

Clause 14 in Report No. 12 of Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on June 25, 2015.

14
Approval to Expropriate
Viva Bus Rapid Transit Corridor
9993 Yonge Street
Town of Richmond Hill

Committee of the Whole recommends adoption of the recommendation contained in the report dated May 6, 2015 from the Commissioner of Corporate Services:

1. Recommendations

It is recommended that:

1. Council, as approving authority, approve the expropriation of the following lands for the construction of the bus rapid transit corridor on Yonge Street in the Town of Richmond Hill.

No.	Owner	Municipal Address	Legal Description	Interest Required
1.	Northcore Holdings Inc.	9993 Yonge Street Richmond Hill	Part 3, 4, Plan 65R35442	Fee Simple

2. The Commissioner of Corporate Services be authorized to execute and serve any notices required under the *Expropriations Act* (the "Act").
3. Council authorize the introduction of the necessary bylaw to give effect to these recommendations.

2. Purpose

This report seeks Council approval, in accordance with the *Act*, to expropriate a property interest required for the Yonge Street vivaNext bus rapid transit project, as shown in Attachment 1.

3. Background

The Region is constructing dedicated bus rapid transit lanes for vivaNext along Yonge Street in Richmond Hill

To facilitate public transit along Yonge Street, the Region, via York Region Rapid Transit Corporation (YRRTC), is undertaking improvements to the road infrastructure and the construction of dedicated centre lanes for Viva buses, along with enhanced street features and boulevards. The project as a whole is referred to as vivaNext, and the portion of the vivaNext project from Highway 7 to Major Mackenzie Drive on Yonge Street is referred to as Y2.1.

The property that is the subject of this report is located at the north end of Y2.1, at the south east corner of the intersection of Yonge Street and Major Mackenzie Drive. The land requirement from 9993 Yonge Street is shown in Attachment 1, with a more detailed map and photographs addressing the impacts to building improvements in Attachment 2 and 3.

The Ministry of the Environment approved the Environmental Assessment for this portion of the project in November of 2006. The contract to construct the corridor for Yonge Street in Richmond Hill was awarded in the spring of 2014.

Possession of land on Yonge Street is required by June 2015 to allow utility relocations to begin

Utility relocations are the first construction related item to be considered. Privately owned lands are often required in order to complete the relocations within the new boulevards along the edge of the roadway. In order to fulfill contract obligations related to construction of the corridor, possession of lands on Yonge Street in Richmond Hill is required by June 2015. Completion of the corridor and the opening of the bus rapid transit centre lanes is anticipated by the end of 2018.

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In 2014, Council authorized the initiation of the expropriation process for the lands required to facilitate the bus rapid transit construction on Yonge Street

Council approved the initiation of expropriation proceedings in February and September 2014 on Yonge Street from Highway 7 to Major MacKenzie Drive. The subject property was not identified during the initial design of the project. However, as the survey work proceeded to the intersection of Yonge Street and Major Mackenzie Drive, it was determined that a portion of land from the subject property is required to achieve the design of the project.

In March 2015, Council authorized an application for approval to expropriate a portion of the subject property

On March 25, 2015, Council authorized an application for approval to expropriate a fee simple interest from the subject property for road and intersection improvements on Yonge Street. The Notice of Application for Approval to Expropriate was served on the owner, following Council authorization.

Upon receipt of the Notice of Application to Expropriate, the owner had the right within 30 days of receipt to request an inquiry (Hearing of Necessity) as to whether the taking of the lands by the Region is fair, sound and reasonable. The owner did not request a hearing.

This is the second step in the Council approval process for property expropriation, as indicated in the graphic below.



The Town of Richmond Hill has designated this property as being of historic or architectural value

The house at 9993 Yonge Street was built in 1869 and is known as the John Palmer Sr. house. The Town of Richmond Hill By-law 138-99 has designated the house, under part IV of the *Ontario Heritage Act*, R.S.O. 1990, as being of historic or architectural value. To date, the house has not been designated as a heritage property by the Province of Ontario.

