

Clause 12 in Report No. 5 of Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on March 23, 2017.

12

Settlement of Land Acquisition
Viva Bus Rapid Transit Corridor
16604 Yonge Street
Town of Newmarket

Committee of the Whole recommends adoption of the following recommendation contained in the report dated February 22, 2017 from the Commissioner of Corporate Services:

1. Council authorize the settlement of the following property acquisition required for the construction of the bus rapid transit corridor on Yonge Street, in the Town of Newmarket, on the terms set out in this report and subject to approval by Metrolinx.

No.	Owner	Municipal Address	Legal Description	Interest Acquired
1.	Madhusudan Inamdar	16604 Yonge Street Newmarket	Parts 1, 2, 3, 4, Plan 65R32871	Fee Simple

2. The Commissioner of Corporate Services be authorized to execute the Minutes of Settlement and all necessary documentation to complete the transaction in accordance with the Minutes of Settlement upon receipt of approval of the settlement by Metrolinx.

Report dated February 22, 2017 from the Commissioner of Corporate Services now follows:

1. Recommendations

It is recommended that:

1. Council authorize the settlement of the following property acquisition required for the construction of the bus rapid transit corridor on Yonge Street, in the Town of Newmarket, on the terms set out in this report and subject to approval by Metrolinx.

No.	Owner	Municipal Address	Legal Description	Interest Acquired
2.	Madhusudan Inamdar	16604 Yonge Street Newmarket	Parts 1, 2, 3, 4, Plan 65R32871	Fee Simple

2. The Commissioner of Corporate Services be authorized to execute the Minutes of Settlement and all necessary documentation to complete the transaction in accordance with the Minutes of Settlement upon receipt of approval of the settlement by Metrolinx.

2. Purpose

This Report seeks Council approval to accept the Minutes of Settlement for property that was acquired in accordance with the *Expropriations Act* (the “Act”) on Yonge Street in Newmarket for the vivaNext project, as shown in Attachment 1.

3. Background and Previous Council Direction

The Region is constructing dedicated bus rapid transit lanes for the vivaNext project along Yonge Street in Newmarket

To facilitate public transit along the Yonge Street corridor in Newmarket, the Region, via York Region Rapid Transit Corporation (YRRTC), is constructing dedicated centre bus lanes and enhanced street features and boulevards along Yonge Street, from Sawmill Valley Drive/Savage Road to Davis Drive. Following approval from the Ministry of the Environment, construction of the new rapidway began in June 2015, commencing with utility relocations. The project is scheduled to be completed in December 2018.

Settlement of Land Acquisition
Viva Bus Rapid Transit Corridor
16604 Yonge Street
Town of Newmarket

The Region identified and took steps to acquire the project requirements

The Region identified land requirements from 36 property owners as part of the vivaNext project on the Yonge Street corridor between Sawmill Valley Drive/Savage Road to Davis Drive. All lands required to facilitate the project were obtained through amicable negotiations, expropriation and dedications via Site Plan Agreements.

The Region acquired the entire property at 16604 Yonge Street

The subject property located at the southwest corner of Yonge Street and Sawmill Valley Drive contained a single-family home that was converted for office uses. A portion of the subject property was required for a daylight triangle at Yonge Street and Sawmill Valley Drive. A significant portion of the building was located within the proposed daylight triangle shown as Part 4 on Attachment 2. Demolition of the building was necessary for the required daylight triangle. To accommodate this it was necessary to acquire the entire property.

Property was also required for the neighbouring Belinda's Place women's shelter

Parts 2 and 3 on Attachment 2 were required for the development of the adjacent Town of Newmarket property into a women's shelter, known as Belinda's Place. These lands were used to accommodate a driveway and parking lot for the shelter.

There will be surplus land upon completion of the projects

The remaining portion of the property shown as Part 1 on Attachment 2 is not required for the vivaNext project or Belinda's Place. An evaluation of the land's future use and value will be completed to determine the future use of the land. In the event disposition of the land is appropriate, the process will follow the Region's Sale and Disposition of Land policy.

