



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

Expropriation of 13 Barberrry Place and 23 Barberrry Place for New East/West Road

Date: October 25, 2017

To: Government Management Committee

From: Deputy City Manager, Internal Corporate Services
and General Manager, Transportation Services

Wards: 24 - Willowdale

REASON FOR CONFIDENTIAL INFORMATION

This report is about a proposed or pending land acquisition by the City or one of its agencies or corporations.

SUMMARY

In December 2015, City Council authorized the initiation of expropriation proceedings for 13 and 23 Barberrry Place, which are required for the new east/west road which will connect Rean Drive to Kenaston Gardens, in order to improve traffic flow and pedestrian connections.

This report seeks approval from City Council, as the approving authority under the *Expropriations Act*, to expropriate 13 Barberrry Place and 23 Barberrry Place. The required properties are shown as Parts 1 and 2 on Sketch No. PS-2017-088 attached as Appendix "B".

RECOMMENDATIONS

The Deputy City Manager, Internal Corporate Services and the General Manager, Transportation Services recommend that:

1. City Council, as approving authority under the *Expropriations Act*, approve the expropriation of 13 Barberrry Place and 23 Barberrry Place, as legally described in Appendix "A" and shown as Parts 1 and 2 on Sketch No. PS-2017-088 attached as Appendix "B" (the "Properties").
2. City Council authorize the City, as expropriating authority under the *Expropriations Act*, to take all necessary steps to comply with the *Expropriations Act*, including but not limited to, the preparation and registration of an Expropriation Plan and service of Notices of Expropriation, Notices of Election as to a Date for Compensation and Notices of Possession.

3. City Council amend the 2017 Council Approved Capital Budget for Transportation Services by the addition of a new capital project called "13 and 23 Barberrry Place" for the costs as outlined in Confidential Attachment 1 – Confidential Information, funded from Development Charge Reserve Fund Roads (XR2110).

4. City Council authorize the public release of the confidential information contained in Confidential Attachment 1 once there has been a final determination of all claims for compensation for all of the Properties to the satisfaction of the City Solicitor.

FINANCIAL IMPACT

Amendment of the 2017 Council Approved Capital Budget for Transportation Services would be required to add a new capital project called "13 and 23 Barberrry Place", with total project cost as outlined in Confidential Attachment 1 to this report which identifies the initial estimated value of the Properties.

Funding to acquire the Properties and associated expropriation costs is available in Transportation Services Development Charge Reserve Fund Roads (XR2110).

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

DECISION HISTORY

At its meeting held on December 13, 14 and 15, 2016, City Council adopted item PW17.5, "*Rean Drive to Kenaston Gardens Environmental Assessment Study*", where City Council endorsed the recommendations in the Environmental Assessment Study for a new east-west street from Rean Drive to Kenaston Gardens.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.PW17.5>

At its meeting held on December 9 and 10, 2015, City Council adopted Item GM8.18, "*Expropriation of 13 Barberrry Place and 23 Barberrry Place*", which authorized staff to serve and publish Notices of Application for Approval to Expropriate the Properties.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.GM8.18>

At its meeting held on August 25, 26, 27 and 28, 2014, City Council adopted Item GM32.17, "*Required Land Acquisitions and Related Costs to Complete East-West Road between Rean Drive and Kenaston Gardens*" and authorized the purchase of 13 Barberrry Place based on its current appraised value and the expropriation of 23 Barberrry Place in the event it could not be obtained for nominal consideration through the development process, if and when a development application was submitted.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.GM32.17>

On February 19 and 20, 2014, Member Motion MM48.34 was adopted by City Council. City Council requested the Director of Real Estate Services, in consultation with the Director of Transportation Services, North York District, the Director of Community Planning, North York District and the City Solicitor to identify the land acquisitions necessary to complete the east/west road running from Rean Drive to Kenaston Gardens and to report to Government Management Committee with respect to the means by which those lands could be acquired and the potential cost and source of funds to complete the acquisitions.