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Consultation with the Town of Richmond Hill Heritage Planning staff is ongoing

Region staff is working closely with the Town of Richmond Hill, YRRTC and the property owner to ensure that the heritage status of the house is not compromised as a result of the Region's requirement. Numerous discussions have taken place over the past three months in attempts to satisfy each parties design requirements and timing issues.

A Heritage Architect has been retained to obtain Richmond Hill Heritage Committee approval of the work

A front porch sits on lands that are required for the viva project. The porch will have to be removed and the façade of the building restored. Staff has been working closely with a Heritage Architect to ensure compliance with the Town of Richmond Hill's designation requirements. The Heritage Architect will prepare and present to the Richmond Hill Heritage Committee for approval before any work can commence on this property. Although the renovation to the building is necessary for the project, construction of the project in the vicinity of the subject property will proceed while the approval of the Heritage Committee is pending.

4. Analysis and Options

Approval to expropriate will secure access to the lands by October 2015

Under the *Act*, registration of an expropriation plan vests lands in the expropriating authority. Subject to the Region taking certain procedural steps, the Region will obtain possession of the lands approximately three months after the registration of the plan of expropriation.

A draft expropriation plan has been prepared for the subject property. Upon obtaining approval of the expropriation by Council, it is anticipated the plan will be registered in July 2015. Upon registration of the expropriation plan, the notice of the expropriation and possession will be served upon the owner. An appraisal has been commissioned and is anticipated to be completed by June, 2015. This will support the offer of compensation to be made before October 2015 possession.

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Staff have engaged the property owner throughout the process

The property owner has been consulted and advised of each step taken. In addition, staff is endeavouring to negotiate the acquisition of the requirement with the owner in order to expedite possession and avoid the need to proceed with expropriation. In the event an agreement is completed prior to the expropriation plan being registered, there will be no need to proceed with the expropriation. However, if the expropriation does proceed, staff will endeavour to negotiate a compensation settlement with the owner.

Link to key Council-approved plans

From Vision to Results: 2015 to 2019 Strategic Plan

Priority Area – Strengthen the Region’s Economy

Focusing on networks and systems that connect people, goods and services

Priority Area – Manage Environmentally Sustainable Growth

Managing traffic congestion

The acquisition of these lands will support the development of bus rapid transit corridors, which is intended to increase of the number of rapidway lane kilometres and transit ridership per capita.

5. Financial Implications

The funding to complete the property acquisition is included in the 2015 YRRTC Capital Budget. The project is funded by the Province, via the Metrolinx Master Agreement.

Under section 25 of the *Act*, the Region is obligated to serve offers of compensation on owners within three months of registration of the expropriation plan. The compensation payable to the owner is based on an independently commissioned appraisal.

6. Local Municipal Impact

The Town of Richmond Hill has designated the John Palmer Sr. House as having heritage significance and has included it in the inventory of buildings of architectural and historical importance. Staff is working closely with the Town of Richmond Hill and YRRTC to ensure that the heritage status of this property is maintained.

The construction of dedicated bus lanes and related facilities, as well as road and intersection improvements along Yonge Street, is critical to the achievement of the vision for the corridor for both the Region and the Town of Richmond Hill. Additionally, this project will improve public transit facilities and enrich the streetscape to support the Region's goal for higher density, mixed use transit-oriented development.

7. Conclusion

The widening and construction of Yonge Street, between Highway 7 and Major Mackenzie Drive requires the acquisition of a portion of property located at 9993 Yonge Street in Richmond Hill. Council authorized the application for approval to expropriate other lands required from this corridor in February and September 2014.

This report pertains to the approval to proceed to register the expropriation plan and serve notice of expropriation and possession upon the owner. The Region acquires title to the land when the expropriation plan is registered at the Land Registry Office. Registration is the next step toward possession of the lands which is required to facilitate construction of the bus rapid transit corridor.

In order to ensure timely possession of the land to commence construction it is recommended that Council approve the expropriation of the interest required.

For more information on this report, please contact Eric Bjornson, Acting Manager, Realty Services, Property Services Branch at ext. 71706.

