

Expropriation of Permanent Easements for the Fairbank Silverthorn Storm Trunk Sewer System

Date: August 26, 2019

To: General Government and Licencing Committee

From: Executive Director, Corporate Real Estate Management

Wards: Ward 5 – York South-Weston and Ward 9 – Davenport

SUMMARY

The purpose of this report is to seek authority from City Council to commence expropriation proceedings, if necessary, to acquire permanent easements on part of the properties municipally known as 441 Blackthorn Avenue, 415 Nairn Avenue, 417 Nairn Avenue, 419 Nairn Avenue, 18 Branstone Road, 20 Branstone Road, 119 Ennerdale Road, 49 Dynevor Road, 65 Dynevor Road and 2226 Dufferin Street (collectively, the "Properties"). The acquisition of these easements is essential for the construction of the proposed Fairbank Silverthorn Storm Trunk Sewer System and works ancillary thereto beneath the surface of the Properties to reduce the risk of future basement flooding in the Eglinton Avenue West and Caledonia Road area.

This report is the first stage of the expropriation process. After the application for approval to expropriate is authorized, staff will serve and publish notice on the registered owners of the Properties. Registered owners will have 30 days to request an inquiry into whether the proposed takings are fair, sound and reasonably necessary.

If no inquiry is requested, Council may approve the expropriation by a subsequent Stage 2 report. At that time, staff will report to Council with further details on the anticipated costs, based on appraisals. Following the Stage 2 report, the Expropriation Plan will be registered and Notices of Expropriation served. Statutory offers of compensation must be served prior to the City taking possession of the expropriated Properties.

RECOMMENDATIONS

The Executive Director, Corporate Real Estate Management recommends that:

1. City Council authorize the Executive Director, Corporate Real Estate Management to continue negotiations for the acquisition of the Property Interests listed in Appendix A and outlined on the easement drawings attached as Appendix B (collectively, the

"Project Requirements") and on the project map attached as Appendix C, and grant authority to initiate the expropriation process for the Project Requirements if the Executive Director, Corporate Real Estate Management, deems it necessary or appropriate to proceed in that manner.

2. City Council authorize the Executive Director, Corporate Real Estate Management to serve and publish Notices of Application for Approval to Expropriate the Project Requirements, to forward any requests for hearing to the Chief Inquiry Officer, to attend any hearings to present the City of Toronto's position, and to report the Inquiry Officer's recommendations to City Council for consideration.

FINANCIAL IMPACT

The costs to serve and publish the required Notices of Application for Approval to Expropriate, together with any costs related to attendance at the Hearing of Necessity, if any, will be funded from the 2019 Council Approved Capital Budget and 2020-2028 Capital Plan for Toronto Water under Account CWW421-11.

Prior to expropriation, a subsequent detailed report will be submitted to the General Government and Licensing Committee and Council seeking final approval for the expropriation of the Property Interests and will identify the funding for the market value of the Project Requirements, as well as disturbance costs (if any), interest, land transfer tax costs, and all other associated costs stipulated under the Expropriations Act.

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

DECISION HISTORY

At its meeting of January 17, 2019, Infrastructure and Environment Committee granted authority to enter into an agreement with CH2M Hill Canada Ltd., being the highest overall scoring proponent meeting the requirements of RFP No. 9117-18-7185 to provide Professional Engineering Services for the Detailed Design, Services During Construction and Post Construction Services for the Fairbank Silverthorn Storm Trunk Sewer System, in the amount of \$30,469,539 net of HST recoveries.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.IE1.2>

On June 6, 2019, Executive Committee adopted with amendments EX6.4 – Federal Disaster Mitigation and Adaptation Fund – Update. This report provided an update on the Disaster Mitigation and Adaptation Fund program and sought City Council approval for the Mayor to execute contribution agreements for projects that are successful in receiving funding under the Disaster Mitigation and Adaptation Fund.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.EX6.4>

COMMENTS

The Fairbank Silverthorn Storm Trunk Sewer System project for basement flooding protection and combined sewer overflow reduction was recommended through the Investigation of Chronic Basement Flooding Study Area 3 Class Environmental Assessment, completed in 2010. The Environmental Study Report can be found at: https://www.toronto.ca/wp-content/uploads/2017/11/99e7Area3_Report_FINAL_2011.pdf.

The Fairbank Silverthorn Storm Trunk Sewer System project is funded by Toronto Water, with Engineering and Construction Services responsible for capital works delivery. The project involves the construction of 14 kilometers of new subsurface storm sewers, which has the dual benefits of providing basement flooding protection to 4,295 homes and reducing combined sewer overflows to the environment.

Preliminary design for the project was completed in 2015. The storm trunk sewer will be an approximately four (4) metre diameter pipe, constructed through tunneling to collect, store and convey storm water from the area of the Properties to the Black Creek water course. The location of the tunnel will generally follow the City's right-of-way but the Project Requirements cannot be avoided due to limitations of the tunnel boring machine, narrow streets and right-of-way limitations such as sharp road bends and dead-ends. After a peer review of the preliminary design, the designs were adjusted and property impacts were minimized.

The main storm tunnel will pass thirteen (13) to forty (40) metres below the Properties. At such depths, the tunnel and associated easements will not restrict development or improvements to the Properties. The tunnel will be constructed using a tunnel boring machine that will be launched through a deep shaft constructed in a park in the area and will be retrieved from another shaft located in the City's right-of-way. Due to this method of construction, no above-ground work or disturbance will occur at the Properties.

Vibration and noise studies have been completed and there is no concern of structural damage to the properties from the underground construction work. Vibration and settlement monitors may be installed on the Properties before, during and after construction to ensure that vibration levels are monitored.

In June 2018, Real Estate Services staff informed the affected property owners about the easement needs. In July 2019, upon completion of the appraisals and confirmation from the project design team of the easement requirements, property owners were provided with compensation details. Communications and negotiations are currently ongoing with the owners of the Properties. Construction for the main storm tunnel is planned from 2021 to 2024 and is contingent on easement acquisitions. Staff will continue to negotiate with the property owners as a negotiated agreement is preferred. However, as a few property owners have not responded, it is prudent to initiate the expropriation process to ensure all easements are acquired by the fourth quarter of 2020 at the latest.

The City of Toronto has entered into an agreement with the Federal Disaster Mitigation and Adaptation Fund in the amount of \$73.2 million with strict schedule requirements that the City must adhere to.

