

# **The Regional Municipality of York**

Committee of the Whole  
Finance and Administration  
October 10, 2019

Report of the Commissioner of Corporate Services

## **Disposition of Land Viva Bus Rapid Transit Corridor 299 to 301 and 309 Davis Drive Town of Newmarket**

### **1. Recommendations**

1. Council authorize the disposition of lands in the Town of Newmarket, as identified in Attachment 1.
2. The Commissioner of Corporate Services be authorized to execute the Agreement of Purchase and Sale and all necessary documents to complete the transaction.

### **2. Summary**

This report seeks Council authority to dispose of lands in the Town of Newmarket that are surplus to Regional requirements. The subject lands are identified as Property Nos. 1 and 2 on the map in Attachment 2.

Private Attachment 1 to this report will be considered in private session because it relates to the disposition of land by the Region.

Key Points:

- The subject lands were acquired in their entirety due to significant impacts by the vivaNext project road widening along Davis Drive
- Portions of the subject lands were incorporated into the project and the balance of the lands are currently vacant
- Portions of the subject lands not required for the vivaNext project are surplus to the Region's needs and have been assembled for disposition purposes
- The transaction is being completed in accordance with the Master Agreement between Metrolinx, York Region Rapid Transit Corporation and the Region

- Sale proceeds from the disposition are to be held in trust by the Region for Metrolinx in accordance with the Master Agreement between Metrolinx, York Region Rapid Transit Corporation and the Region

### **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, 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 followed by road construction between May 2011 and December 2015.

#### **Council approved the expropriation and acquisitions of the subject lands**

In [January 2009](#), Council authorized the expropriation of a partial taking from Property No. 1 and the buyout of Property No. 2 (see map in Attachment 2). In [June 2010](#), Council approved the expropriation settlement for the partial taking, and buyout of the balance of the owner's land from Property No. 1.

#### **The impact to the lands from the road widening required along Davis Drive, resulted in a full buyout of the lands**

Property No. 1, municipally known as 299-301 Davis Drive, contained a single-family home and a commercial building formerly occupied by a long-established flower shop. The Region expropriated a partial taking along the frontage of the property. The effect of the widening eliminated access to the front delivery doors and left only two parking spaces. The most practical and cost efficient solution was for the Region to acquire the entire property. The buildings were demolished and the property is currently vacant.

Property No. 2, municipally known as 309 Davis Drive, contained a single-family home converted for office/business uses. Due to the proximity of the building on the site, relative to the land requirement for the widening of Davis Drive, the most practical and cost efficient solution was to acquire the entire property. The property was expropriated in its entirety, and the building was demolished. The property is currently vacant.

Settlements have been reached with both former owners.

## **Upon completion of the dedicated bus rapid transit lanes for the vivaNext project, the lands are now surplus to the Region's needs**

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

A circulation in accordance with the Sale and Other Disposition of Lands Policy was completed, and no parties expressed an interest in obtaining the subject lands.

### **4. Analysis**

#### **The subject properties were assembled, appraised by an independent appraiser and marketed for sale on MLS**

The assembly of Property No. 1 and Property No. 2 have a greater value and opportunity for development than the two individual properties. An independent appraisal was commissioned by the Region to determine the current market value of the assembled property. The Region marketed the assembled property for sale as a redevelopment site on the Multiple Listing Service (MLS), and placed a "For Sale" sign on the property to ensure effective market exposure.

The property was listed on MLS in June 2019. Staff reviewed the offers received to date, and negotiated the disposition of the property with the highest bidder.

#### **Environmental due diligence was completed**

A Contamination Overview Study was completed. The study did not identify any potential environmental issues with the subject properties and no additional environmental work was required.

### **5. Financial**

The disposition of the subject property 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. The vivaNext project is responsible for all costs incurred to acquire, maintain and dispose of the lands.

## 6. Local Impact

The construction of dedicated bus lanes and related facilities, as well as road and intersection improvements was critical to achieving the Region's vision for the project. This project improved public transit services and the streetscape on Davis Drive. The future development of the subject lands will contribute to the growth and revitalization of Davis Drive.

## 7. Conclusion

The subject lands were acquired 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 to the Region's needs. The properties were listed on MLS and staff negotiated the proposed sale of the subject lands to the highest bidder.

Staff recommends Council approve the sale of the subject lands.

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For more information on this report, please contact Michael Shatil 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 26, 2019  
Attachments (2)  
Private Attachments (1)  
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