



STAFF REPORT ACTION REQUIRED

Expropriation of part of 180 Queens Quay East and part of 215 Lake Shore Boulevard East

Date:	April 14, 2010
To:	Government Management Committee
From:	Chief Corporate Officer
Wards:	28 - Toronto Centre Rosedale
Reference Number:	P:\2010\internal Services\RE\Gm10035re (AFS #11776)

SUMMARY

Toronto Waterfront Revitalization Corporation (“WT”) has requested that the City exercise its expropriation powers to acquire certain lands required for the reconfiguration of the Lower Sherbourne Street right-of-way. This report seeks authorization to commence the expropriation of a portion of 180 Queens Quay East and 215 Lake Shore Blvd East.

RECOMMENDATIONS

The Chief Corporate Officer recommends:

1. Council authorize the Director of Real Estate to commence the expropriation process, in accordance with the *Expropriations Act*, to acquire part of Parcel 13-1, Section A-694E, being part of Block 13, Plan 694E, Toronto municipally known as part of 180 Queens Quay East and part of 215 Lake Shore Blvd. East, shown as the shaded Parts 1 and 3 on Appendix B (the “Required Lands”), to facilitate the reconfiguration of Lower Sherbourne Street right-of-way.

2. Council authorize the Director of Real Estate to serve and publish Notices of Application for Approval to Expropriate the Required Lands, to forward any requests for a hearing that are received to the Chief Inquiry Officer, to attend the hearing in order to present the City's position, and to report the Chief Inquiry Officer's recommendations back to Council for its consideration.
3. The appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.

Financial Impact

There are no financial implications as a result of this report. WT, in their role as revitalization lead for the waterfront, has undertaken to be responsible for any costs associated with this expropriation.

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

DECISION HISTORY

In January/February 2006 Council approved a Memorandum of Understanding ("MOU") between the City, TEDCO and WT that sets out their respective roles and responsibilities in revitalizing the East Bayfront and the Port Lands. The MOU represented the final step in implementing the new governance structure and appointed WT as lead in revitalizing the majority of the East Bayfront.

ISSUE BACKGROUND

WT in cooperation with the City of Toronto has commissioned several environmental assessment studies within the Designated Waterfront Area ("DWA"). One such study was a Class Environmental Assessment ("Class EA") for the lands south of Lake Shore Boulevard East between Jarvis Street and Parliament Street, generally referred to as the East Bayfront. As a consequence of the acceptance of the Class EA land acquisition requirements for municipal purposes including roads, transit, public spaces, parks, municipal facilities and municipal services, were identified.

The Class EA includes a realignment of Lower Sherbourne Street to align with a new public right-of-way south of Queens Quay East, recently named Dockside Drive, and to accommodate the construction of the new Sherbourne Park North, which is directly to the east of the realigned boundaries of Lower Sherbourne Street. In order to achieve the realigned eastern boundary of Lower Sherbourne Street, Council approved the permanent closure of the eastern portion of Lower Sherbourne Street at its meeting on March 31, April 1, 2010. The expropriation of the Required Lands will result in the realignment of the western boundary of Lower Sherbourne Street.

COMMENTS

The Required Lands represent a small portion of two larger properties both owned by 1147390 Ontario Limited and leased to FedEx, who carry on an office and distribution operation at this location. The Required Lands are unimproved and form a small portion of the FedEx parking lot.

WT has been engaged in negotiations with the owner of the Required Lands for inclusion in the realignment of Lower Sherbourne Street since 2007. Unfortunately attempts to date to acquire the properties have proven unsuccessful. The primary reason for this is that the land owner has an outstanding appeal against the City regarding certain aspects of the East Bayfront Zoning By-Law, and does not want to deal with the realignment issue in isolation.

Although negotiations with the owner will continue, in order to achieve the timelines required for the park completion and the construction of Lower Sherbourne Street to match the opening of Dockside Drive as a public right-of-way, WT has requested the City of Toronto to exercise the City of Toronto's powers of expropriation. WT has no power to expropriate and so must rely on the City to do so. In making its request, WT has undertaken to pay all costs associated with the expropriation.

Information on the proposed taking is shown on Appendix A.

CONTACT

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SIGNATURE

Bruce Bowes, P.Eng
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ATTACHMENTS

Appendix A - Property Information
Appendix B - Site Map