In order to facilitate the Fairbank Silverthorn Storm Trunk Sewer System project and works ancillary thereto, the Project Requirements summarized in Appendix "A" and "B" will need to be acquired by the City of Toronto.

CONTACT

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SIGNATURE

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Executive Director, Corporate Real Estate Management

ATTACHMENTS

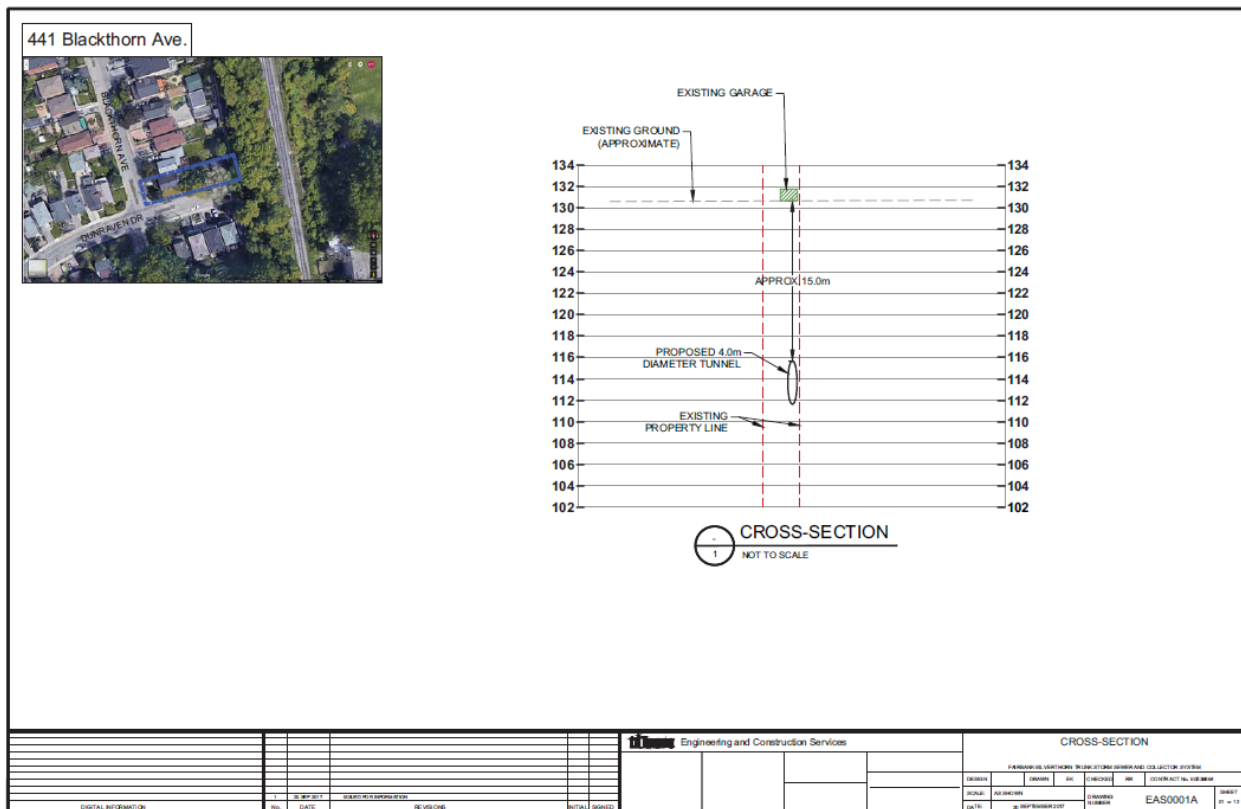
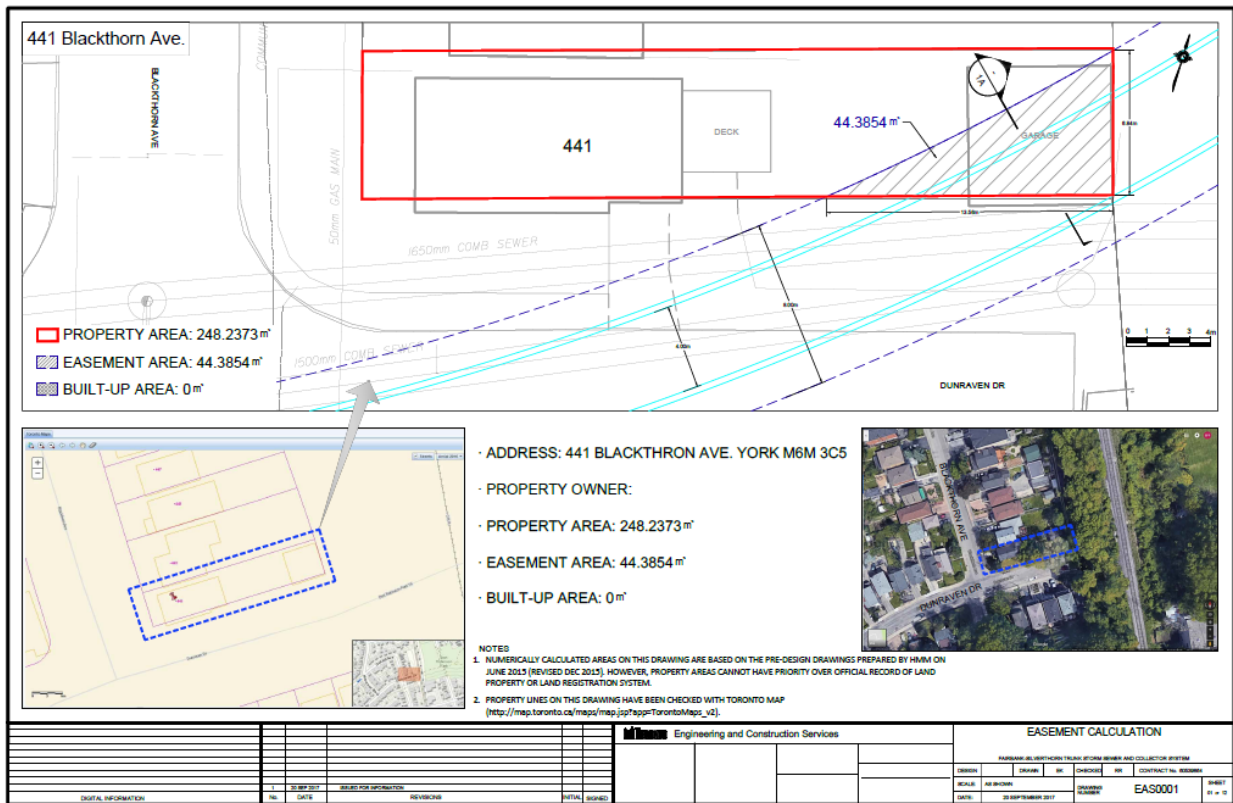
Appendix A – Required Property Interests
Appendix B – Easement Drawings
Appendix C – Project Map

