



Report to: Development Services Committee

Meeting Date: December 8, 2020

SUBJECT: Markham Centre Viva Rapidway Update (Ward 3)
PREPARED BY: Jacqueline Chan, Assistant City Solicitor, Ext. 4745
Brian Lee, Director of Engineering, Ext. 7507
Morgan Jones, Director of Operations, Ext. 4857

RECOMMENDATION:

- 1) That this report titled “Markham Centre Viva Rapidway Update” be received;
- 2) That the Mayor and Clerk be authorized to execute agreements to convey easements to Metrolinx for the Transit Rapidway (including station locations), between Birchmount Road to Kennedy Road in locations satisfactory to the Director of Engineering, after the Transit Rapidway in these locations has been constructed, provided the form of the agreements are satisfactory to the Commissioner of Fire and Community Services and the City Solicitor;
- 3) That the agreement between the City and Metrolinx for the conveyance of an easement to Metrolinx for the Transit Rapidway (including station locations) over sections of South Town Centre Blvd., Cedarland Blvd. and Enterprise Blvd. and other City owned lands be ratified; and
- 4) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

EXECUTIVE SUMMARY:

Not Applicable.

PURPOSE:

The purpose of this report is to (a) obtain authority from Council to convey an easement to Metrolinx for the Transit Rapidway between Birchmount Road and Kennedy Road after the Transit Rapidway is completed in this location; and (b) obtain Council ratification of the easement to Metrolinx for the Transit Rapidway between South Town Centre Blvd. and Birchmount Road.

BACKGROUND:

The Transit Rapidway (also referred to as the Viva Rapidway) is a designated bus lane constructed by York Region Rapid Transit Corporation (“YRRTC”) with funding from Metrolinx. The Region of York (through YRRTC) operates the Transit Rapidway while the Transit Rapidway assets (including the bus shelters) are owned by Metrolinx.

Part of the Transit Rapidway between Warden Avenue and Kennedy Road is located over parts of City owned lands and other lands within Markham Centre. The sketch attached as Attachment “A” to this report shows the portion of the Transit Rapidway constructed and to be constructed on City owned rights-of-way and lands.

The City and the Region of York entered into an agreement titled “Licence to Operate and Maintain the Transit Rapidways”, dated June 22, 2010 (“**Licence Agreement**”) authorizing the Region of York to use the City’s lands and rights-of-way to maintain, repair and operate the Transit Rapidway.

OPTIONS/ DISCUSSION:

In the previous Council report dated May 20, 2014, entitled “Markham Centre VIVA Rapidway Next Phase H3.4 Project”, Staff obtained Council endorsement for the general configuration of the Transit Rapidway in Markham Centre. Council also authorized conveyance of property interests from the City to the Region of York for the Transit Rapidway for the benefit of Metrolinx between Warden Avenue and Sciberras Road.

Since this report, Staff have been working with the Region and Metrolinx to finalize the property interests required by the Region and Metrolinx for the Transit Rapidway. Metrolinx advised that because they own the Transit Rapidway assets (including the bus shelters) they require an easement directly from the City over those portions of the local road and City lands that form or will form the Transit Rapidway. Based on authority obtained in the previous Council report, Staff agreed to convey an easement to Metrolinx over those portions of the Transit Rapidway located on City owned lands including parts of South Town Centre Blvd., Cedarland Drive and Enterprise Blvd. to allow Metrolinx to retain ownership of the Transit Rapidway assets. The portions of the City rights-of-way and lands subject to the easement to Metrolinx are shown in the sketch included as Attachment “B”. The Region of York will continue to be responsible for operating and maintaining the Transit Rapidway in accordance with the Licence Agreement with the City.

Metrolinx has also requested that the City grant them an easement over those portions of the Transit Rapidway east of Birchmount Road after construction of the Transit Rapidway has been completed. Staff recommend that the City grant Metrolinx an easement over such lands to allow Metrolinx to retain ownership of the Transit Rapidway assets after the Transit Rapidway east of Birchmount is constructed.

FINANCIAL CONSIDERATIONS

None. The operation, maintenance and capital replacement of the Transit Rapidway are already addressed in the Licence Agreement with the Region of York.

HUMAN RESOURCES CONSIDERATIONS

None.

ALIGNMENT WITH STRATEGIC PRIORITIES:

Facilitating the development and operation of the Transit Rapidway aligns with the strategic goals of Transportation and Transit, and the growth vision of Markham Centre.

BUSINESS UNITS CONSULTED AND AFFECTED:

This report was prepared jointly by the Operations Department, Engineering Department and the Legal Department.

RECOMMENDED BY:

Claudia Storto, City Solicitor
and Director of Human Resources

Andy Taylor, Chief Administrative
Officer

Arvin Prasad, Commissioner, Development Services

ATTACHMENTS:

Attachment "A" – Sketch of Transit Rapidway

Attachment "B" – Sketch of Easement to Metrolinx