

**Settlement of Claim - South West Corner of
Steeles Avenue East at Redlea Avenue,
Gordon Bolt (Ward 17 - Scarborough Agincourt)**

(City Council on December 14, 15 and 16, 1999, adopted this Clause, without amendment.)

The Administration Committee recommends the adoption of the following report (November 16, 1999) from the Acting Commissioner of Corporate Services:

Purpose:

To authorize settlement of the outstanding compensation claim related to an agreement pursuant to Section 30 of the Expropriation Act of a portion of the property owned by Gordon Bolt.

Funding of Sources, Financial Implications and Impact Statement:

Funding for this acquisition is available in the 1999 Transportation Services Capital Works Programme.

Recommendations:

It is recommended that:

- (1) authority be granted to settle the compensation claim related to an agreement pursuant to Section 30 of the Expropriation Act of a portion of the property at the southwest corner of Steeles Avenue East at Redlea Avenue, with Gordon Bolt in the amount of \$214,450.00 including interest plus legal and appraisal expenses of \$50,000.00;
- (2) authority be granted for the City to enter into an agreement with Gordon Bolt whereby the City agrees to transfer an access easement to Gordon Bolt over the portion of Redlea Avenue adjacent to Mr. Bolt's property in the event that such portion of Redlea Avenue is closed and Redlea Avenue is realigned as contemplated in the Environmental Study Report of July, 1994 entitled Steeles Avenue East/CN Rail Grade Separation, so that in such case, access is maintained between Mr. Bolt's property and the realigned Redlea Avenue; and
- (3) the appropriate City officials be authorized to take the necessary action to give effect thereto.

Background:

By its adoption on June 15, 1994, of Clause No. 8 of Report No. 19 of The Management Committee, the former Metropolitan Council authorized, among other things, the construction of

the Steeles Avenue Grade Separation and granted authority for the acquisition of the necessary land or interests in land required for the project and, where such negotiations are unsuccessful, authority was granted to make application for approval to expropriate.

By adoption of Clause No. 9 of Report No. 28 of The Corporate Administration Committee on November 8, 1995, authority was granted to execute a Section 30 Agreement pursuant to the Expropriation Act with Gordon Bolt. The amount paid pursuant to the Agreement was \$79,050.00; and further, the Agreement preserved Mr. Bolt's right to make a claim at the Ontario Municipal Board.

Comments:

The expropriated portion of the owner's property at the south west corner of Steeles Avenue west at Redlea Avenue consists of an irregular strip of land across the front of Mr. Bolt's property identified as Part 2, Reference Plan No. 64R-14927. This land is required for the widening of Steeles Avenue as part of proposed Steeles Avenue East/CN Rail Track Separation Project.

Negotiations have been ongoing between the owner and staff to resolve the issue of compensation. Subject to the approval of City Council, an agreement has been reached for final compensation payable for the land area expropriated, in the additional amount of \$214,450.00 including interest and payment of legal and appraisal expenses of \$50,000.00. This settlement also calls for an agreement whereby the City agrees to transfer an access easement to Gordon Bolt over the portion of Redlea Avenue shown as Part 3, Reference Plan No. 64R-14927 adjacent to Mr. Bolt's property in the event that such portion of Redlea Avenue is closed and Redlea Avenue is realigned as contemplated in the Environmental Study Report of July, 1994 entitled Steeles Avenue East/CN Rail Grade Separation, so that in such case, access is maintained between Mr. Bolt's property and the realigned Redlea Avenue.

Conclusion:

In my opinion, payment to Gordon Bolt in the amount of \$214,450.00, plus reasonable legal and appraisal fees of \$50,000.00, and the condition respecting an access easement is a fair and reasonable settlement of the Section 30 claim.

The Commissioner of Works and Emergency Services and the City Solicitor concur in this settlement recommendation.

Contact Name:

Sheryl A. Badin, Telephone – 392-8142, Fax - 392-1880, E-mail – sbadin@city.toronto.on.ca

(A copy of the map attached to the foregoing report was forwarded to all Members of Council with the November 30, 1999, agenda of the Administration Committee and a copy thereof is also on file in the office of the City Clerk.)