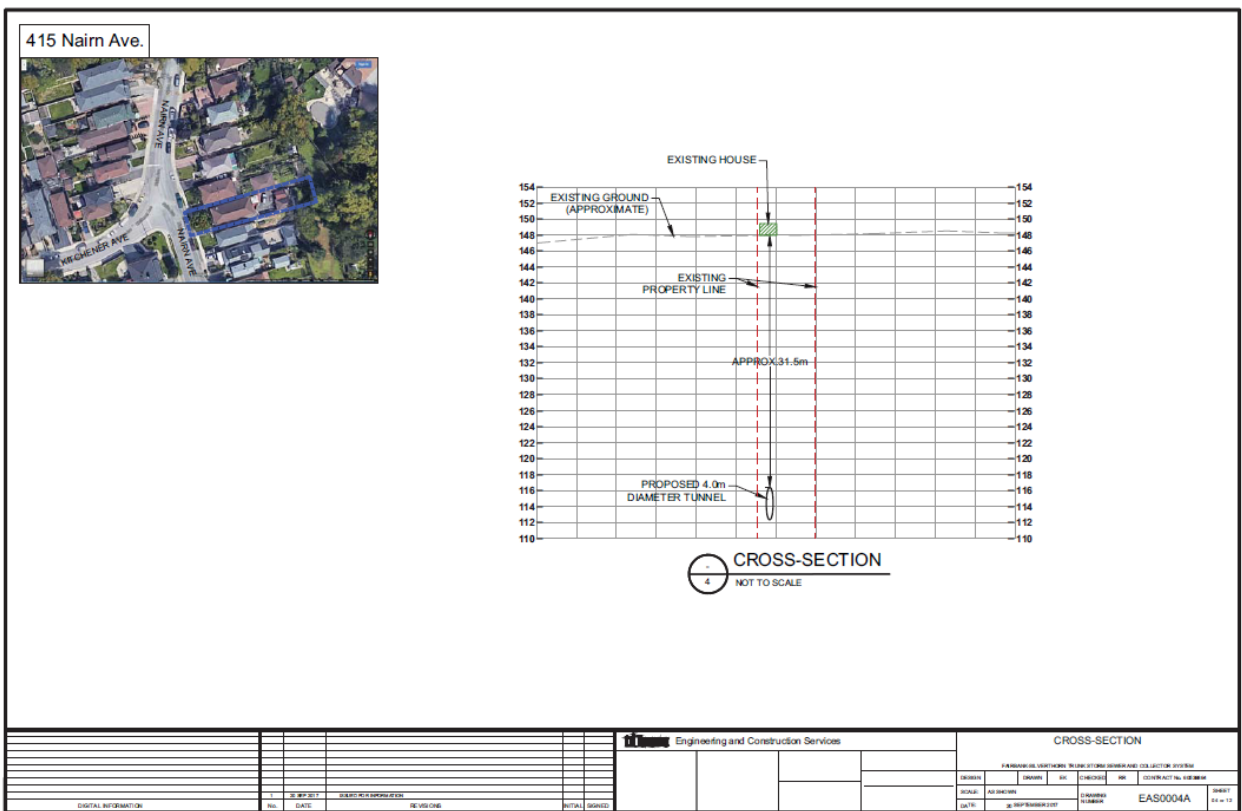
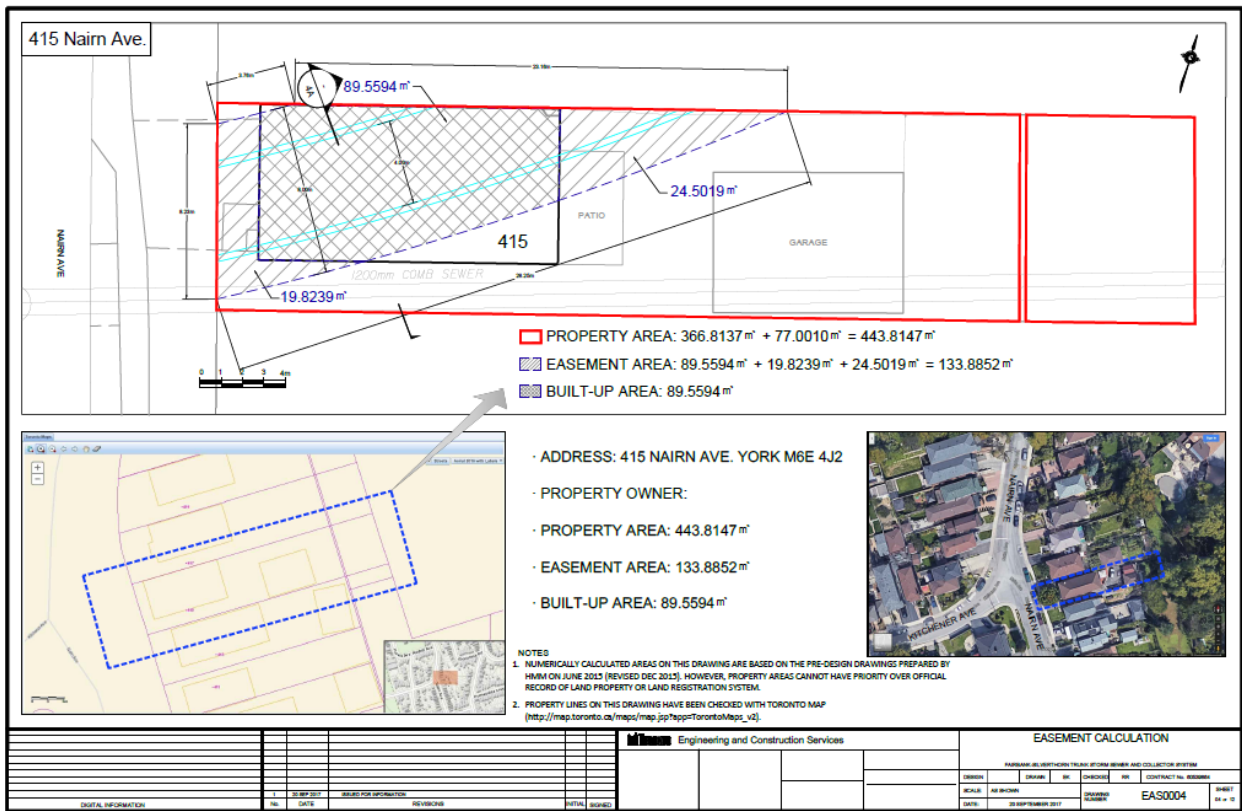
Appendix A - Required Property Interests

