

COMMITTEE OF THE WHOLE MARCH 23, 2010

COMMENCEMENT OF EXPROPRIATION NORTH SIDE-MAJOR MACKENZIE DRIVE, WEST OF WESTON ROAD BLOCK 40- DISTRICT PARK AND EXTENSION OF LAWFORD ROAD WARD 1

Recommendation

The Commissioner of Community Services, the Commissioner of Engineering and Public Works, and the Director of Legal Services recommend:

1. THAT Staff be directed to commence expropriation proceedings for the municipal purposes of a road and park for the fee simple interest in the lands described as Part of Lot 21, Concession 6, municipally known as 3930 and 4020 Major Mackenzie Drive, shown as Parcels A, B,C,F, and G on the Sketch to Illustrate prepared by Lloyd & Purcell dated February 24, 2010.
2. THAT a By-law be enacted to authorize the Mayor and Clerk to execute the Application for Approval to Expropriate Land and the Notice of Application for Approval to Expropriate land situate in the City of Vaughan, in the Regional Municipality of York being Part of Lot 21, Concession 6, municipally known as 3930 and 4020 Major Mackenzie Drive as described in Recommendation 1, above,
3. That, in the event a Hearing of Necessity is requested by an owner or registered owner, and a report of the inquiry officer is issued, the report shall be placed before Council for consideration, and,
4. That City staff and authorized agents are hereby authorized and directed to do all things arising from the authorizations provided by this resolution.
5. THAT a By-law be enacted to authorize the Mayor and Clerk to execute an Agreement between the Block 40 Developers Group, the City of Vaughan and the York Region District School Board regarding the responsibility for costs of the expropriation.

Contribution to Sustainability

This report is consistent with the priorities previously set by Council in the Green Directions, Vaughan, Community Sustainability Environmental Master Plan:

Goal 2, Objective 2.2: To develop Vaughan as a City with maximum green space and an urban form that supports our expected population growth.

Goal 4, Objective 4.1.1: Develop an implementation plan for the initiatives described in the City's Active Together Master Plan through a phased and budgeted program.

Goal 3, Objective 3.2: Develop and sustain a network of roads that support affective and accessible public and private transit.

Economic Impact

The economic impact will be the purchase price of the lands, which is the subject of ongoing negotiations and which will be provided in a confidential memo. There are also expropriation costs such as survey, appraisal, environmental assessment and legal costs.

Communications Plan

City staff will advise the York Region District School Board and the Developers Group of Council's direction and Notices will be sent in accordance with the Expropriations Act.

Purpose

The purpose of this report is to obtain direction to commence expropriation procedures for lands for a park and the extension of Lawford Road in Block 40.

Background - Analysis and Options

The Block 40 block Plan includes a public high school block on the north side of Major Mackenzie Drive East, the extension of Lawford Road to be constructed abutting the school block south to intersect with Major Mackenzie Drive, and parkland north of the school site shown on Attachment # 1. None of these requirements are in the ownership of participating developers to the Block 40 Developers Group.

The School Board has advised that the parcel of land for a school needs to be acquired. The land that needs to be acquired for the school site includes all of Parcel 8 and a portion of Parcels 9 and 16. The portion of the road required by the City is comprised of a portion of Part 16 and Part 9. The park is the north part of Part 16. The design of the road has to be engineered.

The parcels to be expropriated, shown on Attachment # 1 are as follows:

Parcel # 9 - 3930 Major Mackenzie Drive East, (1.5ac)

Parcel # 8 - 3956 Major Mackenzie Drive East, (5.3ac)

Parcel # 16 - 4020 Major Mackenzie Drive East, (25.46ac)

The York Region District School Board and the City will have a joint approach to acquisition of lands required by both the City and School Board.

On June 30, 2009 Council authorized City staff to meet with the land owners along with School Board representatives. The School Board and the City met with the landowners, however the negotiations have been unsuccessful to date.

The Block 40 Developers Group is responsible for the conveyance of the required road in the ordinary course. Accordingly, the Developers Group will be responsible for the cost of expropriating the required road.

There is a component of the parkland north of the proposed school which is over and above the parkland dedication requirement in the Planning Act. This was planned through the Block Planning process and is intended to form a larger, District Park for both Block 39 and Block 40. This "overdedication" is approximately 3.778 hectares. In the ordinary course, when the plans containing the "overdedication" are registered, the City would negotiate for the purchase of the additional lands with the source of funding being the Parkland Cash-In-Lieu Reserve.

