once construction is complete, the widening and reconstruction of Major Mackenzie Drive, between Weston Road and Islington Avenue will provide upgraded capacity to improve traffic operations for the travelling public and meet the expected growth in the area.

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7. Conclusion

Staff has concluded negotiations for the acquisition of the subject lands, which is required to facilitate the widening and reconstruction of Major Mackenzie Drive between Weston Road and Islington Avenue. This property was not expropriated as it is owned by another public authority.

An agreement was negotiated to acquire a permanent easement interest for grading, and the construction and maintenance of a multi-use path. Accordingly, it is recommended that Council approve the acquisition of the subject lands.

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.

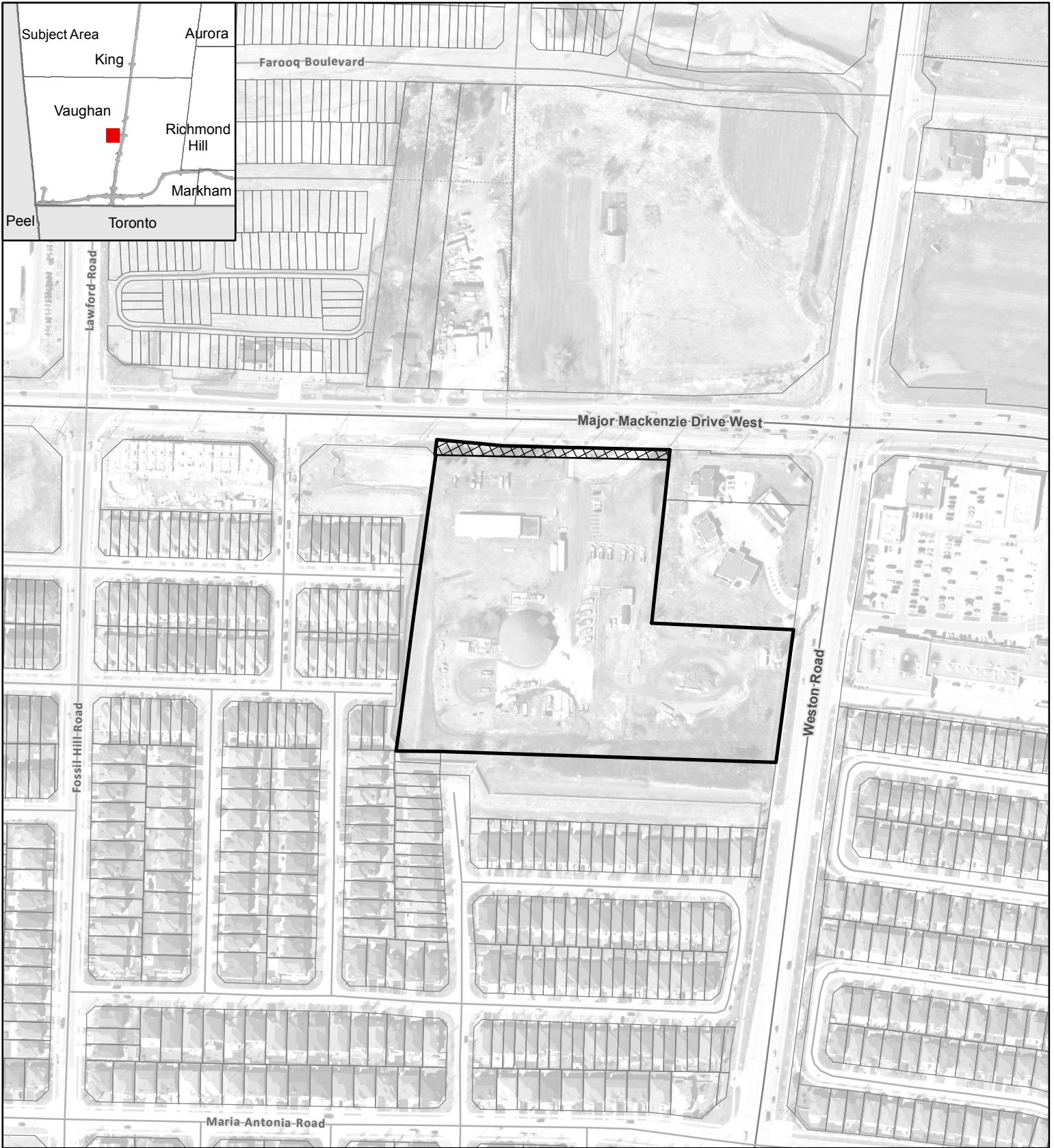
October 26, 2017

Attachments (1)





Private Attachments (1)

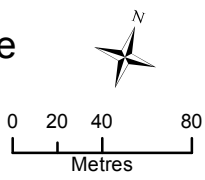
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Accessible formats or communication supports are available upon request



Location Plan
Acquisition of Land
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City of Vaughan

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




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 Property Services, Corporate Services
 September 2017
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