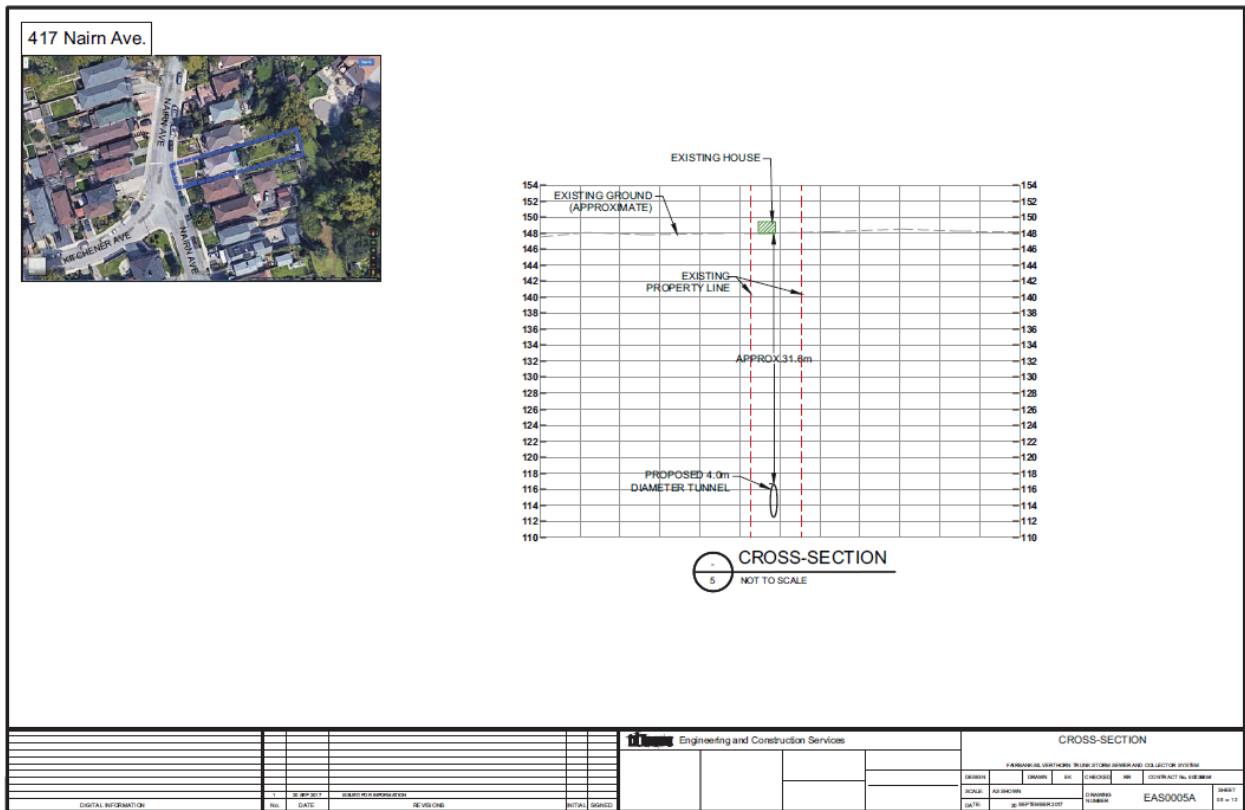
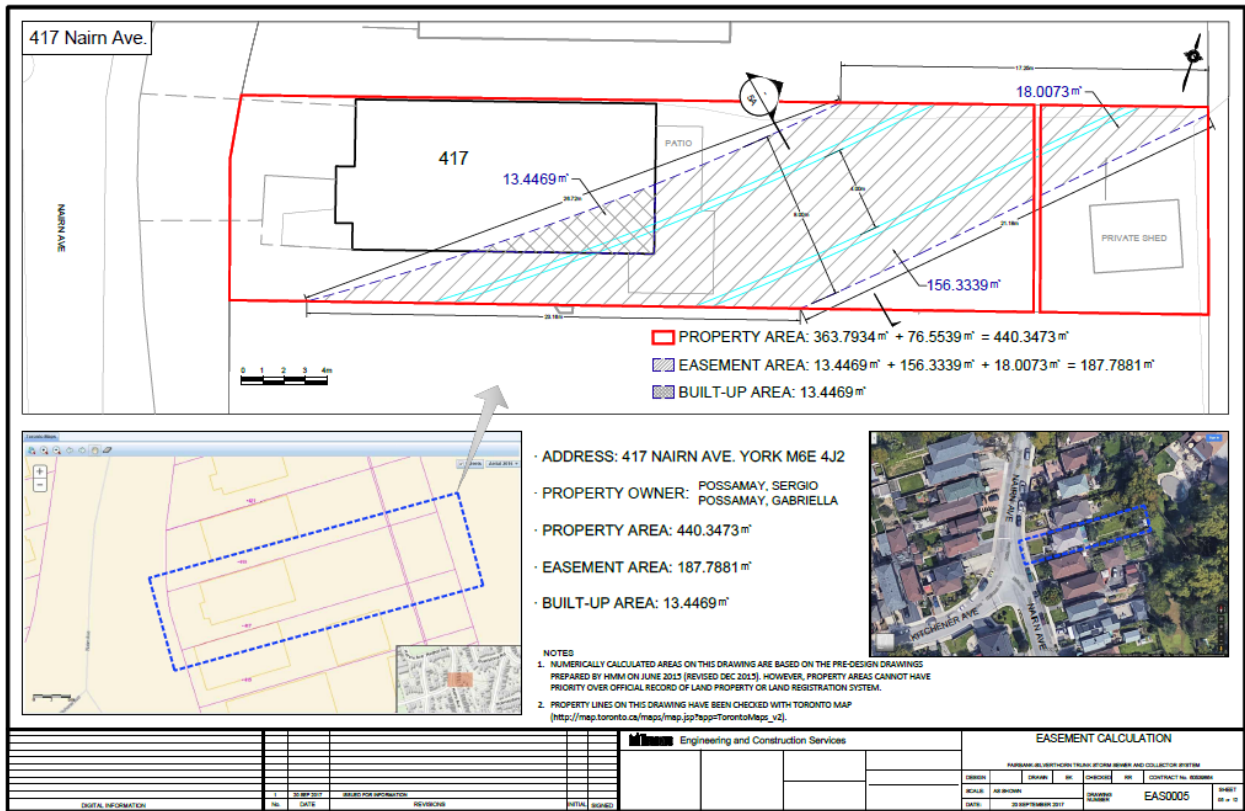
Municipal Address	Property Interests	Approx. Area
441 Blackthorn Avenue	Permanent Easement in the land labelled as "Easement Area" in the easement drawing for 441 Blackthorn Avenue in Appendix B	44.4 m ²
415 Nairn Avenue	Permanent Easement in the land labelled as "Easement Area" in the easement drawing for 415 Nairn Avenue in Appendix B	133.9 m ²
417 Nairn Avenue	Permanent Easement in the land labelled as "Easement Area" in the easement drawing for 417 Nairn Avenue in Appendix B	187.8 m ²
419 Nairn Avenue	Permanent Easement in the land labelled as "Easement Area" in the easement drawing for 419 Nairn Avenue in Appendix B	72.1 m ²
18 Branstone Road	Permanent Easement in the land labelled as "Easement Area" in the easement drawing for 18 Branstone Road in Appendix B	24.2 m ²
20 Branstone Road	Permanent Easement in the land labelled as "Easement Area" in the easement drawing for 20 Branstone Road in Appendix B	373.3 m ²
119 Ennerdale Road	Permanent Easement in the land labelled as "Easement Area" in the easement drawing for 119 Ennerdale Road in Appendix B	41.8 m ²
49 Dynevor Road	Permanent Easement in the land labelled as "Easement Area" in the easement drawing for 49 Dynevor Road in Appendix B	31.3 m ²
65 Dynevor Road	Permanent Easement in the land labelled as "Easement Area" in the easement drawing for 65 Dynevor Road in Appendix B	387.3 m ²

