

Clause 19 in Report No. 6 of Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on March 26, 2015.

Expropriation Settlement
 Viva Bus Rapid Transit Corridor
 7700 Keele Street
 City of Vaughan

Committee of the Whole recommends adoption of the recommendations contained in the following report dated January 28, 2015 from the Commissioner of Corporate Services:

1. Recommendations

It is recommended that:

1. Council authorize the settlement of the expropriation of the following land required for the construction of the bus rapid transit corridor on Highway 7 West, in the City of Vaughan, on the terms set out in this report.

No.	Owner	Municipal Address	Legal Description	Interest Required
1.	7700 Keele Street Limited	7700 Keele Street, Vaughan	Part 11, Plan YR1989641	Fee Simple
			Parts 12, 13 and 14, Plan YR1989641	Temporary Easement
<p>The temporary easement is required for the purpose of entering on the land with all vehicles, machinery, workmen 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 Highway 7 West, (7) the installation and removal of temporary (i) pedestrian access and</p>				

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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.				

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.

2. Purpose

This report seeks Council approval to accept the Minutes of Settlement for lands that have been expropriated for the vivaNext Highway 7 West project, as shown in Attachment 1.

3. Background

The Region is constructing dedicated bus rapid transit lanes for the vivaNext project along Highway 7 West in Vaughan

The Region, via YRRTC, is constructing dedicated centre bus lanes and enhanced street features and boulevards along Highway 7 from Highway 400 to the Barrie Go Transit rail line between Keele Street and Centre Street. The project received approval from the Ministry of the Environment on November 9, 2006. Construction of the new rapidway along the Highway 7 West corridor began in August of 2013, commencing with relocation of utilities. This portion of the corridor is approximately 50 per cent completed with an anticipated completed date of December, 2016.

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Possession of land was obtained from 57 property requirements in 2011, 2013 and 2014

Council approved the expropriation of lands required for the construction of the Highway 7 West corridor in three separate meetings, as follows:

- In 2012, lands were expropriated from 24 properties located between Highway 400 and the CN MacMillan Bridge
- In 2013, lands were expropriated from 33 additional properties located between the CN MacMillan Bridge and the Barrie Go Transit rail line (located between Keele Street and Centre Street)
- In 2014, additional lands were expropriated from 20 properties that had been subject to previous expropriations on this corridor in 2012 and 2013

To date, full and final settlements have been reached with seven property owners, three of which were through negotiated agreements, and four of which were completed via accepted compensation offers after the expropriation. There are currently 50 expropriated properties that remain to be settled.

The land requirement from 7700 Keele Street was expropriated in 2013

The subject property, at 7700 Keele Street in Vaughan, was included as one of the 33 properties expropriated in 2013. It is improved with a multi-tenanted one-storey mixed use office and retail facility. A relatively narrow strip of land which comprises a portion of the subject extends to the west of the building and parking area, and has frontage along Highway 7 West. The entirety of the land requirement is located in this strip, and a rail spur is located on the temporary easement land, as shown on Attachment 1.

4. Analysis and Options

A full and final settlement has been negotiated

The Region and the owner negotiated a full and final settlement of the expropriation including market value, business loss and other damages, interest and other costs as provided under the *Act*.

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An environmental assessment report identified contaminated material on the property

An engineering firm hired by the Region conducted environmental testing on the subject property. While an Environmental Site Assessment report identified contaminated material and made recommendations on remediation and costs, it was determined that most of the material was located in the temporary easement.

The Region typically does not remediate lands in temporary easements. Therefore, the risk associated with the remediation was reduced significantly.

The compensation negotiated for the settlement is based on the original appraisal

Although the owner did not accept the Region's original offer, as negotiations proceeded, the parties agreed to compensation based on the original appraised value from 2013.

The Region agreed to absorb the costs for cleaning up the contaminated material located in the portion of the lands taken for the road right of way, but not in the temporary easement.

The negotiated settlement is considered to be in the best interest of the Region as it is based on 100 per cent of the amount as per the Region's appraisal report. In this regard, the Region will not incur any further claims and associated legal and litigation expenses from the owner.

Link to key Council-approved plans

From Vision to Results: 2011 to 2015 Strategic Plan

Priority Area – Focus Growth along Regional Centres and Corridors

Optimize the transportation capacity and services in Regional Centres and Corridors

The acquisition of this land will assist the Region in meeting its transportation needs.

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5. Financial Implications

The budget required to complete this settlement has been included in the 2015 YRRTC Capital Budget. The project is funded by the Province, via the Metrolinx Master Agreement.

6. Local Municipal Impact

The construction of dedicated bus lanes and related facilities, as well as road and intersection improvements along Highway 7 West from Highway 400 to the GO Transit rail line is critical to the achievement of the vision for this corridor for the Region. Additionally, upon completion this project will improve public transit facilities and enrich the streetscapes in Vaughan to support the Region's goal for higher density mixed use transit-oriented development.

