

The Regional Municipality of York

Committee of the Whole
Finance and Administration
April 8, 2021

Report of the Commissioner of Corporate Services

Acquisition of Land Mid-Block Crossing of Highway 404 Between 16th Avenue and Major Mackenzie Drive City of Markham

1. Recommendations

1. Council authorize the acquisition of the lands pursuant to section 30 of the *Expropriations Act* (the “*Act*”) required for the widening and construction of the Mid-Block Crossing at 16th Avenue in the City of Markham, as set out in Attachment 1.
2. The Commissioner of Corporate Services be authorized to execute all necessary documents to complete the transaction.

2. Summary

This report seeks Council approval to enter into a Section 30 agreements for three properties for the construction of the Mid-Block Crossing of Highway 404, north of 16th Avenue, in the City of Richmond Hill and the City of Markham as shown on the map in Attachment 2.

Private Attachment 1 to this report will be considered in private session pursuant to section 239(2)(c) of the *Municipal Act, 2001*, because it relates to acquisition of land by the Region.

Key Points:

- The Region is constructing a Mid-Block Crossing over Highway 404, north of 16th Avenue in the Cities of Richmond Hill and Markham
- Construction will commence in the spring of 2022 after utility relocations in 2021
- Staff has negotiated agreements with property owners to acquire lands in accordance with Section 30 of the *Act*
- Section 30 of the *Act* provides for the Region and owner to agree to an acquisition based on an offer made by the Region and resolves the Hearing of Necessity claim filed by the owners

- The Section 30 agreements will ensure possession of the subject lands in a timely manner, and helps mitigate financial exposure in terms of reducing potential future obligations to pay interest on compensation owing

3. Background

The Mid-Block Crossings are an integral part of the area transportation network

In 2012, the Region completed the Highway 404 Mid-Block Crossings Study, which concluded that construction of a new road to these areas will yield transportation benefits. The Mid-Block Crossing north of 16th Avenue is required to manage traffic congestion and provide additional transportation capacity in the area.

The Municipal Class Environmental Assessment (EA) for the Highway 404 Mid-Block Crossing north of 16th Avenue was completed in March 2015, and in 2016 the Region initiated the design and property acquisition phase of the project.

Council authorized the initiation of the expropriation process for the subject lands in October 2019

In [October 2019](#), Council authorized an Application for Approval to Expropriate and an Approval to Expropriate for 14 properties including the subject properties in Markham. On February 11, 2020, the Notice of Application for Approval to Expropriate was served upon the owners. The owners of these properties had requested a Hearing of Necessity. As part of the negotiation to waive the Hearing of Necessity, the Region and owners have agreed to the transactions under section 30 of the *Act*, rather than continue with the expropriation process.

4. Analysis

In lieu of registering expropriation plans, the owners have agreed to transfer land for an advance payment while negotiations for final settlement are ongoing

Agreements pursuant to Section 30 of the *Act* are being negotiated with the property owners. The Section 30 agreements will provide for the owners to transfer the land requirements now based on compensation determined by the Region, while reducing interest charges and costs. The compensation is based on independent appraisal reports. Negotiations to settle the total compensation will continue when these agreements are completed.

Environmental due diligence will be completed prior to the Region taking ownership of the Lands

The agreements are conditional upon the Region's standard geotechnical and environmental due diligence requirements which are to be completed to Regional staff satisfaction prior to acquisition. Any concerns will be addressed in consultation with Legal Services prior to taking possession of the lands to minimize any potential risks to the Region.

5. Financial

The funding for these property acquisitions is included in the 2021 Capital Budget for Transportation Services

6. Local Impact

The widening and construction of the Mid-Block Crossing will provide upgraded capacity to improve traffic operations for the travelling public and support the growth within this area.

7. Conclusion

Acquisitions are ongoing for property requirements to facilitate the Highway 404 Mid-Block Crossing north of 16th Avenue. The owners of the subject properties have agreed to enter into Section 30 agreements that provide for the completion of the acquisition and payment of compensation while reserving the owner's right to make a claim for further compensation in the future. The expropriation process is continuing for the remaining properties.

This report seeks Council approval to acquire property interests which are necessary for the Mid-Block Crossing in the City of Richmond Hill and the City of Markham. To facilitate the project schedule, it is necessary to continue to move this process forward.

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

March 26, 2021

Attachments (2)

Private Attachments (1)

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