An agreement was reached between the Region and owner to acquire the entire property

Council approved the acquisition of the property in [February 2012](#). An agreement was negotiated, wherein the owner reserved all rights to claim additional costs including market value, relocation costs, disturbance damages (including business losses), injurious affection and interest pursuant to Section 30 of the

Settlement of Land Acquisition
Viva Bus Rapid Transit Corridor
16604 Yonge Street
Town of Newmarket

Act. The compensation was based on an independent appraisal obtained by the Region.

Three appraisals were used during negotiations

The owner obtained an independent appraisal, which indicated a significantly higher value than the Region's appraisal.

Given the difference of opinion between the owner's and Region's appraisals, the Region obtained an additional appraisal. The third appraisal valued the subject property higher than the Region's original appraisal and lower than the owner's appraisal, and formed the basis of the Region's position during final negotiations.

4. Analysis and Implications

A full and final settlement was reached at the Board of Negotiation

The Region and the owner reached a full and final settlement at the Board of Negotiation. This settlement included the market value, relocation costs, interest and other costs as provided under the *Act*.

The Region will not incur additional expenses once the final settlement is completed

The full and final settlement is in the best interest of the Region because it will stop interest accrual in accordance with the *Act*. Upon completion of this full and final settlement, the Region will not be subject to or incur further claims regarding any legal and litigation expenses in relation to 16604 Yonge Street.

Environmental due diligence resulted in no concerns

Environmental due diligence has been completed. The results have been reviewed by staff in consultation with Legal Services. No contamination or other environmental concerns were identified for this property.

Settlement of Land Acquisition
Viva Bus Rapid Transit Corridor
16604 Yonge Street
Town of Newmarket

5. Financial Considerations

The funding to complete this full and final property settlement is included in the 2017 YRRTC Capital Budget. The project is funded by the Province via the Metrolinx Master Agreement. This settlement is subject to approval by Metrolinx under the terms of the Master Agreement between the Region, YRRTC and Metrolinx.

The [February 2012](#) Council authorization included a Contribution Agreement between the Region and Metrolinx. In the agreement, the Region agreed to pay for the portion of the property used for Belinda's Place and the potential surplus portion of the subject. The value of these lands was 75% of the market value of the entire property as determined in the first appraisal report. As part of the terms of this agreement, Metrolinx agreed to pay all costs associated with the settlement, such as any additional negotiated compensation for the settlement, relocation costs, interest and legal costs.

6. Local Municipal Impact

The acquisition of 16604 Yonge Street supports the improvement of public transit within the Region, enriches the streetscape on Yonge Street and facilitated the development of an emergency women's shelter that serves a critical need in the community.

7. Conclusion

The Region acquired the entire property at the southwest corner of Yonge Street and Sawmill Valley Drive in Newmarket for the vivaNext and Belinda's Place projects. The Region negotiated a full and final settlement with the owner and the proposed settlement will include releases from the owner and other registered interests to finalize the arrangement.

It is recommended that Council authorize the Minutes of Settlement described in this report thereby settling all claims related to the subject property.

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

Settlement of Land Acquisition
Viva Bus Rapid Transit Corridor
16604 Yonge Street
Town of Newmarket

The Senior Management Group has reviewed this report.