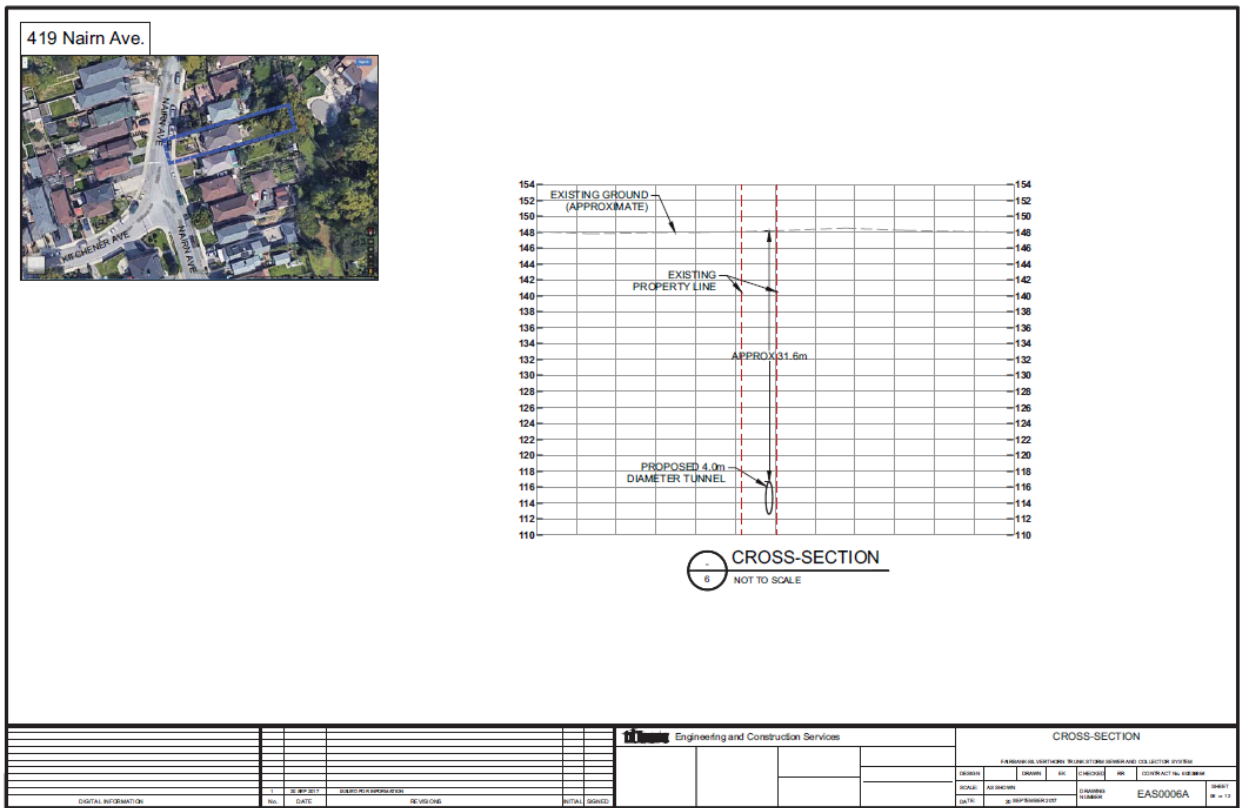
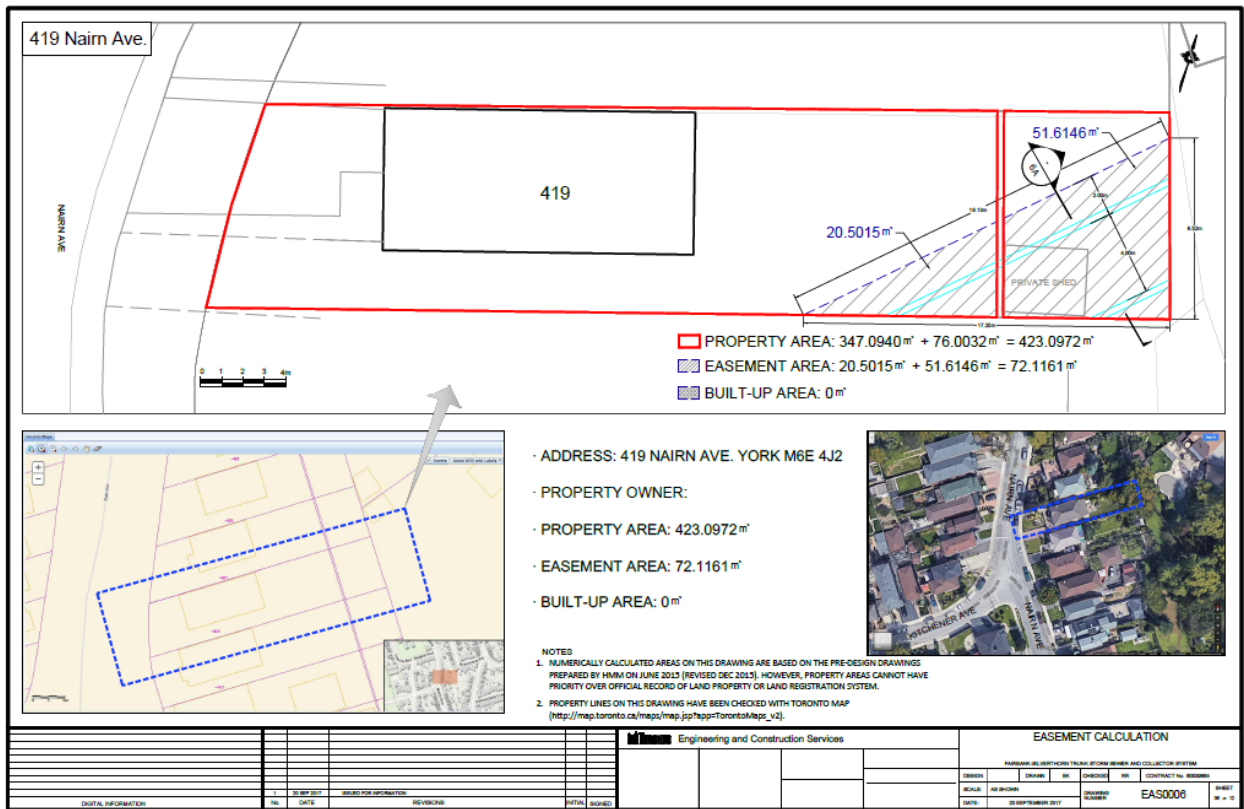
Municipal Address	Property Interests	Approx. Area
2226 Dufferin Street	Permanent Easement in the land labelled as "Easement Area" in the easement drawing for 2226 Dufferin Street in Appendix B	84.9 m ²

