

# **The Regional Municipality of York**

Committee of the Whole  
Finance and Administration  
September 9, 2021

Report of the Commissioner of Corporate Services

## **Disposition of Land 432 and 438 to 442 Davis Drive Town of Newmarket**

### **1. Recommendations**

1. Council authorize the disposition of lands in the Town of Newmarket, described in Attachment 1, that have been deemed surplus to Regional requirements.
2. The Commissioner of Corporate Services be authorized to execute the agreement of purchase and sale and all necessary documents to complete the transaction.
3. Staff report back to Council with the final sale price in accordance with the Sales and Other Disposition of Lands policy.

### **2. Summary**

This report seeks Council approval for staff to negotiate the disposition of lands in the Town of Newmarket that are surplus to the Region. The location of the subject properties is shown as Property No. 1 and Property No. 2 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 the disposition of lands by the Region.

Key Points:

- The two individually owned properties were acquired as part of the vivaNext project road widening along Davis Drive
- Portions of the properties were incorporated into the project and the remaining lands are currently vacant and no longer required for the vivaNext project
- Based on an independent appraisal, staff will list the subject properties for sale on the open market as one property, complete the disposition and report the final sale price back to Council.

### 3. Background

#### **The Region constructed dedicated bus rapid transit lanes for the vivaNext project along Davis Drive in Newmarket**

To facilitate public transit along Davis Drive, York Region Rapid Transit Corporation (YRRTC), on behalf of the Region, constructed dedicated centre bus lanes for Viva buses, which included enhanced street features from Yonge Street to Alexander Road in Newmarket. YRRTC identified land requirements which the Region acquired using Metrolinx funding.

#### **Council approved the expropriation of the subject properties**

In [January 2009](#), Council authorized the expropriation of the subject properties. In [October 2011](#), Council authorized the expropriation settlement for Property No. 1. In [September 2012](#), Council authorized the expropriation settlement for Property No. 2.

#### **Dedicated bus rapid transit lanes for the vivaNext project are complete and the subject properties are surplus to the Region's needs**

The Region acquired the subject properties for the construction of the dedicated centre bus lanes along Davis Drive from two separate owners. Portions of the subject properties acquired were incorporated into the road widening for the vivaNext project. The remaining lands are surplus to the project and were not intended to be used for future development by the Region.

The subject properties are designated as Urban Centres & Corridors, included in Newmarket Urban Centres Secondary Plan as Medium Density, Parks and Open Space and zoned as UC-D2 – Downtown Urban Centre. In consideration of the zoning, location and configuration of the lands, combining the two parcels as one property for disposition is expected to obtain greater value than selling each parcel independently.

### 4. Analysis

#### **No expressions of interest were received to purchase the subject properties for the appraised market value**

In accordance with the Sale and Other Disposition of Lands Policy (the "Policy"), a circulation was completed. An expression of interest to purchase the subject properties was received from the Town of Newmarket, and further to discussions between Regional and Town staff, the Region agrees to grant the Town of Newmarket a Right of First Refusal. However, no expressions of interest were received to purchase the properties for the appraised market value.

## **Council approval of the disposition is requested prior to listing the subject properties for sale**

For lands that are to be sold on the open market, the Policy states that staff is to list the property for sale, negotiate a transaction, then obtain approval of the negotiated transaction from the appropriate authority.

In typical real estate transactions, prospective purchasers are accustomed to reaching an agreement within 24 to 48 hours after submitting an offer. By obtaining Council approval for the sale prior to marketing the property, the sale process will be expedited and be more in line with industry standards.

## **The subject properties were appraised together as one property by an independent appraiser and will be listed on the Multiple Listing Service (MLS)**

The subject properties will be sold as one property in “as is, where is” condition and the purchaser will be responsible to conduct their own due diligence. This will be stated in the listing and included as a condition of the agreement of purchase and sale.

An independent appraisal was commissioned by the Region to determine the current market value of the properties. The properties will be listed for sale as a single property on the MLS to ensure effective market exposure. Staff will consider all offers received and negotiate a sale that represents the best value that can be achieved having regard to all terms and conditions and subject to Council approved policies.

The subject properties will continue to be listed for sale until the agreement of purchase and sale has been executed by the Region.

## **Environmental due diligence has been completed**

The Region completed Phase I and Phase II Environmental Site Assessments (ESAs) for the subject properties, along with the removal of impacted soil. Remaining residual impacts have been assessed and appropriate measures have been recommended to address the remaining issues. Information on the environmental condition of the lands will be provided to prospective purchasers as required.

## **5. Financial**

The disposition of the subject properties is being completed in accordance with the Real Estate Protocol of the Master Agreement between the Region, Metrolinx and YRRTC. In accordance with the Protocol, the sale proceeds will be held in trust by the Region for Metrolinx.

## 6. Local Impact

In accordance with the Policy, the disposition was circulated to local Municipality Staff and discussions are ongoing. The future development of the subject properties will contribute to the growth and revitalization of Davis Drive and the Town of Newmarket.

## 7. Conclusion

The Region acquired the subject properties to facilitate the widening and reconstruction of Davis Drive for the vivaNext project. The required improvements have been completed, and the remaining lands are surplus and no longer required for the project. A circulation confirmed that the subject properties are surplus to the Region's needs and will be sold together as one property.

It is recommended that Council authorize staff to negotiate the disposition of the subject properties and the Commissioner of Corporate Services to approve and execute the agreement of purchase and sale and all necessary documents, and that staff report back to Council with the final sale price upon transaction completion.

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For more information on this report, please contact Michael Shatil, Director, Property Services Branch 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

August 27, 2021

Attachments (2)

Private Attachments (1)

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