The District Park block was identified in Official Plan Amendment 600 (Schedule 'B'), the 2008 Development Charge Background Study and in the Active Together Master Plan for Parks, Recreation, Culture and Libraries. This District Park is intended to serve residents living in municipal Blocks 33W, 40 and 47. The District Park is currently scheduled for design and construction in 2014. The timing of funding requests is reviewed annually during the capital budget process. Where development proceeds ahead of projected schedules, project timing is reassessed.

The extension of Lawford Road south to Major Mackenzie Drive is required to complete the road network approved through the Block plan and subdivision plan processes. The extension of services to be constructed under the road will complete the required servicing components.

Staff are presently reviewing an agreement to provide for payment by the three parties (Developers Group, School Board and City) of the expropriation costs, which will be executed before the expropriation notices are sent.

Relationship to Vaughan Vision 2020/Strategic Plan

This report is consistent with the priorities previously set by Council and is consistent with the goal to Enhance and Ensure Community Safety, Health and Wellness.

Regional Implications

Not applicable

Conclusion

The York Region District School Board and the City require lands for a school, a District Park and the extension of Lawford Road. Staff are recommending commencement of expropriation procedures in conjunction with the YRDSB to acquire the lands in a timely manner, subject to entering into an agreement with the Block 40 Developers Group

Attachments

Attachment # 1 - Block 40 Plan
Attachment #2–Sketch to Illustrate

Report prepared by:

Heather Wilson, Director of Legal Services, Ext. 8389
Paul Gardner, Director of Parks Development, Ext 3209

