

The Regional Municipality of York

Committee of the Whole
Finance and Administration
January 17, 2019

Report of the Commissioner of Corporate Services

Abandonment of Expropriated Land 3940 Highway 7 City of Markham

1. Recommendations

1. Subject to the former owner's consent and in accordance with Section 41 of the *Expropriations Act* (the "*Act*"), Council abandon the temporary easement interest in lands set out in Attachment 1.
2. Authority be granted for the execution of the Notice of Abandonment and the Declaration of Abandonment pursuant to the *Act* and the introduction of the necessary bylaw in Council, to give effect to the foregoing.
3. The Commissioner of Corporate Services be authorized to perform all acts necessary to give effect to the foregoing.

2. Summary

This report seeks Council approval to abandon the temporary easement interest in land expropriated by the Region for the property shown on the map in Attachment 2.

Key Points:

- Construction on the road improvement project is complete
- The easement was required for grading purposes
- There is no required compensation associated with the abandonment of this temporary easement

3. Background

Council authorized the expropriation of a temporary easement for the Highway 7 widening project in September 2014

On [September 11, 2014](#), Council authorized the expropriation of a temporary easement for the purpose of widening Highway 7, from Town Centre Boulevard to Sciberras Road, in the City of Markham.

The temporary easement is no longer required

The temporary easement was required for road grading, to match the grade of the owner's land to the road. The temporary easement is set to expire on May 31, 2020, but Transportation Services staff has advised that it is no longer required as the works are complete. There were no other interests expropriated from this owner.

4. Analysis

The owner has requested that the Region remove the expropriated easement from title

The owner of these lands submitted an application to develop the property in 2019. The owner has asked the Region to abandon the taking to allow a site plan application to proceed. An offer of compensation for the expropriated temporary easement has not been served on the owner. The Region no longer requires the lands and the owner is willing to take back the lands without compensation.

5. Financial

The abandonment of a portion of the temporary easement interest will prevent potential costs to the Region, such as land costs, appraisal costs and other possible unresolved expropriation related costs.

6. Local Impact

The owner is pursuing the removal of the easement encumbrance to increase flexibility of development. The future development of the lands is considered relevant to the urbanization of this area of Markham.

7. Conclusion

The expropriated temporary easement interest is no longer required as the Region has completed the grading. It is recommended that the temporary interest be abandoned and the process be initiated.

For more information on this report, please contact Michael Shatil, Director, Property Services at 1-877-464-9675 ext. 71684. Accessible formats or communication supports are available upon request.

Recommended by:

Dino Basso
Commissioner of Corporate Services

Approved for Submission:

Bruce Macgregor
Chief Administrative Officer

January 3, 2019
Attachments (2)
Private Attachments (0)
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