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## Report of the Commissioner of Corporate Services **Disposition of Land 330 Davis Drive, Town of Newmarket**

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### **1. Recommendations**

1. Council authorize the disposition of land in the Town of Newmarket that has been deemed surplus to Regional requirements, as described in Appendix A.
2. Commissioner of Corporate Services be authorized to accept and execute the Agreement of Purchase and Sale in accordance with terms set out in Private Attachment 1 and all necessary documents to complete the transaction, in accordance with the Region's Sale and Other Disposition of Regional Lands Policy.
3. Staff report back to Council with the final sale price.

### **2. Purpose**

This report seeks Council approval to dispose of land in the Town of Newmarket that is surplus to the Region, in accordance with the Sale and Other Disposition of Regional Lands Policy (the "Policy"). The location is shown on the map in Appendix A.

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 land by the Region.

### **Key Points:**

- The property was acquired for the vivaNext rapid transit project to widen and reconstruct Davis Drive
- Portions of the property were incorporated into the project and the remainder is surplus to the project and Regional needs

- Based on an independent appraisal, staff will proceed with disposition on the open market and report the final sale price to Council as part of the Chief Administrative Officer and Commissioner of Corporate Services' Use of Delegated Authority Annual Report

### **3. Background**

#### **Council approved expropriation of the property for the vivaNext rapid transit project along Davis Drive in Newmarket**

In [January 2009](#), Council authorized expropriation of the property and authorized the expropriation settlement in [October 2011](#). The property was acquired for widening and reconstruction of Davis Drive for the vivaNext rapid transit project from Yonge Street to Alexander Road in Newmarket.

Location of buildings on the property necessitated a complete buyout. Following demolition of the buildings to facilitate construction, remaining land is now vacant. Municipal Official Plan designation is Urban Centres and Corridors, Secondary Plan is Regional Corridor Mixed Use, zoning classification is Mixed Use (MU-1) Zone. Regional Official Plan designation is Urban Area.

#### **The property is deemed surplus to the Region's needs**

Widening and reconstruction of Davis Drive in Newmarket is complete. A portion of land from the original acquisition was incorporated into the roadway, and the portion not required for road is surplus to the project and Region's needs.

### **4. Analysis**

#### **Regional Departments and other public authorities declined an opportunity to purchase the property**

A circulation in accordance with the Policy was completed. No expressions of interest were received from Regional Departments. Local municipality and other Public Authorities identified in the Policy did not offer to purchase the property for market value.

The property is surplus to the vivaNext rapid transit project. In accordance with the Policy and the Real Estate Protocol of the Master Agreement between the Region, Metrolinx and YRRTC, the property must be sold for market value.

#### **The property was appraised by an independent appraiser and will be listed on Multiple Listing Service**

An independent appraiser was commissioned by the Region to determine market value. The property will be listed for sale on the Multiple Listing Service 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 property will be sold in an “as is, where is” condition and the purchaser will be responsible to conduct its own due diligence. Applicable terms and conditions will be stated in the listing and included as a condition of the agreement of purchase and sale. The property is subject to a pre-existing Right of First Refusal in favour of the former adjacent landowner which will be addressed as part of the sale conditions.

The property will continue to be listed for sale until the agreement of purchase and sale has been executed by the Region and all conditions have been waived.

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

Environmental due diligence has been completed. No significant environmental concerns were identified.

## **5. Financial Considerations**

This report does not present current or anticipated financial changes to the Region’s budget or fiscal position. The disposition 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, sale proceeds will be held in trust by the Region for Metrolinx.

## **6. Local Impact**

Future development of the property is anticipated to contribute to the growth and revitalization of Davis Drive and the Town of Newmarket.

## **7. Conclusion**

The Region acquired the property to facilitate the widening and reconstruction of Davis Drive for the vivaNext project. The project has been completed and the property is no longer required. A circulation confirmed the property is surplus to Region’s needs.

It is recommended Council authorize staff to negotiate the disposition and Commissioner of Corporate Services to accept an offer within the limits set out in the private attachment 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 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:

