



STAFF REPORT ACTION REQUIRED

Expropriation of Sewer Easement, 27 Valecrest Drive

Date:	January 19, 2009
To:	Government Management Committee
From:	Chief Corporate Officer
Wards:	Ward 4 – Etobicoke Centre
Reference Number:	P:\2009\Internal Services\F&re\Gm09017F&re – (AFS 9351)

SUMMARY

The purpose of this report is to seek authorization from City Council to commence proceedings for expropriation of a permanent easement for sanitary sewer purposes in the land known as 27 Valecrest Drive ("27 Valecrest").

The permanent easement has been identified by Technical Services as part of a sanitary sewer upgrading program to be undertaken within the ravine area lying between Glendarling Road and Bearwood Drive in the former City of Etobicoke. The upgrade of the sewer involves replacing existing sewer infrastructure that has exceeded its functional age, with new sewer works that meet the environmental and engineering specifications of current municipal standards. Proceeding with this upgrade is considered urgent to ensuring the continuity of reliable sewer service and to relieving the risks to public health posed by the aging sewer infrastructure currently operating in the ravine area.

Negotiations with the owner of 27 Valecrest, have led staff to conclude that terms of an agreement to acquire the required easement cannot be achieved. In order to avoid further delay in acquiring the easement, expropriation is necessary.

RECOMMENDATIONS

The Chief Corporate Officer recommends that:

1. City Council grant authority to initiate the expropriation process for the taking of a permanent easement in 27 Valecrest.

2. City Council grant authority to serve and publish Notices of Application for Approval to Expropriate the permanent easement in 27 Valecrest, 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.

Financial Impact

Funds for the acquisition of the permanent easement in 27 Valecrest, either by way of negotiated settlement or expropriation, are available in the 2009 -Approved Capital Budget for Toronto Water, -(Easement Acquisition -CPW537-05). The detailed source and amount of funding will form part of a subsequent report to Committee and Council seeking authorization for the acquisition either through negotiation or, if required, by expropriation.

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

DECISION HISTORY

As part of the 2006 Capital Budget for Toronto Water, Technical Services was requested to initiate an Environmental Assessment for the upgrading by way of replacement of the existing sanitary sewer located within the ravine area from Glendarling Road to Bearwood Drive.

A review of existing property information indicates that the City has an existing registered sewer easement which traverses 27 Valecrest. However, the nature of the existing easement agreement does not allow for the construction, location and operation of the proposed upgraded sewer.

Technical Services will not be able to complete the replacement of the ravine area sewer until the requisite permanent easement is acquired in 27 Valecrest.

ISSUE BACKGROUND

27 Valecrest is located within Ward 4 Etobicoke Centre. It is legally described as Part of Lot 7, Plan 3939, City of Toronto (formerly Etobicoke), PIN 07488-0154 (LT), shown as Parts 5 and 6 on Reference Plan 66R-23955, being Attachment 2 to this report. The general location of 27 Valecrest is shown in Attachment 1.

The easement required in 27 Valecrest is the last of four permanent easements that were to be acquired by Technical Services in its sanitary sewer upgrade program for the ravine lands located between Glendarling Road and Bearwood Drive.

The other three parcels of lands for which easements were to be acquired are located at 19 Bell Royal Court, 21 Bell Royal Court and 88 Edenbridge Drive. For each of these parcels, registered easements have now been acquired by way of agreements of purchase and sale with the respective owners. Work to upgrade the sewers in these parcels cannot proceed until the necessary easement rights are acquired in 27 Valecrest. Consequently, all parcels within the ravine lands will continue to be serviced by the existing sewer infrastructure until the requisite rights in 27 Valecrest are acquired.

Real Estate Services staff have been in discussions with the owner of 27 Valecrest regarding an acquisition of the permanent easement since 2007 and have met and corresponded with the owner's representatives on numerous occasions in an attempt to reach mutually acceptable terms. The owner appears no longer interested in negotiating an agreement for the acquisition. As such, expropriation of the easement is recommended.

COMMENTS

The lands in the Glendarling Road to Bearwood Drive ravine corridor are currently serviced by existing sanitary sewers that are in need of replacement and upgrading to current municipal standards. The acquisition of a permanent easement in 27 Valecrest will enable Technical Services to complete its upgrade program for these sewers and to thereby relieve potential public health and safety risks that can be expected to arise should the existing sewer works, now past their functional age, continue in use.

The owner of 27 Valecrest is not willing to sell the required easement to the City and as such, the commencement of expropriation proceedings is recommended.

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SIGNATURE

Bruce Bowes, P. Eng.
Chief Corporate Officer

ATTACHMENTS

Attachment 1 – Location map
Attachment 2 – Reference Plan