7. Conclusion

In 2013, the Region expropriated a fee simple interest and a temporary easement at 7700 Keele Street in Vaughan for the vivaNext project, as part of an expropriation of 33 properties.

The Region has negotiated a full and final settlement with the owner. The settlement will include a release from the owner from making any further claims.

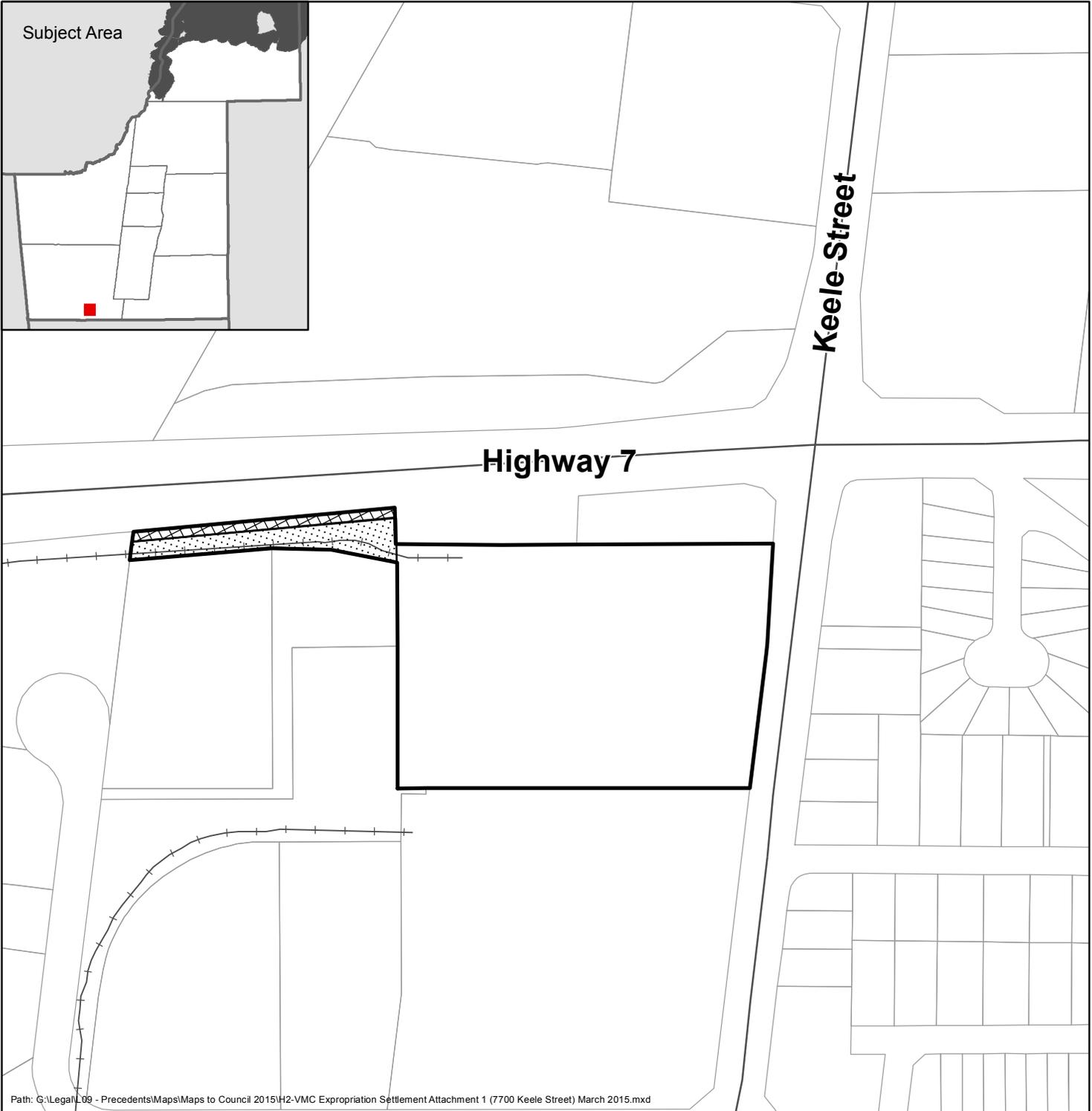
It is recommended that Council authorize the expropriation settlement described in this report to allow completion of the transaction.

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

The Senior Management Group has reviewed this report. January 28, 2015

Attachments (1)

Accessible formats or communication supports are available upon request



Path: G:\Legal\09 - Precedents\Maps\Maps to Council 2015\H2-VMC Expropriation Settlement Attachment 1 (7700 Keele Street) March 2015.mxd

LOCATION PLAN

Expropriation Settlement
Viva Bus Rapid Transit Corridor
7700 Keele Street
City of Vaughan



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Property Services Branch
Corporate Services Department
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Legend

-  Fee Simple
-  Temporary Easement
-  Subject Property
-  Parcel
-  Road
-  Railway

