



## STAFF REPORT ACTION REQUIRED

### Real Estate Acquisitions – TTC Sheppard East LRT Project - Grade Separation at Agincourt GO Station and Widening of Sheppard Avenue East Between Highland Creek and Midland Avenue

<b>Date:</b>	October 6, 2008
<b>To:</b>	Government Management Committee
<b>From:</b>	Chief Corporate Officer
<b>Wards:</b>	Ward 39 – Scarborough- Agincourt and Ward 41 - Scarborough Rouge River
<b>Reference Number:</b>	P:\2008\Internal Services\F&re\Gm08087F&re (AFS – 8583)

#### SUMMARY

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In March 2007, the Toronto Transit Commission (“TTC”) endorsed the *Toronto Transit City Light Rail Plan* (“Transit City”), as the basis and priority for rapid transit expansion in the City of Toronto (“City”). In June 2007, the Province of Ontario announced funding of \$17.5 billion for the implementation of the *MoveOntario 2002* rapid transit program in the Greater Toronto and Hamilton area (“GTHA”) over the next twelve years. In December 2007, City Council approved funds in the amount of \$7.1 million in the TTC 2008-2012 Capital Program budget for Transit City environmental assessments. In March 2008, the Province of Ontario announced funding to cover the \$7.1 million, as part of *MoveOntario 2002* Quick Wins initiative. These funds have been received by the City.

In July 2008, City Council approved amending Map 5 of the Official Plan to extend a Transit Priority Segment on Sheppard Avenue East (“Sheppard”) from McCowan Road to Meadowvale Road. City Council also approved the recommendations contained in the Sheppard East LRT Class Environmental Study to allow staff to begin the detailed design, as soon as possible, and be in a position to begin construction of the Sheppard East LRT (the “Line”) in 2009. Further, the TTC was requested, during the detailed design phase, to consider options to minimize the amount of property expropriated for the widening of Sheppard.

The Line is one of seven rapid and environmentally sustainable light rail transit lines endorsed by the TTC and the Line is to extend from the Don Mills Station on the Sheppard Subway Line to Meadowvale Road.

The first stage in the construction of the Line is to build the grade separation at the Agincourt GO Station. This report addresses, and seeks authority to acquire the property requirements for the grade separation and for the road widening of Sheppard between Highland Creek and Midland Avenue which are necessary in order to meet the requirement of the Official Plan with respect to 36 metre wide transit corridors.

## **RECOMMENDATIONS**

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### **The Chief Corporate Officer recommends that:**

1. Subject to the TTC obtaining project cashflow and commitment funding in the TTC 2009-2013 Capital Program, City Council grant authority to negotiate to acquire and to initiate expropriation proceedings, if necessary, for the property requirements shown on the attached Appendix “A1” together with permanent easements required for maintenance (the “Required Property”), for the purposes of constructing the grade separation at the Agincourt GO Station and for the widening of Sheppard between Highland Creek and Midland Avenue in connection with the TTC Sheppard East LRT Project.
2. City Council grant authority to the Chief Corporate Officer to serve and publish Notices of Application for Approval to Expropriate the Required Property, to forward to the Chief Inquiry Officer any requests for hearing that are received, to attend the hearing to present the City’s position and to report the Inquiry Officer’s recommendations to City Council for its consideration.
3. City Council grant authority to terminate the leasehold interests on City-owned property shown on the attached Appendix “B1” in accordance with the terms of each lease.
4. Upon completion of the construction, the Chief Corporate Officer review the remaining lands to determine their future disposition.

### **Financial Impact**

Under the Quick Wins initiative, the City received \$7.1 million from the Province to undertake environmental assessments for Transit City. However, funds have not yet been made available for any construction or for acquiring the Required Property.

All Transit City initiatives are included in the TTC’s 2009-2013 Capital Program as “below-the-line” items, all awaiting funding from Metrolinx which has just released its draft Regional Transportation Plan. When the plan is finalized and based on Metrolinx’s

funding decisions for selected GTHA rapid transit initiatives, TTC staff will be seeking approval to negotiate commitments and cashflow requirements for special project expenditures for lines and facilities for 2009 and beyond. Although funds are not yet available for any construction or property acquisition, such funding will be identified prior to proceeding with any transactions.

Three properties required for temporary and permanent uses in the grade separation and the Sheppard widening construction are owned by the City and subject to a lease. The leases generate revenue in the amount of \$111,080.04 in net rent and \$19,613.36 in realty taxes annually. By terminating these leases the City will forgo revenue in the total amount of \$130,693.40 annually for a period of approximately two years. Upon completion of the proposed construction, the remaining land would be reviewed by the Chief Corporate Officer to determine their future disposition that is consistent with the City's broader economic, social and environmental goals.