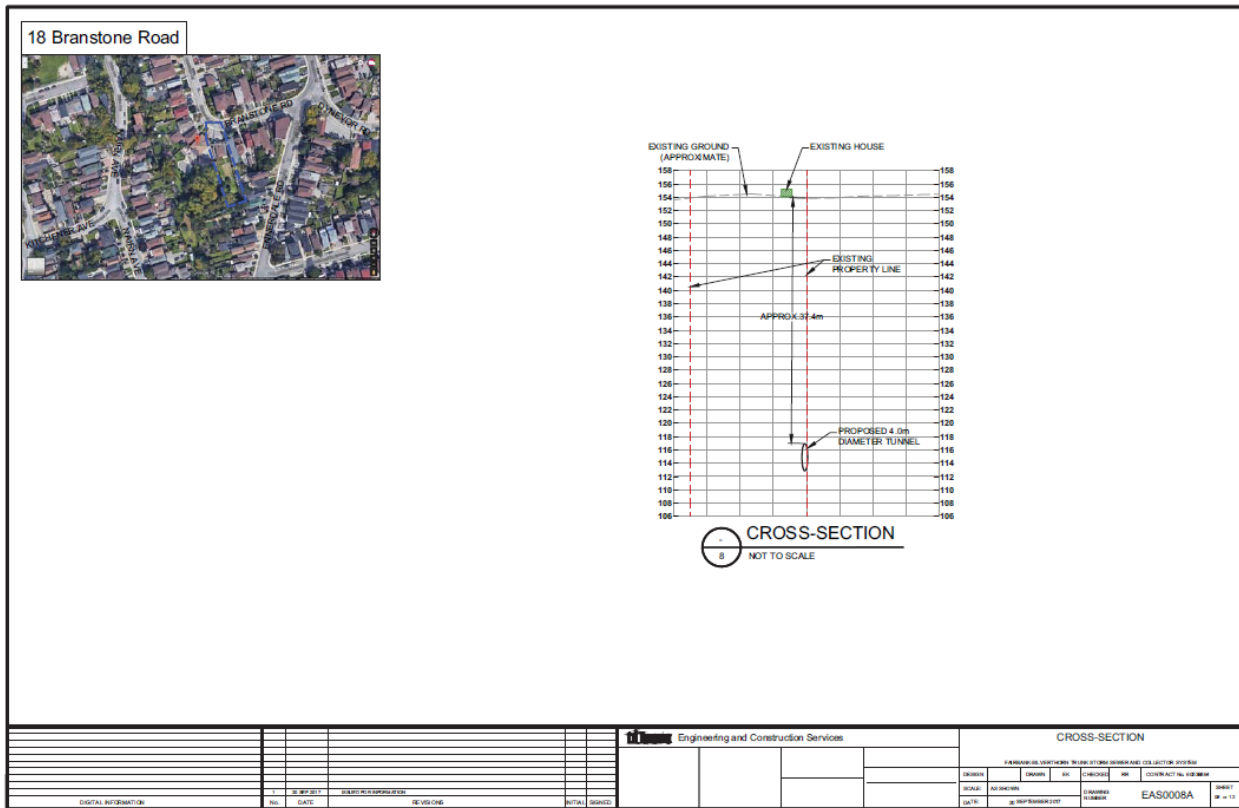
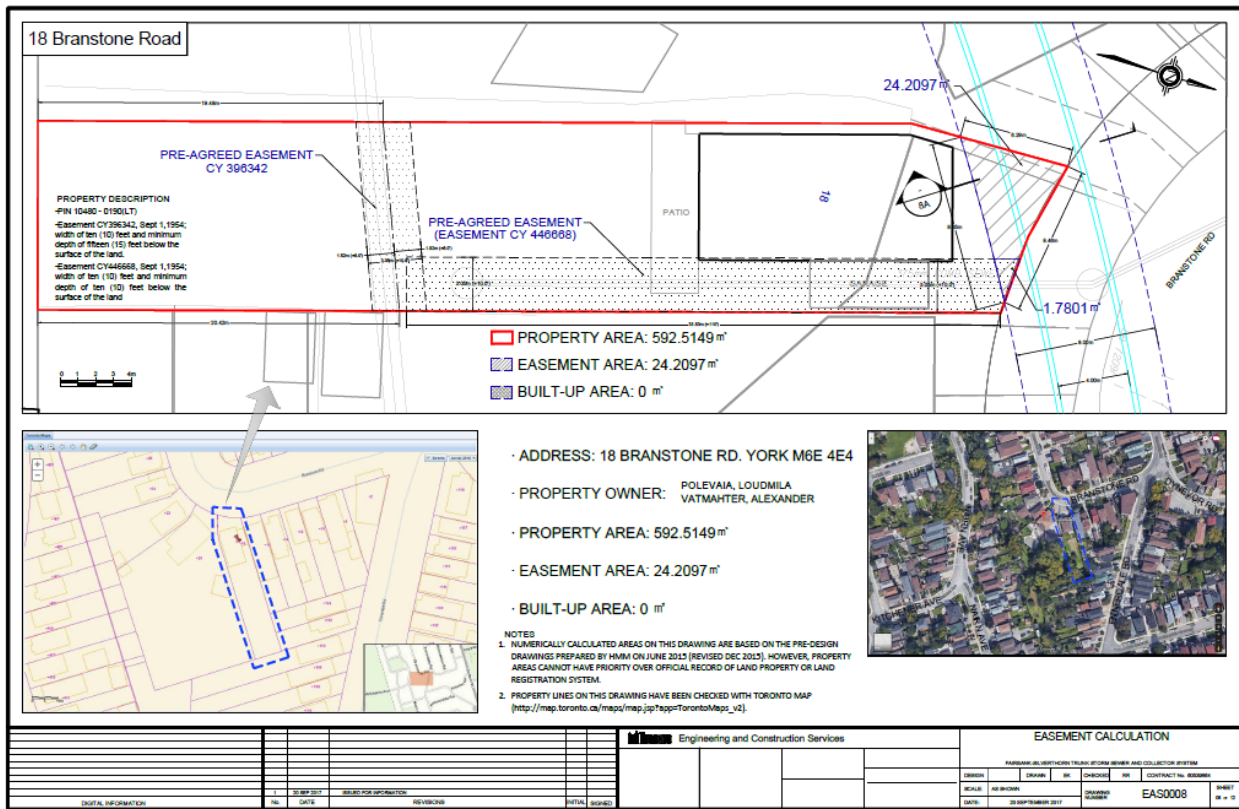
Appendix B – Easement Drawings

