

THE REGIONAL MUNICIPALITY OF YORK

**REPORT NO. 3 OF THE
COMMISSIONER OF CORPORATE SERVICES**

**For Consideration by
The Council of The Regional Municipality of York
on June 24, 2010**

**1
ACQUISITION OF LAND
HIGHWAY 7 – YONGE STREET TO WARDEN AVENUE (H3)
VIVANEXT PROJECT 90773**

1. RECOMMENDATIONS

It is recommended that:

1. The following agreement to obtain fee simple and temporary easements interest be accepted.
2. The Commissioner of Corporate Services be authorized to complete the transaction in accordance with the terms of this agreement, as it relates to the owner's lands as outlined in this report.

2. PURPOSE

The purpose of this report is to obtain Regional Council's approval to accept the agreement for the Highway 7 – Yonge Street to Warden Avenue (H3) vivaNext Project 90773.

3. BACKGROUND

The land required for the Highway 7 – Yonge Street to Warden Avenue (H3) vivaNext (H3) Project

Approximately 76 properties were required for the H3 project. Forty-nine properties were expropriated in 2009 with the remaining properties being a combination of municipal and provincial-owned lands with one privately-held property. Negotiations have been ongoing to obtain a negotiated settlement with the owner which a partial settlement has been achieved which is the subject of this report. Construction is to commence in July 2010 with utility relocation, as the initial stages of the project.

4. ANALYSIS AND OPTIONS

Property 1 *(see attachment 1)*

OWNERS:	IBM Canada Limited
PROJECT:	The construction of a transit way, as part of the vivaNext H3 project along Highway 7 from Yonge Street (Richmond Hill Centre) easterly to Warden Avenue.
SUBJECT PROPERTY:	Part of East Half of Lot 9, Concession 4, designated as Parts 3 & 4 on Plan 65R-31823 together with a three-year temporary easement in Part of East Half of Lot 9, Concession 4, designated as Part 1, 2, and 5 through 22, inclusive, on Plan 65R-31823 for the municipal purpose of entering on the lands with all vehicles, machinery, workmen, and other material to provide for hard and soft landscaping, grading and reshaping the lands to the limit of the reconstruction of Highway 7 and works ancillary thereto.
AREA TAKEN:	Fee simple interest – 2,854.60 sq. m. (30,728 sq. ft.) Three-year temporary easement – 1,878.90 sq. m. (20,225 sq. ft.)
COMMENTS:	The subject land located on the southwest corner of Warden Avenue and Cedarland Drive, Town of Markham. The agreement provides the Region with ownership of the required lands but retains the owner's right to claim for injurious affection and other damages. Obtaining ownership of the required lands at this time enables the project to adhere to the project schedule.

5. FINANCIAL IMPLICATIONS

All costs associated with this acquisition are fully funded through the Province's Move Ontario 2020 Announcement.

6. LOCAL MUNICIPAL IMPACT

Construction of the H3 and other projects of the vivaNext system will provide safe, cost effective and efficient method of moving people throughout York Region and connection to neighbouring municipalities.

7. CONCLUSION

The acquisition of this property will enable the Region to construct the dedicated bus lanes for the H3 project.

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

(The public attachment referred to in this clause is attached to this report and the private attachment is attached separately.)

Respectfully submitted,

**June 22, 2010
Newmarket, Ontario**

**J. Davidson
Commissioner of
Corporate Services**

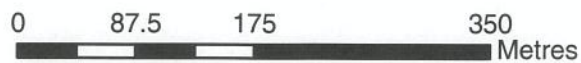
(Report No. 3 of the Commissioner of Corporate Services was adopted without amendment, by the Council of The Regional Municipality of York at its meeting on June 24, 2010.)



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LOCATION PLAN

Acquisition of Land
Highway 7 H3 Vivanext Rapidway, Project 90773
Town of Markham



PROPERTY SERVICES