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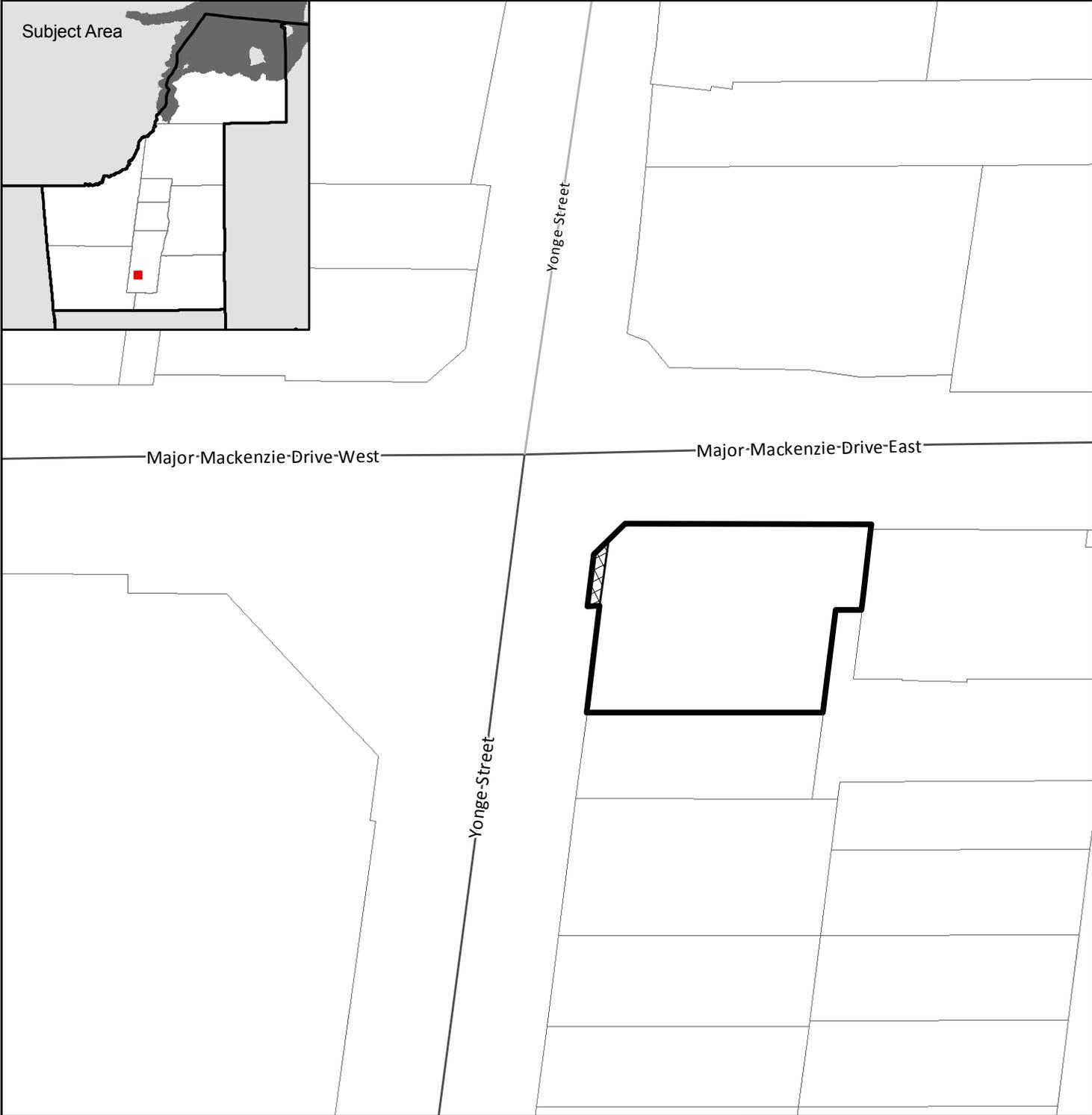
The Senior Management Group has reviewed this report.