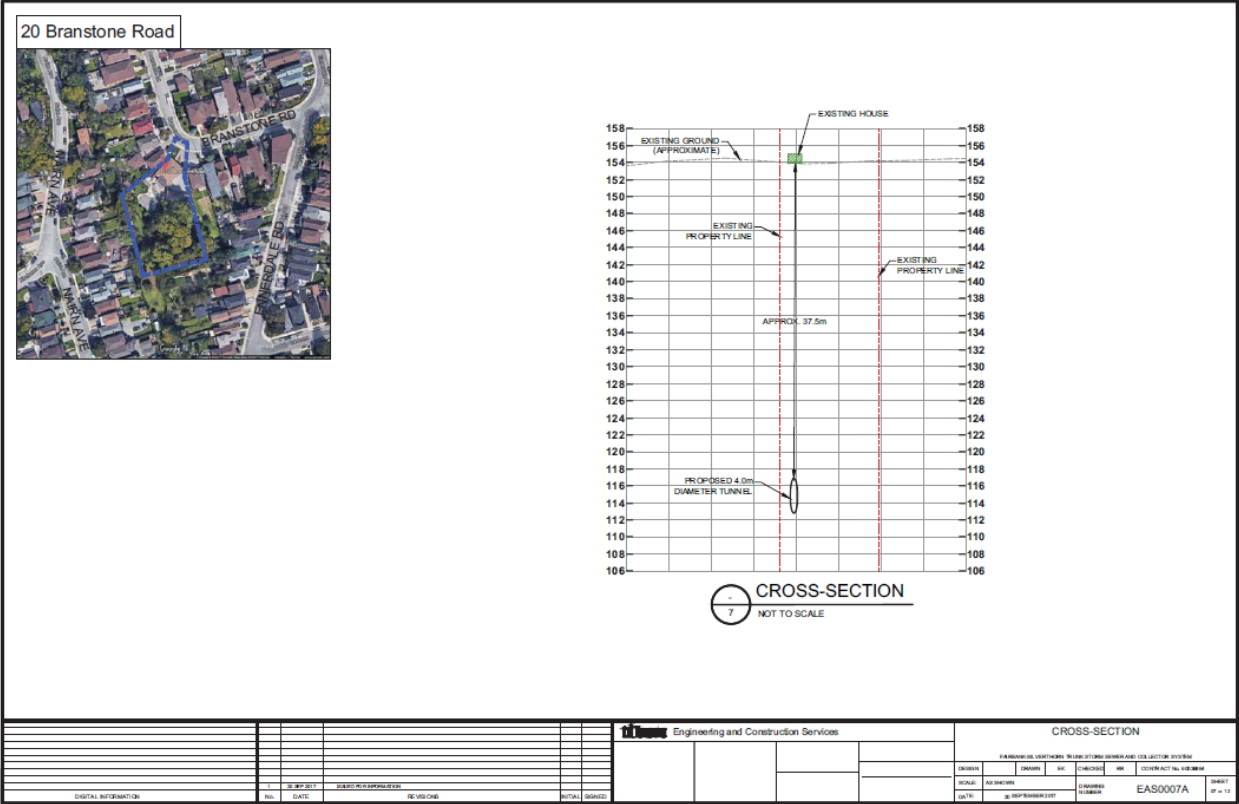
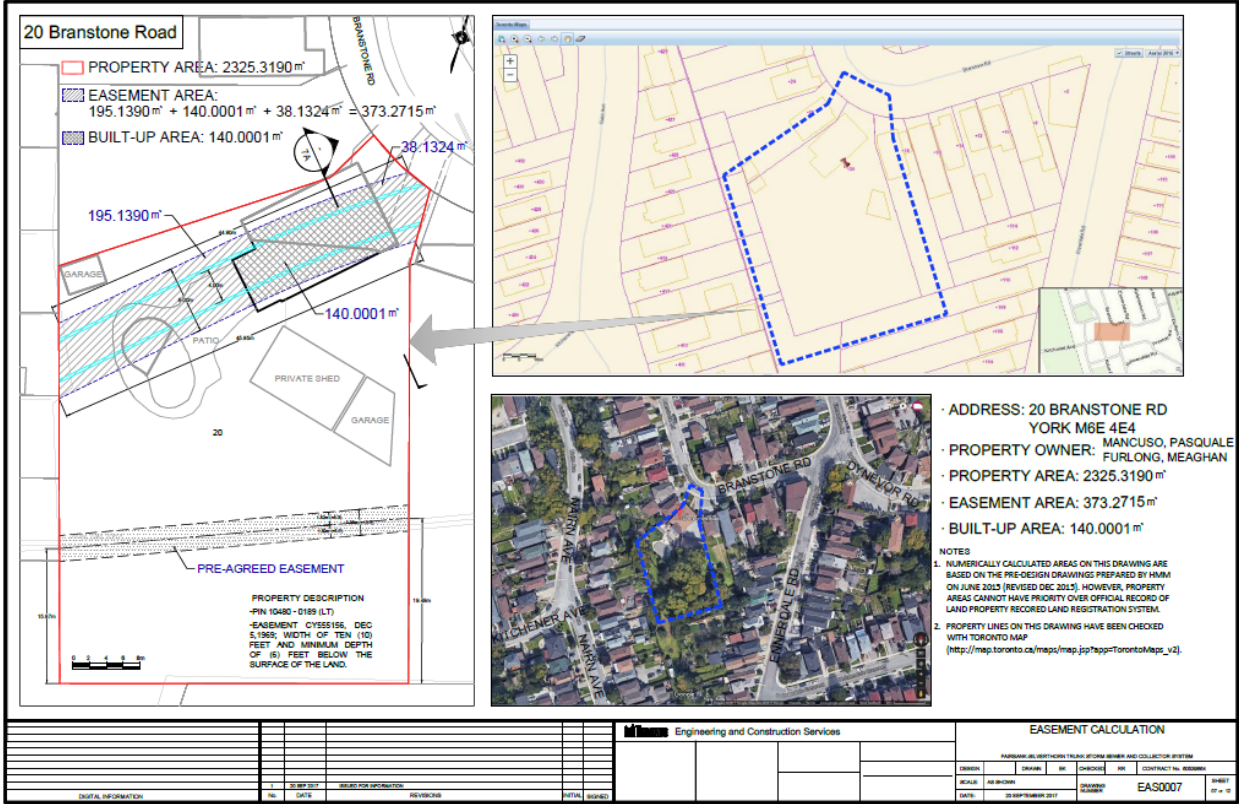


