



**STAFF REPORT
ACTION REQUIRED
with Confidential Attachment**

**Expropriation of Property Interests for Grade Separation
at Agincourt GO Station - TTC Sheppard East LRT
Project**

Date:	December 16, 2009
To:	Government Management Committee
From:	Chief Corporate Officer
Wards:	Ward 39 – Scarborough-Agincourt and Ward 41 – Scarborough-Rouge River
Reason for Confidential Information:	This report is about a proposed or pending land acquisition by the City or one of its agencies, boards, and commissions and deals with litigation or potential litigation that affects the City or one of its agencies, boards and commissions.
Reference Number:	P:\2010\Internal Services\F&re\Gm10005F&re - (AFS – 11111)

SUMMARY

This report seeks authority to expropriate the property requirements as identified in Appendix “A1” and illustrated in Appendix “A2” for the purposes of constructing a grade separation at the Agincourt GO Station (the “Project”). The grade separation is a prerequisite for the proposed Toronto Transit Commission (“TTC”) Sheppard East LRT.

This report also seeks approval to amend previously approved property boundaries as identified in Appendix “B1” and illustrated in Appendix “B2”.

RECOMMENDATIONS

The Chief Corporate Officer recommends that:

1. City Council, as approving authority under the *Expropriations Act*, approve the expropriation of the property interests set out in Appendix “A1” (the Properties”) for the Sheppard Avenue East Grade Separation.

2. City Council, as expropriating authority under the *Expropriations Act*, authorize all necessary steps to comply with the *Expropriations Act*, including but not limited to, the preparation and registration of an Expropriation Plan and the service of Notices of Expropriation, Notices of Election as to a Date for Compensation and Notices of Possession.
3. City Council authorize the Director of Real Estate or the Executive Director of Facilities and Real Estate to sign the Notices of Expropriation and Notices of Possession on behalf of the City.
4. Leave be granted for introduction of the necessary Bill in Council to give effect thereto.
5. City Council authorize the public release of the confidential information contained in Attachment 1 once there has been a final determination of the compensation payable for the Properties by arbitration, appeal or settlement to the satisfaction of the City Solicitor.
6. City Council authorize the amendments to the property requirements, as set out in Appendix “B1” of this report, for which the authority to initiate expropriation proceedings was previously approved by Council at its meeting held on October 29 and 30, 2008.

Financial Impact

Funding is available in the 2010-2014 Approved Capital Budget and Plan CTT135.

Confidential Attachment 1 to this report identifies the initial appraised values for the Properties.

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

DECISION HISTORY

On October 29 and 30, 2008, City Council adopted, as amended, Government Management Committee Report GM18.13, that subject to the TTC obtaining project cashflow and commitment funding in the TTC 2009-2013 Capital Program, authorized the acquisition and initiation of expropriation proceedings, if necessary, the property requirements for the grade separation on Sheppard Avenue East at the Agincourt GO Station.

On September 30 and October 1, 2009, City Council adopted Executive Committee Report EX 34.11, to increase funding in the 2009-2013 Approved Capital Budget and Plan by \$134.5 million, to continue work on the priority Transit City lines and to authorize the City Manager to enter into a Memorandum of Agreement, on behalf of the City, with Metrolinx and the TTC, wherein Metrolinx will provide interim funding for

the implementation of components of the Sheppard East LRT, which is one of the priority Transit City lines.

COMMENTS

Expropriation of Property

When City Council's authority was received, staff sought to secure voluntary acquisitions through negotiations with each of the impacted owners. However, agreements have not been reached with the owners of the Properties. Due to the tight time frame for the commencement of the TTC's construction program and to ensure the Property is secured in a timely manner for the commencement of the TTC's construction of the grade separation, this report recommends that Council approve the proposed expropriation of the Properties and authorize all necessary steps to proceed with the expropriation in compliance with the *Expropriations Act*. Details of the Properties to be expropriated are set out in Appendix "A1".

Pursuant to Council's authority and in accordance with the *Expropriations Act*, Notices of Application for Approval to Expropriate the Properties were served on the registered owners set out in Appendix "A1", and published in the newspaper. No request for a Hearing of Necessity, which is permitted under the *Expropriations Act*, has been received from the owners within the thirty day period following the service and publication of the said Notices, as permitted under the *Expropriations Act*.

Refinement of Property Boundaries

At the time of reporting to Council in October 2008, TTC staff had identified privately owned properties that were required, in whole or in part and either temporarily or permanently, for the construction of the Agincourt GO grade separation. Since that time, more detailed design work has been undertaken, resulting in an increase in the size of the takings for two of the previously approved properties.

CONTACT

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SIGNATURE

Bruce Bowes, P.Eng.
Chief Corporate Officer

ATTACHMENTS

Confidential Attachment 1 – Confidential Information

Appendix A1 - Property Requirements To Be Expropriated

Appendix A2 – Site Maps of the Property Requirements To Be Expropriated

Appendix B1 – Property Requirements To Be Amended

Appendix B2 – Site Maps of Property Requirements To Be Amended

Site Map