

THE REGIONAL MUNICIPALITY OF YORK

BYLAW NO. 2019-55

To acquire certain lands for or in connection with the
widening and reconstruction of Rutherford Road (YR 73),
City of Vaughan

WHEREAS the Council of The Regional Municipality of York on June 28, 2018, by its adoption of Clause 18 of Report 11 of the Committee of the Whole, approved the expropriation of the lands therein referred to for or in connection with the widening and reconstruction of Rutherford Road (YR 73) from Peter Rupert Avenue to Bathurst Street (YR 38), in the City of Vaughan, provided that there were no requests for a hearing of necessity; and

WHEREAS a Notice of Application for Approval to Expropriate Land has been served upon the registered owners of the lands and has been published pursuant to the provisions of the *Expropriations Act*, R.S.O. 1990, c. E.26, as amended (the "Act"); and

WHEREAS no notification of a desire for a hearing has been received and the time for giving such notification has expired.

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

1. The expropriation of the lands referred to in section 2 is hereby approved and the Regional Chair and Regional Clerk are authorized to execute any required documents in accordance with the Act.

2. The lands described and designated as follows:

No.	Owner	Municipal Address	Legal Description	Interest Required
1.	Rutherford Contwo Investments Limited	1277 Rutherford Road	Parts 18, 19 and 22, Plan 65R-38267	Fee Simple
2.	Heatherwood Properties Inc.	N/A	Part 1, Plan 65R-38174	Permanent Easement
			Part 2, Plan 65R-38174	Permanent Easement
			Part 3, Plan 65R-38174	Fee Simple
3.	Heatherwood Properties Inc.	1081 Rutherford Road	Parts 15, 17, 18, 19, 20 and 21, Plan 65R-38174	Fee Simple
4.	The Church of The Christian Community in Canada	Lot 15, Concession 2	Parts 27 and 41, Plan 65R-38173	Fee Simple
5.	2077117 Ontario Inc.	941 Rutherford Road	Part 33, Plan 65R-38173	Fee Simple

A permanent easement or rights in the nature of a permanent easement commencing upon the date of registration of the plan of expropriation and described as a limited interest in perpetuity, in, under, over, along and upon and for municipal purposes including, but not limited to, entering on the lands with all vehicles, machinery, workmen 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, pedestrian/cyclist access, multiuse-paths and walkways, parking measures including re-striping of aisles, lanes, and parking stalls, noise walls, watermains, storm sewers, sanitary sewers, shoring and formwork and/or drainage, erosion or sediment control measures, and (ii) for construction purposes which include, but are not limited to, (1) relocation of existing services and utilities, (2) work that supports the construction of municipal infrastructure within the Region's right-of-way (3) staging and storage of materials and equipment, (4) geotech testing, borehole testing, and other investigative works, (5) removal, relocation and/or installation of signage, (6) hard and soft landscaping, paving, grading and reshaping the lands to the limit of the reconstruction of municipal road fronting the lands herein described, (7) the installation and removal of temporary infrastructure related to the construction (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 (8) works ancillary to any of the foregoing and necessary to the works to be

No.	Owner	Municipal Address	Legal Description	Interest Required
performed in association with the purpose of implementing road and intersection improvements along Rutherford Road (YR 73), including associated local roads, and to provide designated lanes for the vivaNext transit and York Region Transit systems and works ancillary thereto. The registered owner of the servient lands is to keep the lands free and clear of any buildings, fencing, landscaping, construction, structures of obstructions; is not to deposit on or remove any fill from the lands and not to do or suffer to be done any other thing which might interfere with the rights and easements hereby acquired.				

are to be expropriated and taken for or in connection with the widening and reconstruction of Rutherford Road (YR 73) from Peter Rupert Avenue to Bathurst Street (YR 38), in the City of Vaughan

3. (1) The Regional Chair and Regional Clerk are hereby authorized and directed to sign a certificate of approval and plan or plans showing the lands expropriated.

(2) When so signed, the Commissioner of Corporate Services is directed to cause the said certificate of approval and plan or plans to be registered in the proper Land Registry Office and to pay all expenses incidental to the registration.

4. Plan Nos. 65R-38173, 65R-38174 and 65R-38267 shall form part of this bylaw.

ENACTED AND PASSED on October 17, 2019.

Regional Clerk

Regional Chair

Authorized by Clause 18, Report 11 of the Committee of the Whole, adopted by Regional Council at its meeting on June 28, 2018.