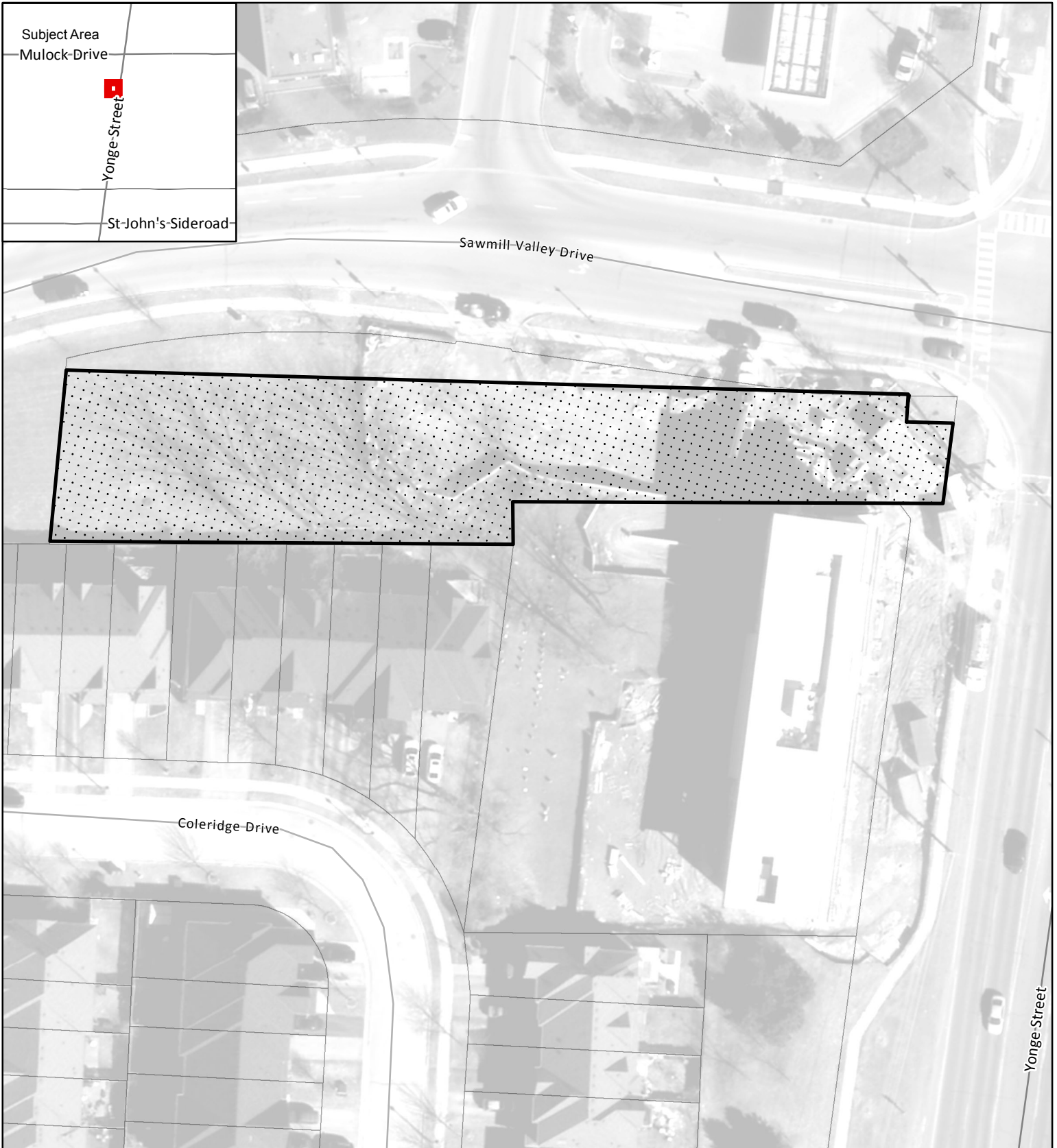
February 22, 2017

Attachments (2)

Private Attachments (1)

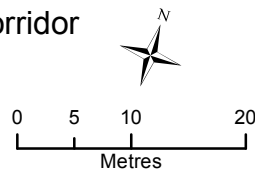
7353616

Accessible formats or communication supports are available upon request







Location Plan

Settlement of Land Acquisition
 Viva Bus Rapid Transit Corridor
 16604 Yonge Street
 Town of Newmarket
 March 9, 2017