**Erin Mahoney**

Chief Administrative Officer

September 26, 2024

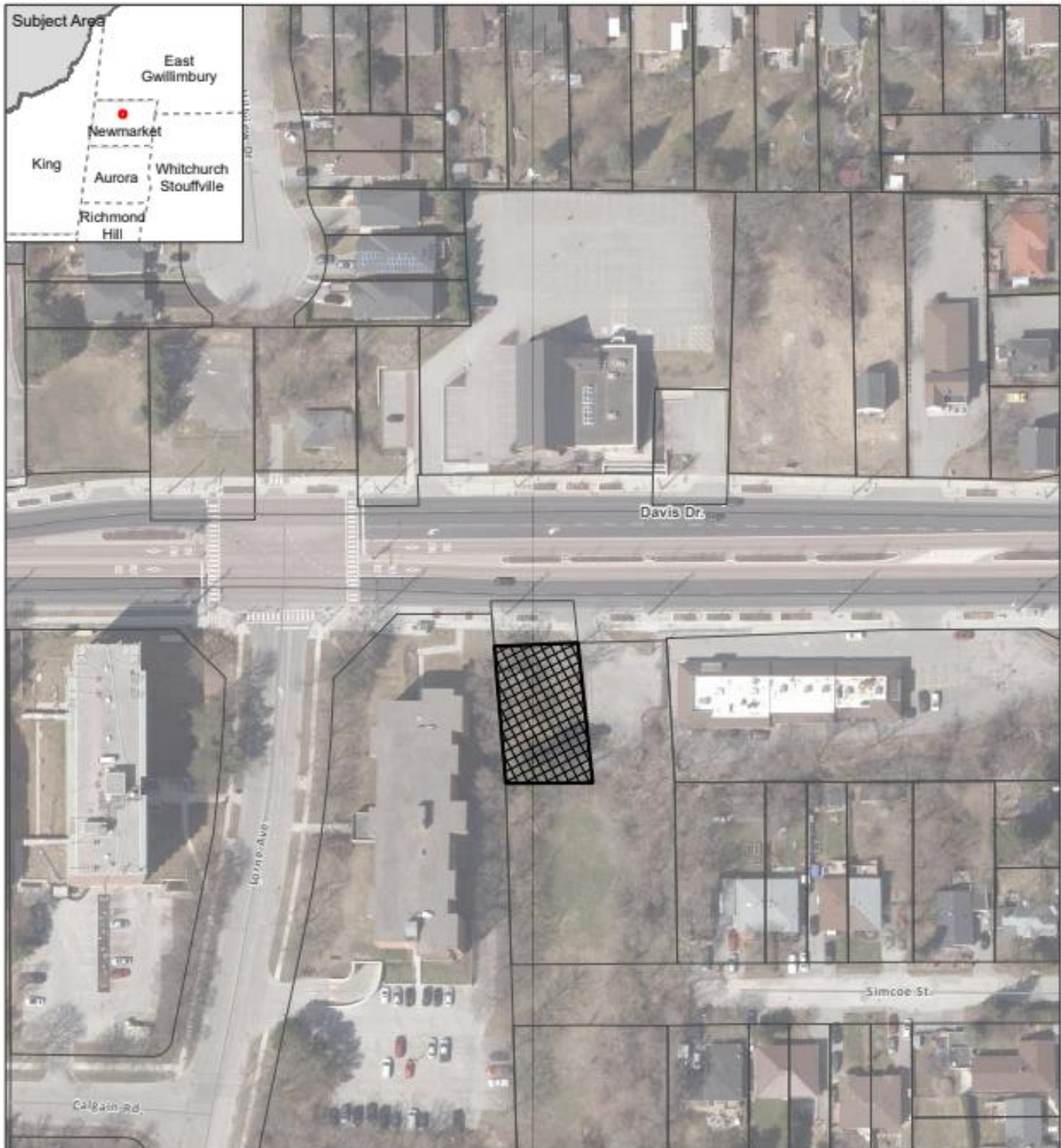
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Appendix A – Property Schedule and Location Map  
Private Attachment 1 – Proposed Compensation (#16041025)

**Property Schedule  
Disposition of Land  
330 Davis Drive  
Town of Newmarket**

| <b>No.</b> | <b>Purchaser</b> | <b>Municipal Address</b>     | <b>Legal Description</b> | <b>Interest Disposed</b>   |
|------------|------------------|------------------------------|--------------------------|----------------------------|
| 1.         | To be determined | 330 Davis Drive<br>Newmarket | Part 2 Plan<br>YR1369175 | Fee Simple<br>(712 sq. m.) |

**LOCATION MAP**



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|--|---|--|
|  <p>Produced by:<br/>The Regional Municipality of York<br/>Property Services, Corporate Services<br/>July 2024</p> <p>Date: King's Printer for Ontario 2003-2024</p> <p>Imagery: © First Base Solutions Inc. 2021<br/>See York.ca for disclaimer information.</p> | <p><b>Location Plan</b><br/>Disposition of Land<br/>330 Davis Drive<br/>Town of Newmarket<br/>October 10, 2024</p> <div style="text-align: center;"> <br/>  </div> | <ul style="list-style-type: none"> <li> Subject Property</li> <li> To Be Disposed</li> <li> Parcel</li> <li> Road</li> </ul> |
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