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

## **DECISION HISTORY**

On March 3, 4 and 5, 2008, City Council adopted, as amended, report PG13.7 of the Planning and Growth Management Committee, titled "Sheppard Corridor Study" authorizing the report and findings be forwarded to the TTC for consideration during the Transit City Sheppard East LRT EA process.

On April 28, 29 and 30, 2008, City Council adopted report CC20.2 from the Deputy City manager and Chief Financial Officer titled "Confirmation of Transit Funding" approving among other matters, the allocation of grants to the City from the Ministry of Transportation and Metrolinx.

On July 15, 16 and 17, 2008, City Council adopted reports PG17.1 and PG17.8 from the Planning and Growth Management Committee, titled "Official Plan amendment from Sheppard East Light Rail Transit (LRT) – Final Report and "Request for Approval of the Sheppard East LRT Environmental Assessment Study", respectively.

On September 23, 24 and 25, 2008, City Council adopted By-Law 1010-2008 thereby approving OPA No. 57 to amend the Official Plan to extend the Transit Priority Segment on Sheppard Avenue East from McCowan Road to Meadowvale Road.

## **COMMENTS**

The grade separation will require the construction of a barrier wall on the north and south sides of Sheppard for most of the length of the road between Highland Creek and Midland Avenue. Design drawings have identified twenty-six (26) properties, in whole or in part, on Sheppard that are required for:

- (i) the barrier walls;
- (ii) the temporary detour of Sheppard;
- (iii) the interim re-alignment of the rail corridor on the south side of Sheppard;
- (iv) the widening of Sheppard to a maximum of 36 metres, pursuant to the Official Plan; and
- (v) the rehabilitation of a driveway to ensure that the property owners will have continued access/egress from Sheppard.

Six (6) of these properties are owned by the City of which three (3) have been leased and three (3) are vacant land that were acquired for the future widening of Sheppard.

Portions of eight (8) properties on Agincourt Drive are required for the construction of the barrier wall and the interim re-alignment of the rail corridor on the north side of Sheppard. In addition, the TTC will undertake to rehabilitate five driveways to ensure that the property owners will have continued access/egress from Agincourt Drive.

Portions of two (2) properties on Lamont Drive are required to construct an interim re-alignment of the rail corridor on the south side of Sheppard.

All of the proposed privately-owned property requirements are set out in the attached Appendices “A1” and “A2”. In addition, it is anticipated that permanent easements, which have not yet been identified, will be required for future maintenance of the barrier walls.

#### City Leases:

Three (3) City-owned properties are subject to a lease. The property requirements and the lease information is set out in the attached Appendices “B1” and “B2” and as follows:

- (i) 4090 Sheppard Avenue East is leased to GO Transit for commuter parking at the Agincourt GO Station. Approximately 474 m<sup>2</sup> is required permanently for the grade separation and Sheppard widening.
- (ii) 4115 Sheppard Avenue East is leased to a used-car dealership. Approximately 474 m<sup>2</sup> of the site is required permanently for the grade separation and Sheppard widening and the remainder of the site for construction staging and the interim the rail realignment on the south side of Sheppard.
- (iii) 4118 Sheppard Avenue East is leased to a used-car dealership. Approximately 590 m<sup>2</sup> of the site is required permanently for the grade

separation and Sheppard widening. The remainder of the site is required for the temporary detour of Sheppard and the interim rail re-alignment.

Upon completion of the project, the lands would be reviewed by the Chief Corporate Officer to determine their future disposition.

Upon Council approval, F&RE will terminate these lease agreements in accordance with their respective termination clauses.

Subject to the TTC obtaining project cashflow and commitment funding in its 2009-2013 Capital Program Budget, which is anticipated to be before City Council for approval in December, 2008, City Council authority is being sought to commence negotiations, and where appropriate and necessary, initiate expropriation proceedings in order to realize all property requirements so that construction could begin in 2009.

## **CONTACT**

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## **SIGNATURE**

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Bruce Bowes, P.Eng.  
Chief Corporate Officer

## **ATTACHMENTS**

Appendix "A1" – Private Property Requirements Table  
Appendix "A2" – Site Maps  
Appendix "B1" – City-Owned Properties – Leases Proposed for Termination  
Appendix "B2" – Site Maps  
Appendix "C" – Site Map –Property Requirements - Highland Creek to Midland Avenue

