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ACQUISITION OF LAND DAVIS DRIVE, PROJECT 90760, TOWN OF NEWMARKET

The Rapid Transit Public/Private Partnership Steering Committee recommends the adoption of the recommendation contained in the following report dated May 26, 2009, from the Commissioner of Corporate Services.

1. RECOMMENDATION

It is recommended that:

1. The following agreements be accepted and the Commissioner of Corporate Services be authorized to complete these transactions in accordance with the terms of the agreements and Regional practices for acquisition of property.

2. PURPOSE

This report is to obtain Regional Council's approval to accept the following agreements for land required for the construction of dedicated lanes for Viva buses along Davis Drive in the Town of Newmarket.

3. BACKGROUND

Davis Drive is an important corridor in the vivaNext bus rapid transit network and is scheduled for construction in the fall of 2009

The Region, in order to facilitate bus rapid transit, is undertaking improvements to the road infrastructure and the construction of dedicated lanes for Viva buses along Davis Drive between Yonge Street and the Southlake Regional Health Centre in the Town of Newmarket. The additional width will allow for designated east and west lanes for the Viva buses, streetscaping and boulevards. The Region plans to have the construction of this project underway by fall 2009.

The property acquisition programme for Davis Drive (D1) has begun

On January 24, 2009, Council endorsed commencement of the property acquisition programme, which is based on the concept level design work being undertaken by York Consortium 2002. Subsequently, registered letters were sent to property owners in January to initiate site survey work to confirm land ownership boundaries. A second registered letter providing Notice of Expropriation was sent out in mid-February. Contact was made with most of the landowners by the Rapid Transit Community Liaison Specialist prior to them receiving the notification.

Of the 133 properties impacted by the project, there are 19 full buy-out properties, 14 of which have commercial zoning, including two operating gas stations. The remaining 5 full buyout properties are zoned residential, two of which are the subject of this report (see Attachment 2).

Property acquisition negotiations are currently being carried out; however, it might be necessary to expropriate some real estate interests from those parties where acquisition cannot be achieved through the negotiation process in order to meet the construction timetable.

Ontario has committed \$1.4 billion for vivaNext

On April 1, 2009, Ontario Premier Dalton McGuinty announced that the Government of Ontario will be providing \$1.4 billion over the next five years to fund the expansion of Viva rapid transit. The funding will be used to build rapidways along Highway 7, Yonge Street and across Davis Drive to the Southlake Regional Health Centre in Newmarket. Staff is currently working with Metrolinx to secure details regarding the \$1.4 billion funding announcement.

Environmental Assessment for North Yonge has been approved

On April 2, 2009, the Ministry of the Environment issued approval for the North Yonge Class EA, which includes Davis Drive in Newmarket, allowing the project to proceed subject to the necessary permits and approvals.

4. ANALYSIS AND OPTIONS

4.1 Property No. 1

OWNERS: Soodabeh Aziziyan and Zahra Abbasi

PROJECT: The construction of dedicated bus lanes along Davis Drive as part of the vivaNext bus rapid transit network.

SUBJECT PROPERTY: Part of Lot 31 and 32 north side of Huron Street, Plan 78 designated as Part 1 on Plan 65R-27654, Town of Newmarket. Municipal address is 341 Davis Drive, Newmarket

AREA TAKEN: Complete buyout

COMMENTS: The subject property consists of a residential home on a lot of 5,400 square feet, fronting on Davis Drive in the Town of Newmarket. The Region's requirement is located across the frontage of the subject property. The widening results in the dwelling being almost on the property line. In addition, the driveway is unusable as a result of the topography of the property. In light of the aforementioned, a full buyout of the property is required.

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4.2 Property No. 2

OWNERS: Joseph Santino Rizzi and Deryn Nicole Rizzi

PROJECT: The construction of dedicated bus lanes along Davis Drive as part of the vivaNext bus rapid transit network.

SUBJECT PROPERTY: Part of PIN 03578-0290 being part of Maple Street on Plan 112 designated as Parts 1 and 9 on Reference Plan 65R-29203 and all of PIN 03574-0285 (LT) being Lot 4 on Plan 112 Newmarket, Town of Newmarket known municipally as 309 Davis Drive, Newmarket

AREA TAKEN: Complete buyout

COMMENTS: The subject property consists of a residential home converted to a commercial property on a lot of 13,024 square feet, fronting on Davis Drive in the Town of Newmarket. The Region's requirement is located across the frontage of the subject property. Due to the location of the house on the property and the frontage required for the widening of Davis Drive, the most practical and cost efficient approach is to acquire the entire property.

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5. FINANCIAL IMPLICATIONS

The total compensation for these properties is \$920,000. The Region will pay legal fees and other costs incurred by the Vendors as stated in the agreements. A total budget of \$42.4 million was identified for property acquisition along the Davis Drive corridor. Of this total, \$1.3 million can be funded through Move Ontario 2020 Quick Wins. Any amount in excess of the \$1.3 million is expected to be funded from the \$1.4 billion Provincial announcement. Staff are working with Metrolinx to confirm eligible expenditures to be funded from the \$1.4 billion.

6. LOCAL MUNICIPAL IMPACT

The properties in this report are required for the construction of dedicated lanes for Viva buses along Davis Drive in Newmarket which will support the Region's goal for higher density mixed use transit-oriented development in accordance with approved official plans.

7. CONCLUSION

This report concerns the York Region Rapid Transit Davis Drive project. The properties in this report are greatly impacted as part of the required road widening and therefore are complete buyouts. It is therefore recommend that these acquisition agreements be accepted.

For more information on this report, please contact Paul J. Roberts, Manager, Realty Services, Property Services Branch, Ext. 1424.

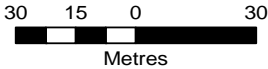
The Senior Management Group has reviewed this report.

(The two attachments referred to in this clause were included in the agenda for the June 18, 2009 Committee meeting.)



Location Plan

Acquisition of Land
Viva Project 90760, Davis Drive
Town of Newmarket



Property Services

Attachment 2