<http://www.toronto.ca/legdocs/mmis/2014/mm/bgrd/backgroundfile-67079.pdf>

COMMENTS

The area south of Sheppard Avenue East and east of Bayview Avenue is experiencing a significant amount of residential development. The Sheppard East Subway Corridor Secondary Plan identifies specific objectives for this area, requiring high-quality transit-supportive development.

At its meeting on February 29, March 1 and 2, 2000, City Council adopted the Southeast Bayview Node Context Plan, which sets out the urban design principles needed to guide development and support the objectives of the Secondary Plan. The Context Plan envisions a neighbourhood with a fine grain of public streets, including a number of proposed transportation improvements such as new east-west streets that improve pedestrian connectivity to the TTC Bayview subway station. Refer to Appendix "D" for the Context Plan.

As development has proceeded over a number of years, most of the transportation improvements identified in the Context Plan have been implemented with the exception of the new east-west street between Rean Drive and Kenaston Gardens. In 2017, Transportation Services completed the Rean Drive to Kenaston Gardens Environmental Assessment (EA) Study which identified the preferred design for the extension of the new street.

All properties required for the development of the new road have been secured through the development approval process, except for 13 and 23 Barberrry Place.

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 and published in the newspaper. The City has not received notice of any requests for a hearing of necessity and the time limitation set out in the *Expropriations Act* for giving notice of such a request has expired.

Real Estate Services staff have been in discussions with the owners of the Properties in an attempt to purchase the Properties. While the Properties both continue to be listed for sale on the MLS, neither of the property owners is willing to entertain the City's offer to purchase at the current appraised value as they have indicated that they expect to receive greater compensation from a developer.

It is recommended that City Council, as approving authority under the Expropriations Act, approve the expropriation of the Properties and that City Council authorize the City, as expropriating authority under the Expropriations Act, to take all necessary steps to proceed with the expropriation of the Properties.

CONTACT

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SIGNATURE

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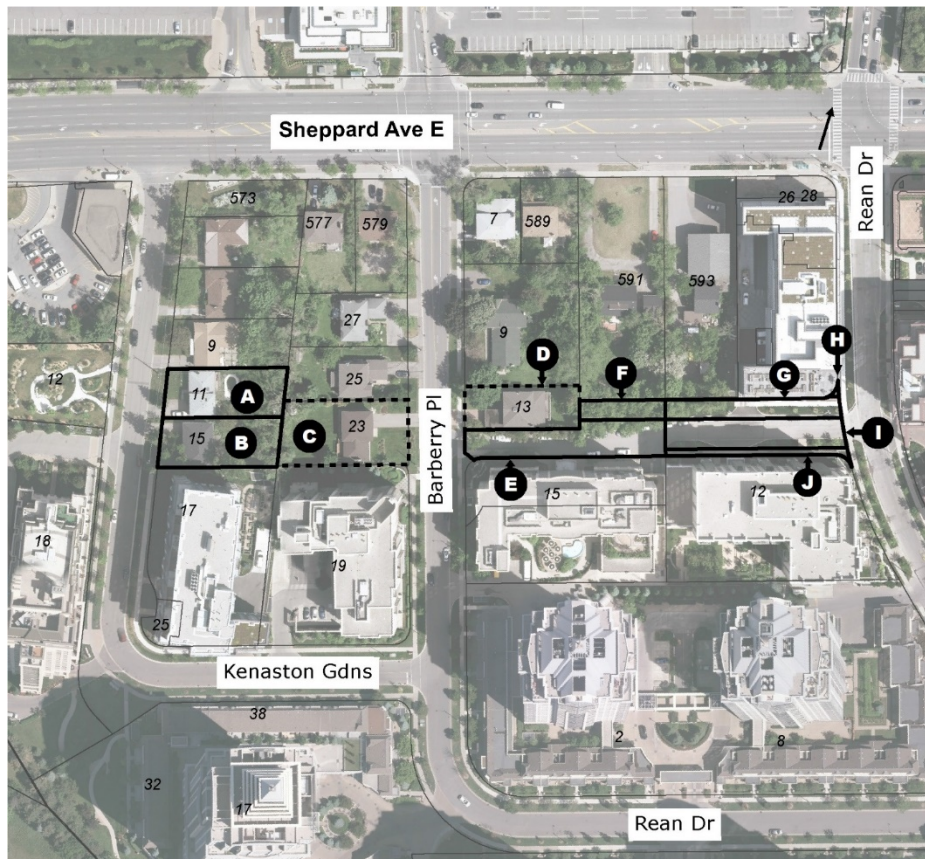
ATTACHMENTS