## APPENDIX A1

### PRIVATE PROPERTY REQUIREMENTS TABLE

PROPERTY ADDRESS	LEGAL DESCRIPTION	PROPERTY REQUIREMENTS P – Permanent T – Temporary Construction (Areas are approximate, To be confirmed by Survey)
<b>WARD 39 – Scarborough-Agincourt</b>		
1.	7 Reidmount Avenue Metropolitan Toronto Condominium Plan No. 729	T – 145 m <sup>2</sup> Retaining Wall for R-O-W to access GO Station
2.	4044 Sheppard Avenue East part of Lot 15, Plan 3981 Scarborough	P – 25.00 m <sup>2</sup> Barrier Wall & Road Widening
3.	4046 Sheppard Avenue East part of Lot 37, Plan 3666 Scarborough	P – 37.00 m <sup>2</sup> Barrier Wall & Road Widening
4.	4054 Sheppard Avenue East part of Lot 37, Plan 3666 Scarborough	P – 61.75 m <sup>2</sup> Barrier Wall & Road Widening
5.	4061 Sheppard Avenue East Lot 10,RCP 9945 Scarborough	P – 25.00 m <sup>2</sup> Barrier Wall & Road Widening
6.	4066 Sheppard Avenue East part of Lot 28 Concession 3 Scarborough and designated as Part 18 on Reference Plan 64R-15178	P – 25.00 m <sup>2</sup> Road Corner Rounding at Reidmount Avenue T – 60.75 m <sup>2</sup> Barrier Wall
7.	4068-4070 Sheppard Avenue East part of Lot 28,Concession 3 Scarborough	P –474.00 m <sup>2</sup> Barrier Wall & Road Widening
8.	4072 Sheppard Avenue East part of Lot 28,Concession 3 Scarborough	P – 476.00 m <sup>2</sup> Barrier Wall & Road Widening
9.	4080 Sheppard Avenue East part of Lot 28,Concession 3 Scarborough	T – 1469.00 m <sup>2</sup> Future Access to Agincourt GO Station and Construction Staging
10.	North side of Sheppard Avenue East, West side of the rail corridor part of Lot 28,Concession 3 Scarborough designated as Part 1 on 64R-14612	T – 432.70 m <sup>2</sup> Sheppard Avenue Detour & Barrier Wall
11.	Rail Corridor part of Lot 27 & 28,Concession 3 Scarborough, designated as Part1 on 66R-19050 & Part 3 on 66R-19049	T – 288.40 m <sup>2</sup> Sheppard Avenue Detour & Barrier Wall

PROPERTY ADDRESS		LEGAL DESCRIPTION	PROPERTY REQUIREMENTS P – Permanent T – Temporary Construction (Areas are approximate, To be confirmed by Survey)
12	4091 Sheppard Avenue East	York Condominium Corp. No. 289, parts of Lots 21 and 22, Plan 2486 and part of Lot 28 Concession 2 Scarborough as described in Schedule "A" of Declaration B521744 Scarborough	P – 110.00 m <sup>2</sup> Barrier Wall & Road Widening T – 1105.00 m <sup>2</sup> Condo Driveway Relocation & Barrier Wall
<b>WARD 41 – Scarborough-Rouge River</b>			
13	4 Agincourt Drive	part of Lot 1, Plan 1909, and part of Lot 27, Concession 3, Scarborough, and designated as Part 2 on Reference Plan 64R-15970	T – Rear – 427.26 m <sup>2</sup> Interim Rail Re-Alignment T – Front – 134.5 m <sup>2</sup> Driveway Rehabilitation & Barrier Wall
14	5 Agincourt Drive	parts of Lots 64 and 65, Plan 1909 Scarborough	T – Front – 52.75 m <sup>2</sup> Driveway Rehabilitation & Barrier Wall
15	6 Agincourt Drive	part of Lot 2, Plan 1909 Scarborough	T – Rear – 115.80 m <sup>2</sup> Interim Rail Re-Alignment T – Front – 44.5 m <sup>2</sup> Driveway Rehabilitation & Barrier Wall
16	7 Agincourt Drive	part of Lot 63, Plan 1909 Scarborough	T – Front – 88.5 m <sup>2</sup> Driveway Rehabilitation & Barrier Wall
17	8 Agincourt Drive	part of Lot 2, Plan 1909 Scarborough and designated as Part 1 on Reference Plan 64R-4169	T – Rear – 63.55 m <sup>2</sup> Interim Rail Re-Alignment T – Front – 39.5 m <sup>2</sup> Driveway Rehabilitation & Barrier Wall
18	10 Agincourt Drive	part of Lot 2, Plan 1909 Scarborough and designated as Part 2 on Reference Plan 64R-4169	T – Rear – 42.80 m <sup>2</sup> Interim Rail Re-Alignment
19	12 Agincourt Drive	part of Lot 3, Plan 1909 Scarborough and designated as Part 3 on Reference Plan 64R-2246	T – Rear – 44.25 m <sup>2</sup> Interim Rail Re-Alignment
20	14 Agincourt Drive	part of Lot 3, Plan 1909 Scarborough	T – Rear – 19.86 m <sup>2</sup> Interim Rail Re-Alignment
21	41 Lamont Avenue	Lots 14 through 18, 15, Plan 3395 Scarborough	T – Rear – 103.40 m <sup>2</sup> Interim Rail Re-Alignment
22	51 Lamont Avenue	Lot 19, Plan 3395 Scarborough	T – Rear – 151.16 m <sup>2</sup> Interim Rail Re-Alignment