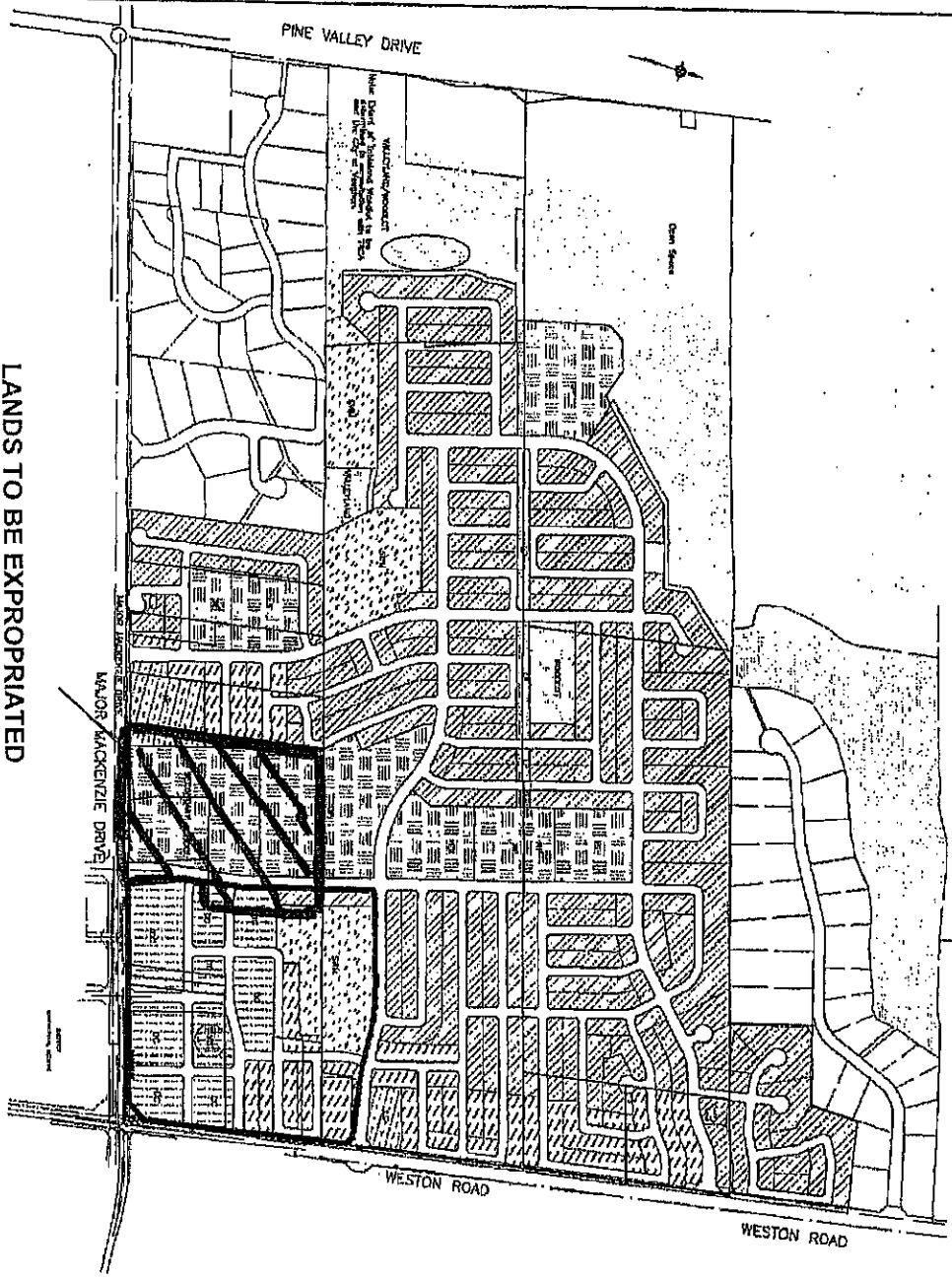
Respectfully submitted,

Marlon Kallideen
Commissioner of Community Services

Bill Robinson
Commissioner of Engineering and Public Works

Janice Atwood-Petkovski
Commissioner of Legal & Administrative Services/City Solicitor

Heather Wilson
Director of Legal Services



LANDS TO BE EXPROPRIATED

LEGEND

[Symbol]	EXISTING ESTATE RESIDENTIAL
[Symbol]	LOW DENSITY RESIDENTIAL
[Symbol]	MEDIUM DENSITY RESIDENTIAL
[Symbol]	COMMERCIAL
[Symbol]	LC - LOCAL COMMERCIAL
[Symbol]	NC - NEIGHBORHOOD COMMERCIAL
[Symbol]	DISTRICT CENTRE
[Symbol]	PARK / INSTITUTIONAL
[Symbol]	ES - ELEMENTARY SCHOOL
[Symbol]	SS - SECONDARY SCHOOL
[Symbol]	DP - DISTRICT PARK
[Symbol]	NP - NEIGHBORHOOD PARK
[Symbol]	LP - LINEAR PARK
[Symbol]	VS - VILLAGE SQUARE
[Symbol]	STORM WATER MANAGEMENT
[Symbol]	WOODLOT / VALLEYLAND
[Symbol]	BUFFERS

