

The Regional Municipality of York

Committee of the Whole
Finance and Administration
September 19, 2019
Report of the Commissioner of Corporate Services

Disposition of Land Viva Bus Rapid Transit Corridor Realignment of Parkside Drive Town of Newmarket

1. Recommendations

1. Council authorize the disposition of land in the Town of Newmarket, identified in Attachment 1, to the Corporation of the Town of Newmarket (the “Town”).
2. The Commissioner of Corporate Services be authorized to execute the Agreement of Purchase and Sale and all necessary documents to complete the transaction in accordance with the Agreement of Purchase and Sale.

2. Summary

This report seeks Council approval to dispose of land acquired in the Town of Newmarket for the construction of the Parkside Drive realignment. The proposed purchaser is the Town of Newmarket. The subject property is identified as Property No. 1 on the map in Attachment 2.

This transaction is subject to Metrolinx approval under the terms of the Master Agreement between the Region, Metrolinx and York Region Rapid Transit Corporation (YRRTC).

Key Points:

- Land was acquired by the Region to realign Parkside Drive to connect with Longford Drive and create a signalized intersection at Davis Drive as part of the vivaNext bus rapid transit project
- The original intent was that new Parkside Drive was to be transferred to the Town, in exchange, the Town was to transfer former Parkside Drive to the Region
- As part of an expropriation settlement the Region will convey the former Parkside Drive lands, to be obtained from the Town, to an adjacent property owner
- The Region requested that the Town transfer former Parkside Drive directly to the adjacent owner rather than to the Region

- The Region will convey the new Parkside Drive lands to the Town to maintain the original intent of the exchange
- Conveyance of the subject land to the Town will ensure that Parkside Drive remains a continuous Town-owned and maintained public road

3. Background

The Region acquired lands for the vivaNext project on Davis Drive in the Town of Newmarket

To facilitate public transit along Davis Drive, YRRTC, on behalf of the Region constructed dedicated centre bus lanes for Viva buses, with enhanced streetscape from Yonge Street to Alexander Road in Newmarket. Construction of the new rapid way started with utility relocations in May 2009, and road construction took place between May 2011 and December 2015.

Requirements from 138 property owners were obtained for the Davis Drive project through negotiated agreements, expropriation, and dedications through Regional site plan approvals.

The vivaNext project included the realignment of Parkside Drive

Part of the project involved the realignment of Parkside Drive to connect with Longford Drive and create a signalized intersection at Davis Drive. The realignment also enabled the construction of a Viva bus station at the new signalized intersection and preserved east/west vehicular access from Parkside Drive and Longford Drive to Davis Drive.

Six properties on Davis Drive and Parkside Drive were affected by the requirement to realign Parkside Drive. Approvals to obtain these requirements were provided by Council in [January 2009](#), [June 2012](#), and [September 2014](#). It was necessary to completely buy out four of the six properties because of buildings that were in the path of construction.

Ownership of the new portion of Parkside Drive alignment will be transferred to the Town of Newmarket

Acquisitions of land by the Region to facilitate the realignment of the road for the vivaNext project resulted in the Region owning the new portion of Parkside Drive. Parkside Drive, which is the responsibility of the Town of Newmarket, will be transferred to the Town to ensure contiguous ownership and maintenance of Parkside Drive.

4. Analysis

The Region does not have jurisdiction to dedicate the land as public highway and download it to the Town

The new Parkside Drive alignment is not included in the Regional Street Network under the Regional Official Plan. In this respect, the Region does not have jurisdiction to dedicate the land as a public highway and download it to the Town. It is necessary to facilitate the transfer via an Agreement of Purchase and Sale and obtain Council approval to complete the transfer. Upon obtaining ownership of the subject property, the Town will dedicate it as public highway.

The Region is securing the necessary approvals to transfer ownership of the subject lands

The portion of former Parkside Drive no longer used as road is owned by the Town of Newmarket and is shown on the map in Attachment 2. The original intent was that former Parkside Drive be transferred to the Region, in exchange, the Region would transfer the new Parkside Drive alignment to the Town.

As part of an expropriation settlement approved by Council in [June 2019](#), the former Parkside Drive lands, which are surplus to the Region's needs, are to be transferred to the adjacent owner located at 130 Davis Drive. On July 29, 2019, the Region requested the Town of Newmarket approve the transfer of the former Parkside Drive directly to the adjacent owner. Subsequent to that, the Region will convey the new alignment to the Town. Completing the transfers in this manner eliminates the need for the Region to become an interim owner of the former Parkside Drive land.

Approval of this report secures the final approvals required to complete the transfer of ownership.

Environmental due diligence has been completed

Environmental due diligence has been completed on Property No. 1 in Attachment 1 and on the former Parkside Drive. The results have been reviewed by staff in consultation with Legal Services. A risk assessment was completed by a qualified environmental consultant. A remedial excavation was undertaken followed by a risk assessment completed by a qualified environmental consultant. The risk assessment addresses known soil and groundwater impacts at each site and outlines risk management measures to minimize the potential risk of these impacts. As a result, no further investigation of other potential issues is required.

5. Financial

There are no financial impacts to the Region, as no compensation is involved in the transfer of land to the Town.

6. Local Impact

The transfer of the subject lands will not impact the Region's service to the public and will allow the Town of Newmarket to use the lands for public road.

7. Conclusion

The Region acquired land and constructed the realignment of Parkside Drive as part of the vivaNext project. As a result, the Region owned the new portion of Parkside Drive, which is the responsibility of the Town of Newmarket.

The Region requested that the Town transfer former Parkside Drive directly to the adjacent owner as part of an expropriation settlement negotiated by the Region and approved by Council.

It is recommended Council authorize the land disposition described in this report to settle the conveyance between the Town of Newmarket and the Region.

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

September 5, 2019

Attachments (2)

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