PROPERTY ADDRESS		LEGAL DESCRIPTION	PROPERTY REQUIREMENTS P – Permanent T – Temporary Construction (Areas are approximate, To be confirmed by Survey)
23	4124-4138 Sheppard Avenue East	parts of Lots 64 and 65, Plan 1909 Scarborough	P- 1874 m <sup>2</sup> Barrier Wall, Sheppard Avenue East Widening & Corner Rounding at Agincourt Drive
24	4125 Sheppard Avenue East	1' Reserve and Lots 20 and 27, Plan 3395 Scarborough, Lot 28, Plan 3395 Scarborough except Part 4 RS677 and Lot 46, RCP 9945 Scarborough	P - 34.15 m <sup>2</sup> Road Corner Rounding at Lamont Avenue T – 103.10 m <sup>2</sup> Interim Rail Re-Alignment
25	4142 Sheppard Avenue East	parts of Lots 65 and 66, Plan 1909 Scarborough	P- 1874 m <sup>2</sup> Barrier Wall & Road Widening T – 62.00 m <sup>2</sup> Barrier Wall
26	4146 Sheppard Avenue East	part of Lot 66, Plan 1909 Scarborough	P – 35.75 m <sup>2</sup> Barrier Wall & Road Widening T – 58.00 m <sup>2</sup> Barrier Wall
27	4155 Sheppard Avenue East	part of Lot 2, Plan 3395 Scarborough designated as Part 1 on Reference Plan 64R-8555 and part of Lot 45 RCP 9945 Scarborough designated as Part 4 on Reference Plan 64-R8555	T – 45.00 m <sup>2</sup> Barrier Wall
28	4156-4158 Sheppard Avenue East	Lots 1 and 2, Plan 3458 Scarborough, Lot 6, Plan 3458 Scarborough except Part 3 on Expropriation Plan 8758 and part of Lot 63, Plan 1909 Scarborough	P- 155.00 m <sup>2</sup> Barrier Wall & Road Widening T – 349.00 m <sup>2</sup> Barrier Wall
29	4171 Sheppard Avenue East	Lot 44, RCP 9945 Scarborough	T – 681.00 m <sup>2</sup> Barrier Wall
30	4181 Sheppard Avenue East	Lot 43, RCP 9945 Scarborough	P – 270.00 m <sup>2</sup> Road Widening T – 1000.00 m <sup>2</sup> Barrier Wall
31	4200 Sheppard Avenue East	part of Lot 27, Concession 3 Scarborough and designated as Parts 1 through 8 on Reference Plan 64R-1449	P – 193.50 m <sup>2</sup> Road Widening



## APPENDIX B1

### CITY-OWNED PROPERTY - LEASES PROPOSED FOR TERMINATION

PROPERTY ADDRESS	TENANT	EXPIRY DATE	TERMINATION CLAUSE	ANNUAL RENT	PROPERTY REQUIREMENTS P – Permanent T – Temporary Construction  (Areas are approximate Will be confirmed by Survey)	
<b>WARD 39 – Scarborough-Agincourt</b>						
1.	4090 Sheppard Avenue East	Commuter Parking Lot	July 31, 2010	90 Days	\$42,000.00 Fixed Rate	P - 474.00 m <sup>2</sup> Barrier Wall & Road Widening T – 886.45 m <sup>2</sup> Sheppard Avenue Detour
<b>WARD 41 – Scarborough- Rough River</b>						
2.	4115 Sheppard Avenue East	Used Car Dealership	July 31, 2012	60 Days	\$29,000.00 Annual 3% Increase, Based on 2008 Tax Bill	P - 474.00 m <sup>2</sup> Barrier Wall & Road Widening T – 755.00 m <sup>2</sup> Interim Rail Re-Alignment
3.	4118 Sheppard Avenue East	Used Car Dealership	October 31, 2008	With Council Approval	\$40,080.00	P – 590.40 m <sup>2</sup> & Barrier Wall & Road Widening Barrier Wall T – 1352 m <sup>2</sup> Sheppard Avenue Detour, Interim Rail Re-Alignment & Construction Staging