

Clause 31 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 September 21, 2017.

31

Acquisition of Land
Viva Bus Rapid Transit Corridor
10711 Yonge Street
Town of Richmond Hill

Committee of the Whole recommends adoption of the following recommendations contained in the report dated August 23, 2017 from the Commissioner of Corporate Services:

1. Council authorize the purchase of a temporary easement for lands shown in Attachment 1 for the construction of the vivaNext bus rapid transit corridor on Yonge Street, in the Town of Richmond Hill, subject to the terms set out in this report.
2. The Commissioner of Corporate Services be authorized to execute the Agreement of Purchase and Sale and all necessary documents to complete this transaction.

Report dated August 23, 2017 from the Commissioner of Corporate Services now follows:

1. Recommendations

It is recommended that:

1. Council authorize the purchase of a temporary easement for lands shown in Attachment 1 for the construction of the vivaNext bus rapid transit corridor on Yonge Street, in the Town of Richmond Hill, subject to the terms set out in this report.

Acquisition of Land
Viva Bus Rapid Transit Corridor
10711 Yonge Street
Town of Richmond Hill

2. The Commissioner of Corporate Services be authorized to execute the Agreement of Purchase and Sale and all necessary documents to complete this transaction.

2. Purpose

This report seeks Council approval to acquire a temporary easement extension on Yonge Street in Richmond Hill for the vivaNext project. Private Attachment 1 to this report will be considered in private session because it relates to the acquisition of land by the Region.

3. Background and Previous Council Direction

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

To facilitate public transit along the Yonge Street corridor in Richmond Hill, the Region, via York Region Rapid Transit Corporation (YRRTC), is constructing dedicated centre bus lanes and enhanced street features and boulevards along Yonge Street from Levendale Road to Gamble Road/19th Avenue in Richmond Hill. Construction of the new rapidway along the Yonge Street corridor began in June 2015 with utility relocations.

Forty temporary easements were initially acquired for the corridor

The Region identified land requirements from property owners as part of the vivaNext project on the Yonge Street corridor between Levendale Road and Gamble Road/19th Avenue. Lands were obtained through amicable negotiations, expropriation, and Regional site plan approvals. Through this process, the Region acquired 40 temporary easement interests from properties along the corridor. The easement terms will expire on March 12, 2019.

Temporary easement extensions are needed to complete the project

The project team has determined that the temporary easements will expire before the corridor is complete. To complete the work, extensions to the temporary easements are required. Easement extensions will commence upon

Acquisition of Land
Viva Bus Rapid Transit Corridor
10711 Yonge Street
Town of Richmond Hill

expiry of the existing easements in March 2019. The Region has negotiated an Agreement of Purchase and Sale for one of these temporary easement extensions and it is the subject of this report.

A settlement was negotiated with the owner for previously expropriated interests

The Region expropriated fee simple and temporary easement interests from the subject property in March 2015, which was approved by Council in [January 2015](#). The owner and the Region have negotiated a settlement for the expropriated lands.

The Region obtained an additional appraisal for the temporary easement extension

To support the acquisition of a temporary easement extension on the subject property, an external appraisal was obtained. This formed the basis of finalizing the Region's negotiations to acquire the temporary easement extension.

4. Analysis and Implications

The Region has negotiated an Agreement of Purchase and Sale for the temporary easement extension

The Region and the owner have negotiated an Agreement of Purchase and Sale for the temporary easement extension. The negotiated sale is considered to be in the best interest of the Region, and will avoid costs that would otherwise be incurred in the event of expropriation. Upon completion of this agreement, the Region will not incur any further claims and associated legal and litigation expenses from the owner in relation to the acquisition.

Environmental due diligence has been completed on the adjacent fee simple lands

Environmental due diligence was completed on the adjacent fee simple lands through Phase One and Phase Two Environmental Site Assessments (ESA). Staff reviewed the ESA in consultation with Legal Services, and no impacts or environmental concerns were identified.

Acquisition of Land
Viva Bus Rapid Transit Corridor
10711 Yonge Street
Town of Richmond Hill

5. Financial Considerations

The funding to complete this property settlement is included in the 2017 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 Yonge Street, from Levendale Road to Gamble Road/19th Avenue is critical to achieving the Region's plan for the corridor. This project will also improve public transit facilities and enrich the streetscape in Richmond Hill.

7. Conclusion

In March 2015, the Region expropriated fee simple and temporary easement interests from the subject property for the vivaNext project. The owner and the Region have agreed to the terms of compensation for the expropriated lands. The current temporary easement expires on March 12, 2019. The project team has determined that the remaining term for the temporary easement is insufficient to complete the project. To complete all necessary work, an extension to the temporary easement is required beyond March 12, 2019 and on the same lands as the temporary easement that was expropriated.

The Region has negotiated an Agreement of Purchase and Sale with the owner for a temporary easement extension. The proposed agreement represents good value to the Region.

It is recommended that Council authorize the Agreement of Purchase and Sale to conclude the temporary easement acquisition on the subject property and come to a full resolution of the Region and owner's interests in the required land.

For more information on this report, please contact Michael Shatil, Director, Property Services Branch at 1-877-464-9675 ext. 71684.

