

THE REGIONAL MUNICIPALITY OF YORK

BYLAW NO. 2015-70

To acquire certain lands for or in connection with the construction of the bus rapid transit corridor on Yonge Street, in the Town of Richmond Hill

WHEREAS the Council of The Regional Municipality of York on October 15, 2015, by its adoption of Clause 20 of Report 16 of the Committee of the Whole approved of the expropriation of the lands therein referred to for or in connection with the construction of the bus rapid transit corridor on Yonge Street between Highway 7 and Major Mackenzie Drive, in the Town of Richmond Hill, provided that there were no requests for a hearing of necessity; and

WHEREAS Notice of Application for Approval to Expropriate Land has been served upon the registered owners of the lands and has been published pursuant to the provisions of the *Expropriations Act*, R.S.O. 1990, c. E.26, as amended (the "Act"); and

WHEREAS no notification of a desire for a hearing has been received and the time for giving such notification has expired.

Now, therefore, the Council of The Regional Municipality of York HEREBY ENACTS as follows:

1. The expropriation of the lands referred to in section 2 is hereby approved and the Regional Chair and Regional Clerk are authorized to execute any required documents in accordance with the Act.
2. The lands described and designated as follows:

| <b>No.</b> | <b>Owner</b>   | <b>Municipal Address</b>           | <b>Legal Description</b>                    | <b>Interest Required</b> |
|------------|--|------------------------------------|---|--------------------------|
| 1.         | Haleson Developments Ltd.                                  | 9737 Yonge Street<br>Richmond Hill | Parts 4, 7, 8, 13, 15,<br>18, Plan 65R35920 | Fee Simple               |
|            |  |                                    | Parts 10, 11, Plan<br>65R35920              | Permanent Easement       |
|            |  |                                    | Parts 12, 17, Plan<br>65R35920              | Temporary Easement       |
| 2.         | 1890152 Ontario Limited                                    | 9699 Yonge Street<br>Richmond Hill | Parts 1, 2, Plan<br>65R35911                | Fee Simple               |
| 3.         | Brillinger Investments Limited/<br>1890152 Ontario Limited | 9675 Yonge Street<br>Richmond Hill | Parts 1, 2, 3, Plan<br>65R35913             | Fee Simple               |
|            |  |                                    | Part 4, Plan<br>65R35913                    | Temporary Easement       |
| 4.         | Clarissa Developments Inc.                                 | 9651 Yonge Street<br>Richmond Hill | Parts 1, 2, 3, Plan<br>65R35912             | Fee Simple               |
| 5.         | Clarissa Square Limited                                    | 9631 Yonge Street<br>Richmond Hill | Part 2, Plan<br>65R35918                    | Fee Simple               |
| 6.         | F & F Realty Holdings Inc.                                 | 9625 Yonge Street<br>Richmond Hill | Part 1, Plan<br>65R35915                    | Fee Simple               |
| 7.         | Prombank Investment Limited                                | 9625 Yonge Street<br>Richmond Hill | Parts 2, 4, 5, 6, 7,<br>Plan 65R35919       | Fee Simple               |
|            |  |                                    | Parts 8, 16, Plan<br>65R35919               | Permanent Easement       |
|            |  |                                    | Parts 9, 11, 12, 14,<br>15, Plan 65R35919   | Temporary Easement       |

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|------------|--|------------------------------------|---------------------------------|--------------------------|
| 8.         | 512439 Ontario Limited/<br>D.D.M.G. Investments Inc. | 9625 Yonge Street<br>Richmond Hill | Parts 3, 4, Plan<br>65R35914    | Fee Simple               |
|            |  |                                    | Parts 7, 8, Plan<br>65R35914    | Permanent Easement       |
| 9.         | Observatory Place Plaza Inc.                         | 9555 Yonge Street<br>Richmond Hill | Part 2, Plan<br>65R35921        | Fee Simple               |
|            |  |                                    | Parts 4, 5, 6, Plan<br>65R35921 | Temporary Easement       |

The fee simple interest required is described as all right, title and interest for the municipal purpose of implementing road and intersection improvements along Yonge Street, including associated local roads, and to provide designated lanes for the vivaNext transit system and works ancillary thereto.

The permanent easements are required for the purpose of entering on the land[s] with all vehicles, machinery, workers and other material (I) to construct and maintain permanent municipal infrastructure which may include retaining walls, shoring and formwork and/or drainage, erosion/ sediment control measures such as watermains and storm sewers; and (II) for construction purposes which may include (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 Yonge Street, (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.

The temporary easements will commence upon registration of an expropriation plan and will expire on February 28, 2019, 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 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 Yonge Street, (7) the installation and

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|--|--------------|--------------------------|--------------------------|--------------------------|
| 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 (8) works ancillary to any of the foregoing. |              |                          |                          |                          |

are hereby expropriated and taken for or in connection with the construction of the bus rapid transit corridor on Yonge Street between Highway 7 and Major Mackenzie Drive, in the Town of Richmond Hill.

3. (1) The Regional Chair and Regional Clerk are hereby authorized and directed to sign a plan or plans showing the lands expropriated.

(2) When so signed, the Commissioner of Corporate Services is directed to cause the said plan or plans to be registered in the proper Land Registry Office and to pay all expenses incidental to the registration.

4. Plan Nos. 65R-35911, 65R-35912, 65R-35913, 65R-35914, 65R-35915, 65R-35918, 65R-35919, 65R-35920 and 65R-35921, hereto attached, shall form part of this bylaw.

ENACTED AND PASSED on November 19, 2015.

Denis Kelly

Wayne Emmerson

Regional Clerk

Regional Chair

*Authorized by Clause 20 of Report 16 of the Committee of the Whole, adopted by Council at its meeting on October 15, 2015.*

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