Not to Scale

Block 40 Community Plan

Part of Lots 21 - 24,
Concession 6

APPLICANT:
KLM PLANNING PARTNERS

APPROVED BY: ATTORNEYS BISHOP & BISHOP, 171 BR. 402004-700

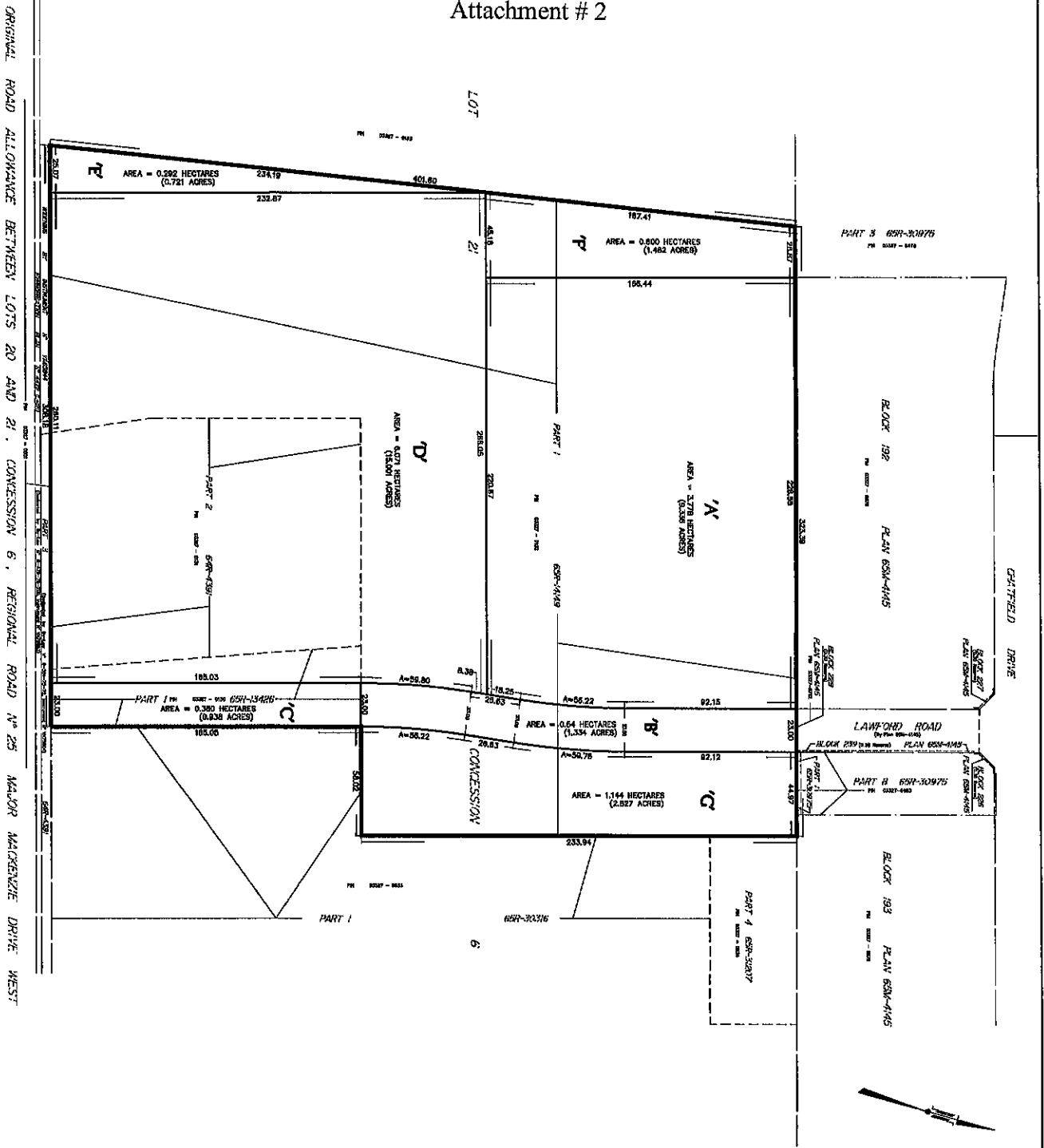


Development Planning Department

Attachment 1

FILE No.:
BL40.2004

Not to Scale
March 31, 2006



**PART OF LOT 21
CONCESSION 6
GEOGRAPHIC TOWNSHIP OF VAUGHAN
CITY OF VAUGHAN
REGIONAL MUNICIPALITY OF YORK**

LYOYD & PURCELL LTD., SCALE 1:1000

METRIC
DIMENSIONS SHOWN ON THIS PLAN ARE IN METERS AND ONLY BE CONVERTED TO FEET BY DIVISION BY 3.048

SCHEDULE

PARCELS	PROPOSED LAND USE	PART OF PLAN	ZONING (AS PER PLAN)
A	CITY TRAIL	0300-0102	U1M
B	CITY ROAD	0300-0102	U1M
C	CITY ROAD	0300-0102	U1M
D	SCHOOL SITE	0300-0102, 0300-0101 & 0300-0102	02M
E	SCHOOL SITE	0300-0102	02M
F	CITY LAND	0300-0102	02M
G	CITY LAND	0300-0102	U1M

CAUTION
THE DIMENSIONS ILLUSTRATED ON THIS SKETCH ARE BASED ON AVAILABLE PUBLIC DOCUMENTS AND NO FIELD WORK HAS BEEN PERFORMED TO CORRECT FOR THE VARIATIONS OF THESE DOCUMENTS. FIELD WORK HAS BEEN PERFORMED TO CORRECT FOR THE VARIATIONS OF THESE DOCUMENTS. FIELD WORK HAS BEEN PERFORMED TO CORRECT FOR THE VARIATIONS OF THESE DOCUMENTS.

SKETCH TO ILLUSTRATE

LYOYD & PURCELL LTD.

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 905-947-8888
 WWW.LYOYDANDPURCELL.COM

DATE: 08/11/2011
 SHEET: 01 OF 01
 PROJECT: 11-03-01
 DRAWING: 11-03-01

ORIGINAL ROAD ALLOWANCE BETWEEN LOTS 20 AND 21, CONCESSION 6, REGIONAL ROAD N° 25, MAJOR MAINTENANCE DRIVE WEST