Acquisition of Land
Viva Bus Rapid Transit Corridor
10711 Yonge Street
Town of Richmond Hill

The Senior Management Group has reviewed this report.

August 23, 2017

Attachments (2)

Private Attachment (1)

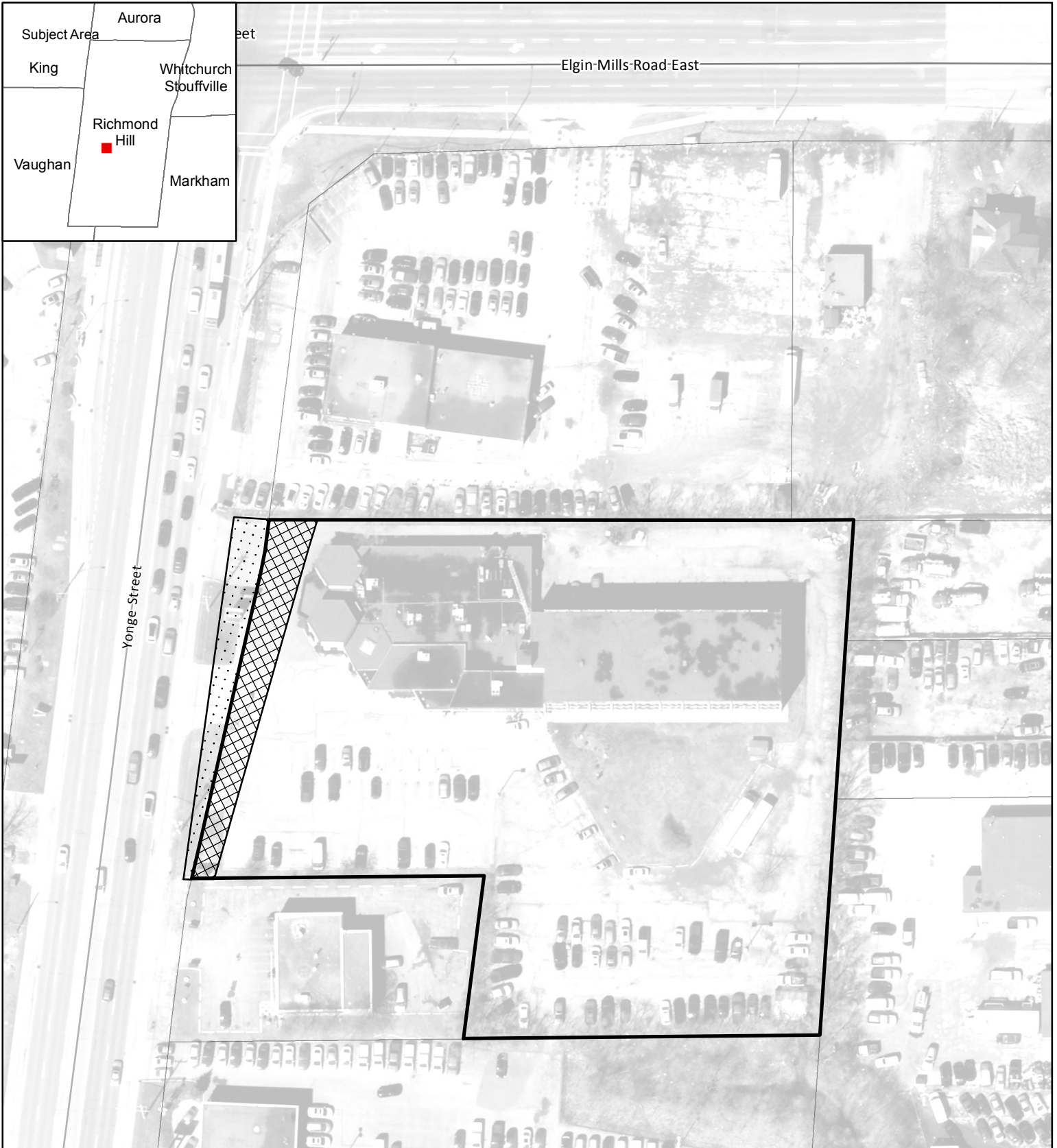
7841396

Accessible formats or communication supports are available upon request

**Property Schedule
Acquisition of Land
Viva Bus Rapid Transit Corridor
10711 Yonge Street
Town of Richmond Hill**

No.	Owner	Municipal Address	Legal Description	Interest Required
1.	2073302 Ontario Inc.	10711 Yonge Street Richmond Hill	Part 2, Plan YR2266345	Temporary Easement

The temporary easement is for a period of 25 months commencing on March 13, 2019 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 removal of temporary (I) pedestrian access and walkways (II) parking measures including re-striping and 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.



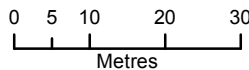
Produced by:
The Regional Municipality of York
Property Services, Corporate Services
August 2017

Data: © Queen's Printer for Ontario 2003-2017






Imagery:
See York.ca for disclaimer information.
© First Base Solutions Inc. 2016

Location Plan

Acquisition of Land
Viva Bus Rapid Transit Corridor
10711 Yonge Street
Town of Richmond Hill
September 7, 2017



Legend

-  Subject Property
-  Interest Required
-  Previously Acquired Fee Simple
-  Parcel
-  Road