Attachment 1 - Confidential Attachment
Appendix "A" – Property Requirements
Appendix "B" –Sketch No. PS-2017-088
Appendix "C" – Location Map
Appendix "D" - Context Plan

Appendix "A"

Property Requirements

Address	Legal Description	Site Area (approx +/-)	Building Description
13 Barberry Place	PT LT 1 PL 4797 NORTH YORK PT 4 64R5341; TORONTO (N YORK), CITY OF TORONTO	624 m ² 6716.68 sq ft	Single Family Residence
23 Barberry Place	PT LT 15 CON 2 EYS TWP OF YORK AS IN NY301799; TORONTO (N YORK), CITY OF TORONTO	1,040 m ² 11,194.47 sq ft	Single Family Residence



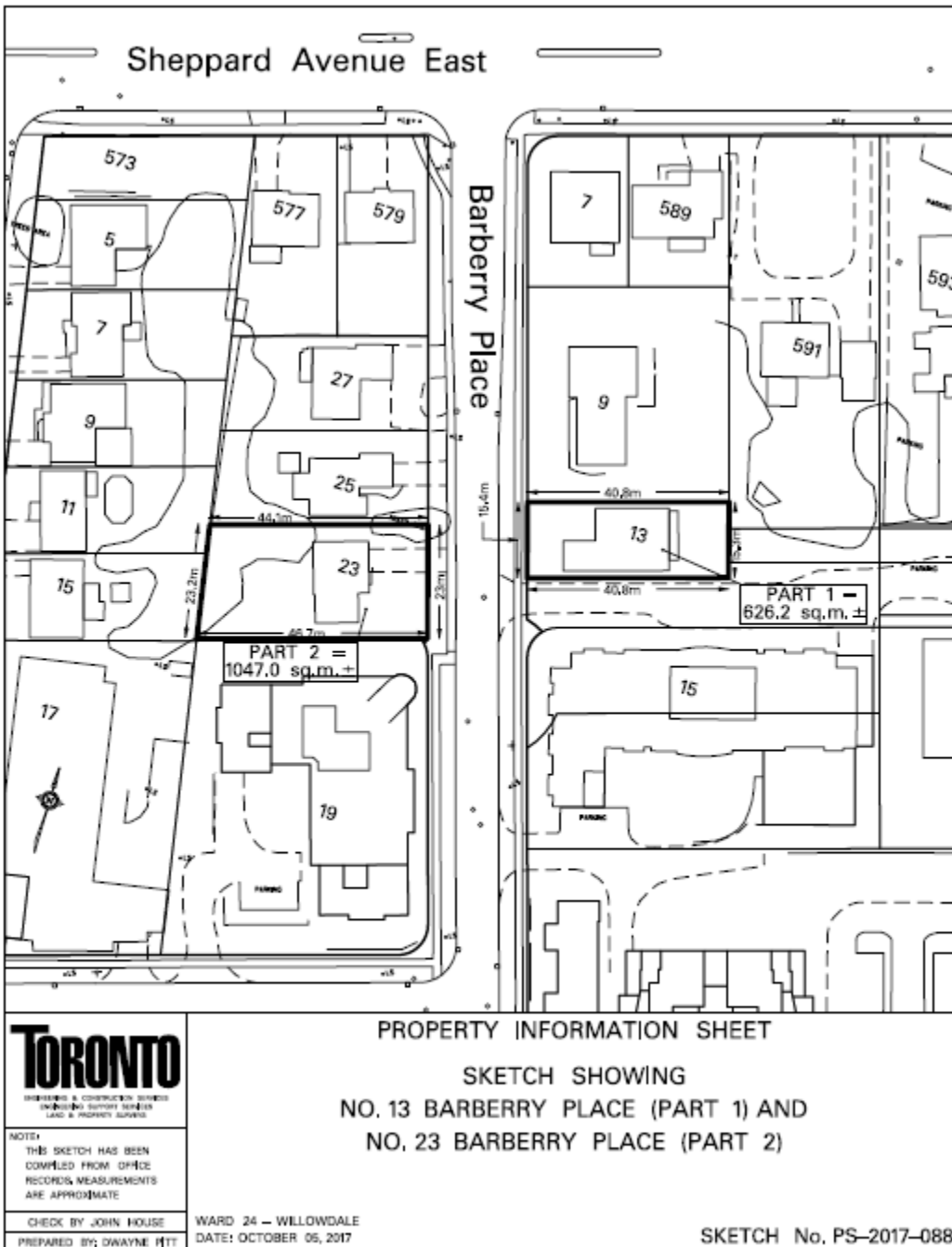
--- Required Properties*

▭ Required and Secured by City*

0 50 m

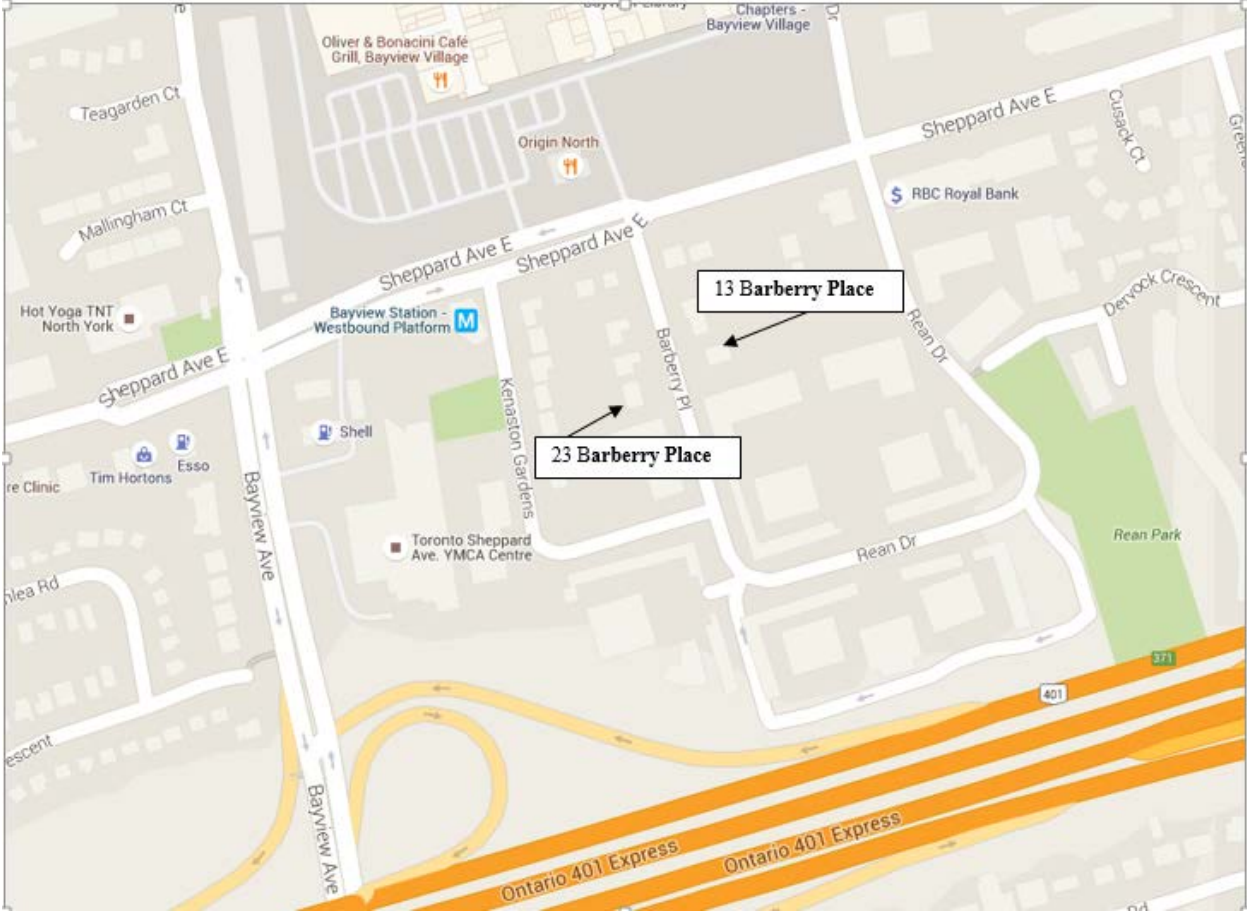
Appendix "B"