Legend

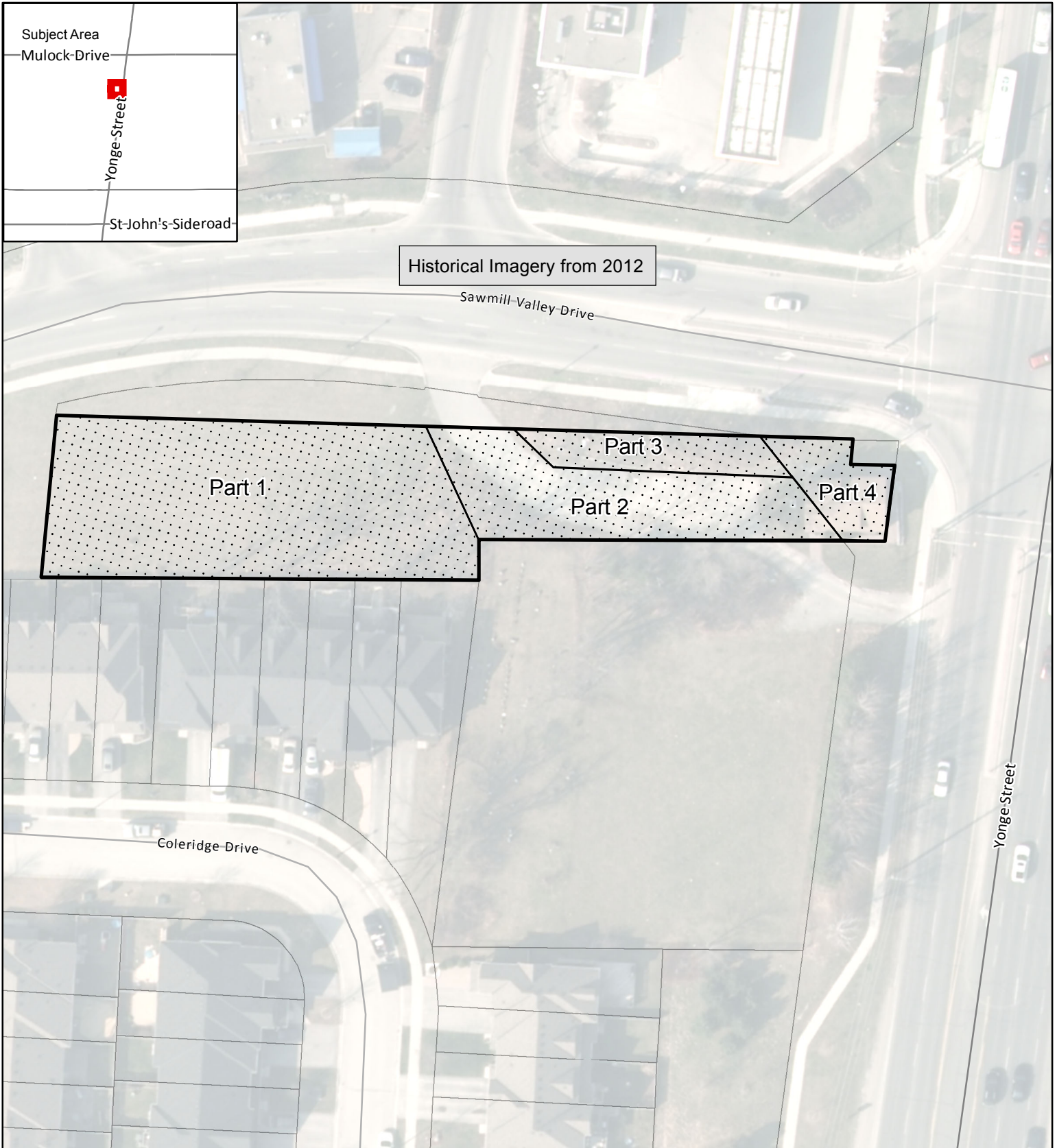
-  Subject Property
-  Interest Required
-  Parcel
-  Road



Produced by:
 The Regional Municipality of York
 Property Services, Corporate Services
 January 2017

Data: © Queen's Printer for Ontario 2003-2017

Imagery:
 See York.ca for disclaimer information.



Location Plan





Settlement of Land Acquisition
 Viva Bus Rapid Transit Corridor
 16604 Yonge Street
 Town of Newmarket
 March 9, 2017

Produced by:
 The Regional Municipality of York
 Property Services, Corporate Services
 January 2017

Data: © Queen's Printer for Ontario 2003-2017

Imagery:
 See York.ca for disclaimer information.

Legend

-  Subject Property
-  Interests Required
-  Parcel
-  Road

