



**STAFF REPORT  
ACTION REQUIRED**

**Encroachment Agreement with Canadian National Railway Company on City-owned Properties abutting the southeast side of its Railway Tracks on between Victoria Park Avenue and Birchmount Road**

<b>Date:</b>	May 25, 2007
<b>To:</b>	Government Management Committee
<b>From:</b>	Chief Corporate Officer
<b>Wards:</b>	36 - Scarborough-Southwest
<b>Reference Number:</b>	P:\2007\Internal Services\F&re\Gm07034F&re – (AFS 3203)

**SUMMARY**

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The purpose of this report is to obtain authority to enter into an Encroachment Agreement with the Canadian National Railway Company (“CN”) on City-owned properties abutting the southeast side of its railway tracks between Victoria Park Avenue and Birchmount Road; substantially on the terms and conditions outlined in Appendix “A” to this report. The City-owned lands are shown as Parcel Nos. 1, 3, 4, 6, 7, 9, 10 and 12 on individual sketches attached herein.

**RECOMMENDATIONS**

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**The Chief Corporate Officer recommends that:**

1. The City enter into an Encroachment Agreement with CN, with CN paying a one time fee in the amount of \$66,000.00 plus applicable taxes for the construction of embankments on the City-owned properties shown as Parcel Nos. 1, 3, 4, 6, 7, 9, 10 and 12 on individual sketches attached herein, substantially on the terms and conditions outlined in Appendix “A” to this report, and that each of the Chief Corporate Officer and the Director of Real Estate Services be authorized severally to execute the Encroachment Agreement on behalf of the City.
2. The City Solicitor be authorized to complete the transaction on behalf of the City, including making payment of any necessary expenses and amending the

Encroachment Agreement commencement date to such earlier or later date(s) and on such terms and conditions as she may from time to time consider reasonable.

### Financial Impact

Revenue in the amount of \$66,000.00 plus GST if applicable, is anticipated.

The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial impact information.

### DECISION HISTORY

CN and GO Transit are undertaking improvements to CN's right-of-way by adding a third main line track along CN's Kingston Subdivision in order to improve commuter rail traffic. In conjunction with the proposed railway expansion, CN has requested an encroachment onto a number of City-owned lands, shown as Parcels 1, 3, 4, 6, 7, 10 and 12 on the attached sketches abutting its railway tracks on the southeast side between Victoria Park Avenue and Birchmount Road. The encroachments, depicted in cross-hatched lines, are required for the construction of embankments to support the additional track for GO Transit commuter trains in the Toronto area.

### COMMENTS

The following table illustrates the location, size of the properties and the encroachment areas:

Parcel No	Location	Lot Area (Acre)	Encroachment Area (Acre)	Comments
1	411 Victoria Park Ave	12.14	0.120	Vacant land under review for transfer to TEDCO
3	NW corner of Warden Ave and Clonmore Dr	0.39	0.190	Vacant remnant parcel of land
4	East side Warden Ave, south of CN tracks	0.13	0.030	Vacant remnant parcel of land
6	East of Parcel 4, south of CN tracks	3.02	0.340	Used for recreational purposes and known as the Hollis-Malmar Park
7	North side of Danforth Ave at end of Kalmar Ave	0.34	0.040	Vacant remnant parcel of land
10	3600 Danforth Ave	3.12	0.310	Used as a Firehall
12	South side of Danforth Ave, west of Kalmar Ave	0.14	0.011	Vacant remnant parcel of land

Consultations with staff of Fire Services, Transportation Services and Parks, Forestry and Recreation with respect to CN's encroachment request have confirmed that the City is agreeable to granting of the encroachments subject to the terms and conditions as outlined in Appendix "A" to this report.

CN has agreed to pay a lump sum amount of \$66,000.00, which reflects the fair market value for the encroachment right. Completion of the transaction on the terms detailed herein is considered beneficial to the City with a view to improving the commuter rail traffic.

## **CONTACT**

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## **SIGNATURE**

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Bruce Bowes, P. Eng.  
Chief Corporate Officer

## **ATTACHMENTS**

Appendix A  
Location Map  
Sketches