

THE REGIONAL MUNICIPALITY OF YORK

BYLAW NO. 2022-54

To abandon certain lands for or in connection with the construction of the
Viva Bus Rapid Transit Corridor
3601 Highway 7
City of Markham

WHEREAS the Council of the Regional Municipality of York by its Bylaw No. 2009-34 enacted and passed on June 25, 2009, and by a Plan of Expropriation registered in the Land Registry Office for the Land Titles Division of York Region on September 14, 2009 as YR1373796, and by a Plan of Expropriation registered in the Land Registry Office for the Land Titles Division of York Region on September 15, 2009 as YR1374141, expropriated certain lands for or in connection with the construction of the Viva Bus Rapid Transit Corridor, in the City of Markham;

AND WHEREAS certain of the expropriated lands have been found to be unnecessary or a more limited estate or interest is required;

AND WHEREAS the registered owner has been provided with notice of the intention to abandon or take a more limited estate or interest in such lands pursuant to the provisions of the *Expropriations Act*;

AND WHEREAS the owner has elected to take the lands back.

Now, therefore, the Council of the Regional Municipality of York HEREBY ENACTS as follows:

1. The Regional Municipality of York hereby abandons the lands described as follows:

FIRSTLY:

Part of Common Elements York Region Standard Condominium Plan No. 1122 (Formerly Part of Block 1, Plan 65M-3998), Town of Markham, Regional Municipality of York designated as part of Part 1 (fee simple interest) on

Expropriation Plan YR1373796 and more particularly described as Part 2 on Reference Plan 65R38817.

SECONDLY:

Unit 70, Level 1, York Region Standard Condominium Plan No. 1122 (Formerly Part of Block 1, Plan 65M-3998), Town of Markham, Regional Municipality of York designated as Part 1 (fee simple interest) on Expropriation Plan YR1374141 and more particularly described as Part 4 on Reference Plan 65R38817.

2. The Regional Municipality of York hereby abandons the fee simple interest in the lands described as follows:

Part of Common Elements York Region Standard Condominium Plan No. 1122 (Formerly Part of Block 1, Plan 65M-3998), Town of Markham, Regional Municipality of York designated as part of Part 1 on Expropriation Plan YR1373796 and more particularly described as Part 1 on Reference Plan 65R38817,

and takes a more limited interest, being a permanent easement, in the lands described as follows:

Part of Common Elements York Region Standard Condominium Plan No. 1122 (Formerly Part of Block 1, Plan 65M-3998), Town of Markham, Regional Municipality of York more particularly described as Part 1 on Reference Plan 65R38817,

for the purpose of:

entering on the lands with all vehicles, machinery, workers and other material (I) to construct and maintain permanent municipal infrastructure which may include installation, maintenance, relocation and/or removal of traffic turning loops and associated signalization equipment and controls, retaining walls, shoring and formwork and/or drainage, erosion or sediment control measures such as water mains and storm sewers;

and (II) for construction purposes which may include (1) relocation of existing services and utilities, (2) staging and storage of materials and equipment, (3) geotech testing, borehole testing, and other investigative works, (4) removal, relocation and/or installation of signage, (5) hard and soft landscaping, paving, grading and reshaping the lands to the limit of the reconstruction of Highway 7, (6) the installation and removal of temporary (i) pedestrian access and 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 (7) works ancillary to any of the foregoing and necessary to the works to be performed in association with the purpose of implementing road and intersection improvements along Highway 7, including associated local roads, and to provide designated lanes for the vivaNext transit system and works ancillary thereto.

3. (1) The Commissioner of Corporate Services is hereby authorized and directed to sign a Declaration of Abandonment of the lands described in section 1 and section 2.

(2) When so signed, the Commissioner of Corporate Services is directed to cause the said Declaration of Abandonment to be registered in the proper Land Registry Office and to pay all expenses incidental to the registration, and to cause the said Declaration of Abandonment to be served on the registered owner of the lands described in section 1 and section 2.

ENACTED AND PASSED on December 15, 2022.

Regional Clerk

Regional Chair