



Report to: Development Services Committee

Meeting Date: December 9, 2019

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**SUBJECT:** Highway 404 Ramp Extension (Aristotle Avenue) – Land Conveyance  
**PREPARED BY:** Alain Cachola, P.Eng., Senior Manager, Infrastructure and Capital Works, Ext. 2711

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### **RECOMMENDATION:**

- 1) That the report entitled “Highway 404 Ramp Extension (Aristotle Avenue) – Land Conveyance” be received; and,
- 2) That in accordance with By-law 178-96, the lands legally described as Part of Block 9, Plan M-2029 designated as the Parts 7, 9, 10 and 14 on Reference Plan 65R-36152 (the “**Surplus Lands**”) be declared surplus to municipal purposes; and,
- 3) That subject to recommendation #2, the Mayor and Clerk be authorized to execute any documents and/or agreements required to transfer the Surplus Lands to Her Majesty the Queen in Right of the Province of Ontario represented by the Minister of Transportation for the Province of Ontario (“**MTO**”) for nominal consideration, provided that the form and content of such documents and agreements are satisfactory to the Director of Engineering and the City Solicitor; and further,
- 4) That staff be authorized and directed to do all things necessary to give effect to this resolution.

### **PURPOSE:**

The purpose of this report is to seek Council authorization to declare the Surplus Lands surplus to the municipality and convey the same lands to MTO for nominal consideration.

### **BACKGROUND:**

Between Highway 7 and 16th Avenue, the arterial roads were experiencing severe traffic congestion and the demand on the east-west road network is now above its capacity. The Markham Transportation Planning Study (June 2002), the Region’s Mid-Block Crossing Study (2012) and Region’s Transportation Master Study (2016) indicated that construction of a crossing of Highway 404 north of Highway 7 and a northbound ramp extension would help to achieve a better distribution of traffic demand by providing additional capacity to the network.

To address the congestion, the construction of the Highway 404 Mid-Block Crossing (Norman Bethune) and Highway 404 Ramp Extension (Aristotle Avenue) commenced in Spring 2016 and the project was completed and opened to traffic in July 2018. The project was led by York Region and cost shared between York Region, the City of Markham and the City of Richmond Hill pursuant to a tri-party agreement between the parties (the “**Tri-Party Agreement**”).

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**OPTIONS/ DISCUSSION:**

With the completion and opening of the Highway 404 Mid-Block Crossing (Norman Bethune) and Highway 404 Ramp Extension (Aristotle Avenue) in Summer 2018, staff have been working to complete the land transfers set out in the Tri-Party Agreement. Under the Tri-Party Agreement, the City is required to convey lands forming the northbound ramp extension under the jurisdiction of MTO (“the “MTO Lands”) to MTO for road purposes.

The lands legally described as part of Block 9, Plan M-2029 designated as the Parts 6, 8, 11, 12 and 13 on Reference Plan 65R-36152 form part of the MTO Ramp and were previously declared surplus and approved for conveyance to MTO for nominal consideration when the report entitled “Highway 404 Ramp Extension (Aristotle Avenue) at Highway 7, and Highway 404 Mid-Block Crossing (Norman Bethune Avenue) between Allstate Parkway and East Beaver Creek Road” was approved by Council on November 15, 2016 (the “**2016 Report**”)

Staff are currently working with MTO to convey the lands forming the MTO Ramp to MTO. However, it was discovered that the Surplus Lands, which form part of the MTO Ramp were not declared surplus in the 2016 Report. The City is obligated in the Tri-Party Agreement to convey the Surplus Lands to MTO. Accordingly, staff recommend that the Surplus Lands be declared surplus and conveyed to MTO for nominal consideration.

**FINANCIAL CONSIDERATIONS**

N/A

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

The proposed work for the mid-block crossings are required to continue to accommodate development in City of Markham and southern York Region. Therefore, the recommendations align with the City’s Strategic Plan goals of “Safe & Sustainable Community” and “Stewardship of Money & Resources”

**BUSINESS UNITS CONSULTED AND AFFECTED:**

Legal Department was consulted on this report.

**RECOMMENDED BY:**

Brian Lee, P.Eng.  
Director of Engineering

Arvin Prasad, MCIP, RPP  
Commissioner, Development Services

**ATTACHMENTS:**

Attachment ‘A’ – Lands to be Conveyed