



STAFF REPORT ACTION REQUIRED

Grant of Permanent Easement(s) to the Canadian National Railway Company and the Canadian Pacific Railway in a Portion of the Former CP Spur Lead

Date:	April 25, 2008
To:	Government Management Committee
From:	Chief Corporate Officer
Wards:	18-Davenport
Reference Number:	P:\2008\Internal Services\F&re\Gm08048F&re – (AFS 3204)

SUMMARY

The purpose of this report is to obtain authority to grant easement(s) to the Canadian National Railway Company (“CN”) and the Canadian Pacific Railway (“CPR”) for the installation, access and maintenance of fibre optic and communication cable devices required in connection to the proposed rail-to-rail grade separation near Dupont and Dundas Streets on City-owned lands shown as Parts 1 to 8 on Sketch No. PS-2007-096a. The proposed easement in favour of CN and CPR would be substantially on the terms and conditions outlined in Appendix “A” to this report.

RECOMMENDATIONS

The Chief Corporate Officer recommends that:

1. City Council grant authority to enter into permanent easement(s) agreement with CN and CPR for the relocation of fibre optic and communication cable devices on City-owned lands shown as Parts 1 to 8 on Sketch No. PS-2006-096a (the “Property”), as shown on Appendix “B” and substantially on the terms and conditions outlined in Appendix “A” and on such further terms as may be acceptable to the Chief Corporate Officer and in a form satisfactory to the City Solicitor.

Financial Impact

Revenue in the amount of \$55,700.00, an administration fee of \$500.00 and a title registration fee of \$70.70, plus any applicable GST is anticipated

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

DECISION HISTORY

The Chief Corporate Officer declared the Property surplus on April 14, 2008 by Delegated Approval Form No. 2008-004, with the intended manner of disposal to be by way of an easement to CN and CPR for the installation, access and maintenance of fibre optic and communication cable devices.

ISSUE BACKGROUND

GO Transit intends to construct a rail-to-rail grade separation of the CN Weston Subdivision and the CPR North Toronto Subdivision near Dupont and Dundas Streets. The location of the proposed grade separation is shown on Sketch No. PS-2006-096a attached in Appendix "B".

The project consists of depressing the CN Weston rail tracks under the CPR North Toronto rail track. The CN Weston rail tracks will underpass the current Old Weston Road and Junction Road intersection leaving only the CPR Wye track at-grade rail crossing in operation.

Currently, two combined sewers cross under the CN Weston Subdivision and the GO Transit Milton line to an alignment down Watkinson Avenue. In addition, another combination sewer, a storm sewer and two watermains all cross under the CN Weston Subdivision and CPR Mactier Subdivision at Old Weston Road/Junction Road. To accommodate the CN depressed rail corridor, GO Transit undertook to relocate at GO's costs all of these municipal services to a routing alongside the proposed easement on the Property and on easements acquired from privately-owned lands.

GO Transit also proposes to relocate existing fibre optic cables owned by the Utility Companies and signal cables owned by CN and CPR in an underground concrete encased duct bank on the Property.

COMMENTS

The granting of an easement(s) in favour of the CN and CPR for relocation of their fibre optic and communication cable devices will facilitate the construction of a rail-to-rail grade separation of the CN Weston Subdivision and the CPR North Toronto Subdivision near Dupont and Dundas Streets. As a result, GO trains, VIA Rail and CN freight will then not conflict with Old Weston Road/Junction Road traffic.

Consultations with staff of Technical Services, Transportation Services and Toronto Water with respect to GO Transit's easement request have confirmed that the City is agreeable to granting of the easement subject to the terms and conditions as outlined in Appendix "A" to this report.

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SIGNATURE

Bruce Bowes, P. Eng.
Chief Corporate Officer

ATTACHMENTS

Appendix "A" – Major Terms and Conditions
Appendix "B" – Sketch PS-2007-096a & Site Map