May 6, 2015

Attachments (3)

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Accessible formats or communication supports are available upon request



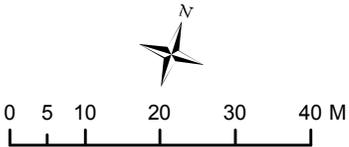
LOCATION PLAN

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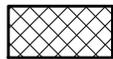
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May 2015

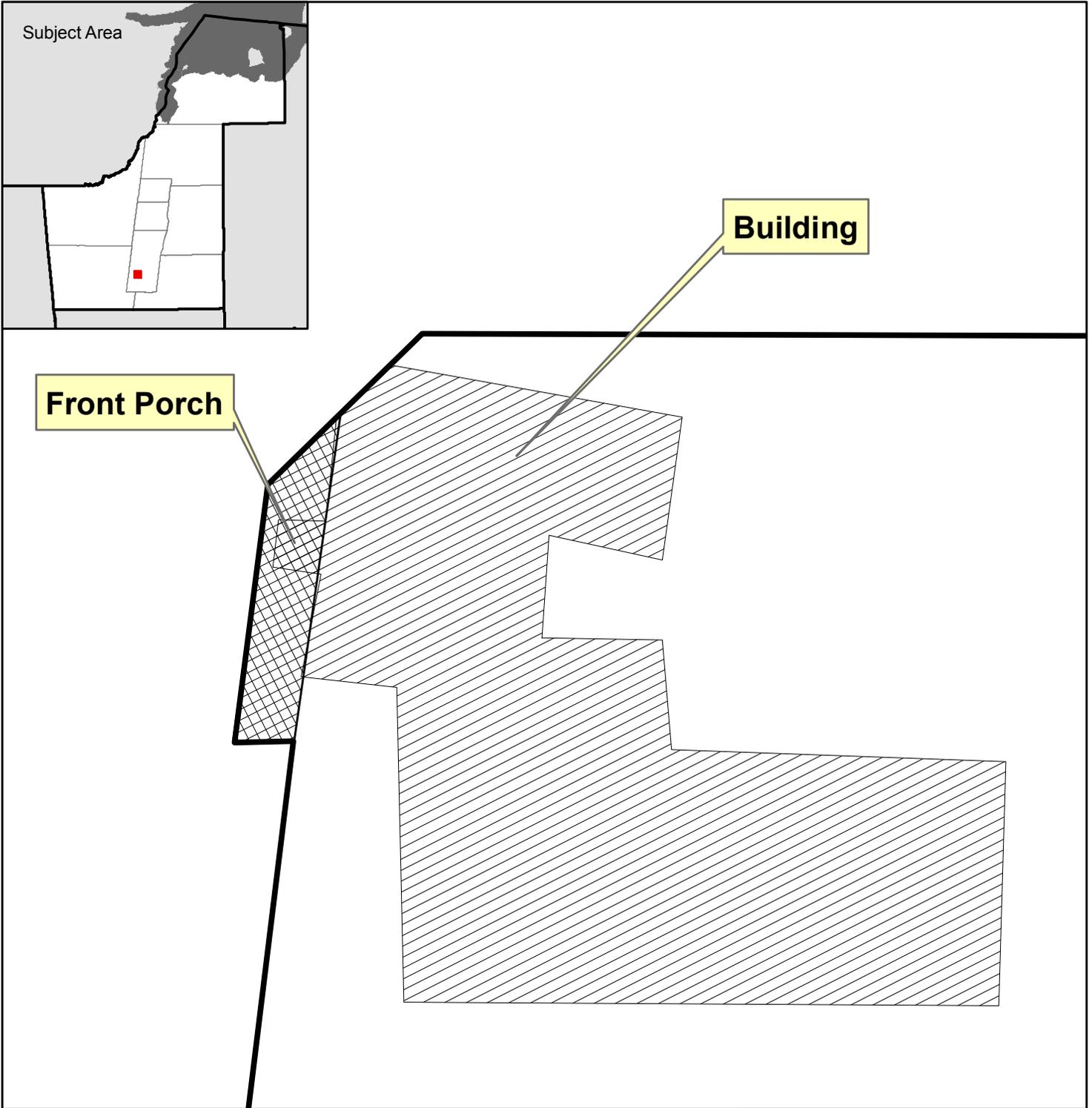
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Legend

-  Subject Property
-  Interest Required
-  Parcel
-  Road



LOCATION PLAN

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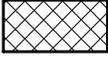
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**Property Photos
Approval to Expropriate
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Porch



**Subject
Property**

