



**STAFF REPORT
ACTION REQUIRED**
with Confidential Attachment

TTC Sheppard East LRT Project - Expropriation of a Portion of 4046, 4054 and 4125 Sheppard Avenue East for the Grade Separation at Agincourt GO Station and the Widening of Sheppard Avenue East

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| Date: | April 13, 2010 |
| To: | Government Management Committee |
| From: | Chief Corporate Officer |
| Wards: | 39 – Scarborough-Agincourt and 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\Re\Gm10025Re (AFS – 11854) |

SUMMARY

This report seeks authority to expropriate portions of 4046, 4054 and 4125 Sheppard Avenue East as set out in Appendix “A” (the Properties”) and illustrated in Appendix “B” for the purposes of constructing the 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.

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 “A” 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. The Director of Real Estate Services be authorized 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.

Financial Impact

Funding for the Required Property identified in Appendix "A" is available in the 2010-2014 Approved Capital Budget and Plan, in project 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 the recommendations of Report GM18.13, whereby staff were authorized to negotiate to acquire, or initiate expropriation proceedings, with respect to properties required for constructing a grade separation at the Agincourt GO Station, and for the widening of Sheppard Avenue East, subject to obtaining project cashflow and commitment funding in the TTC 2009-2013 Capital Program.

On September 30 and October 1, 2009, City Council adopted Report No. EX34.11 of the Executive Committee to increase the 2009-2013 Capital Budget by \$134.5 million gross, to continue work on the priority Transit City Lines, with \$125.8 million to be funded by the Province through Metrolinx and the balance of \$8.7 million for environmental assessments for other Transit City lines to be funded through offsets within the TTC's 2009 Approved Capital Budget, and report back to the Budget Committee on the offsets. Further, City Council authorized 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, Finch West LRT, Eglinton Crosstown LRT and Scarborough RT transit projects.

COMMENTS

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 "A", 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 of the Properties within the thirty day period following the service and publication of said Notices, as permitted under the *Expropriations Act*.

Due to construction scheduling staff have not had the opportunity to engage in negotiations. In order to secure the Properties in a timely manner and thus avoid costly delays in the construction schedule, 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 "A".

CONTACT

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SIGNATURE

Bruce Bowes, P.Eng.
Chief Corporate Officer

ATTACHMENTS

Attachment 1 – Confidential Attachment
Appendix "A" – Private Property Requirements To Be Expropriated
Appendix "B" – Sketches of Private Property Requirements To Be Expropriated
Appendix "C" – Excerpts from Draft Expropriation Plans