Sketch No. PS-2017-088



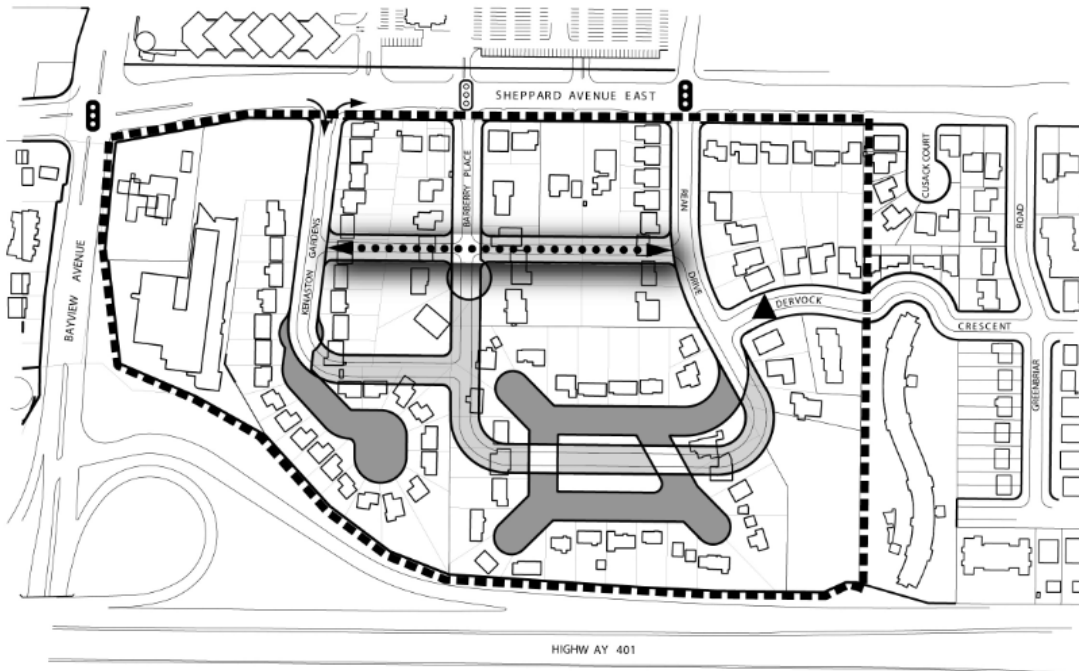
Appendix "C"

Location Map



Appendix "D"

Context Plan



Transportation Options

MAP 4

- Context Plan Study Area
- Existing Road to be Retained
- Road to be Closed
- New Road Areas
- Existing Signalized Intersection
- Potential Signalized Intersection
- Potential Right-In / Right-Out Movement
- Potential Traffic Control Measures or Cul-de-Sac
- Rean Drive / Kenaston Gardens New Street

↑
Not to Scale
04 03