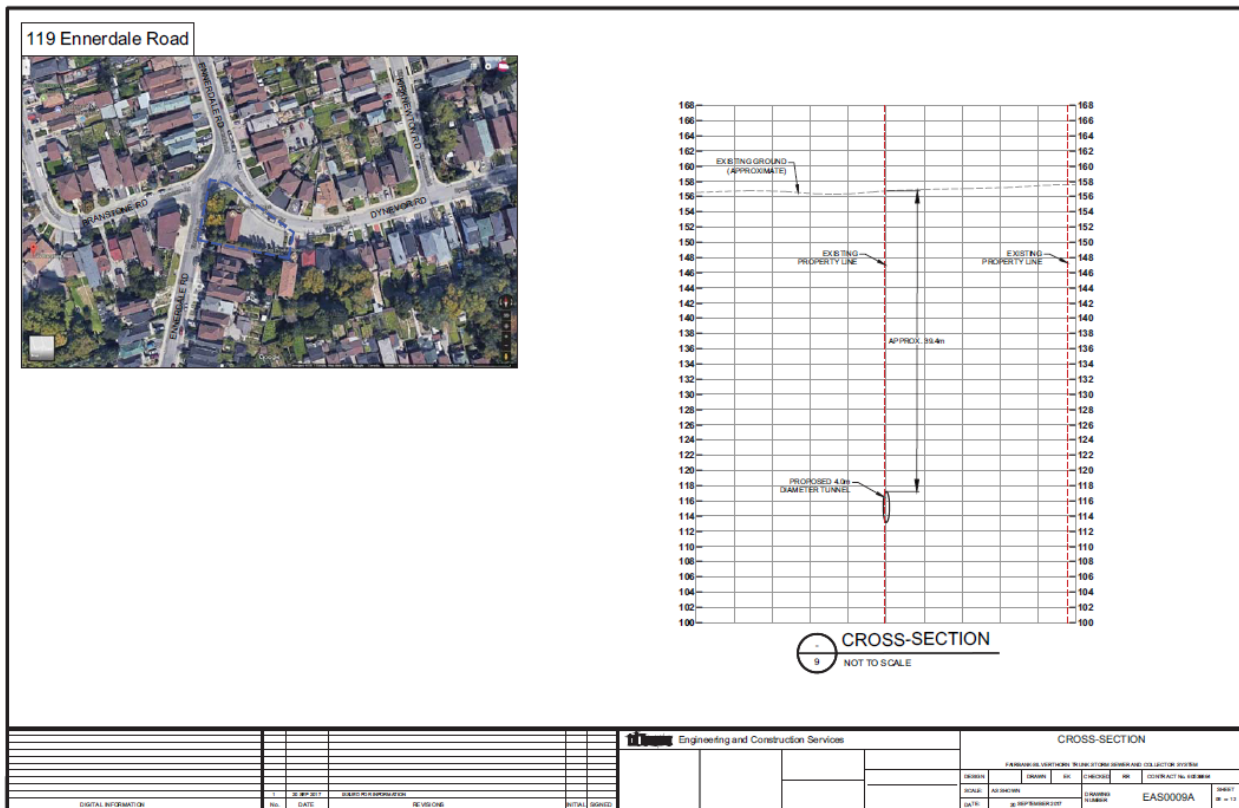
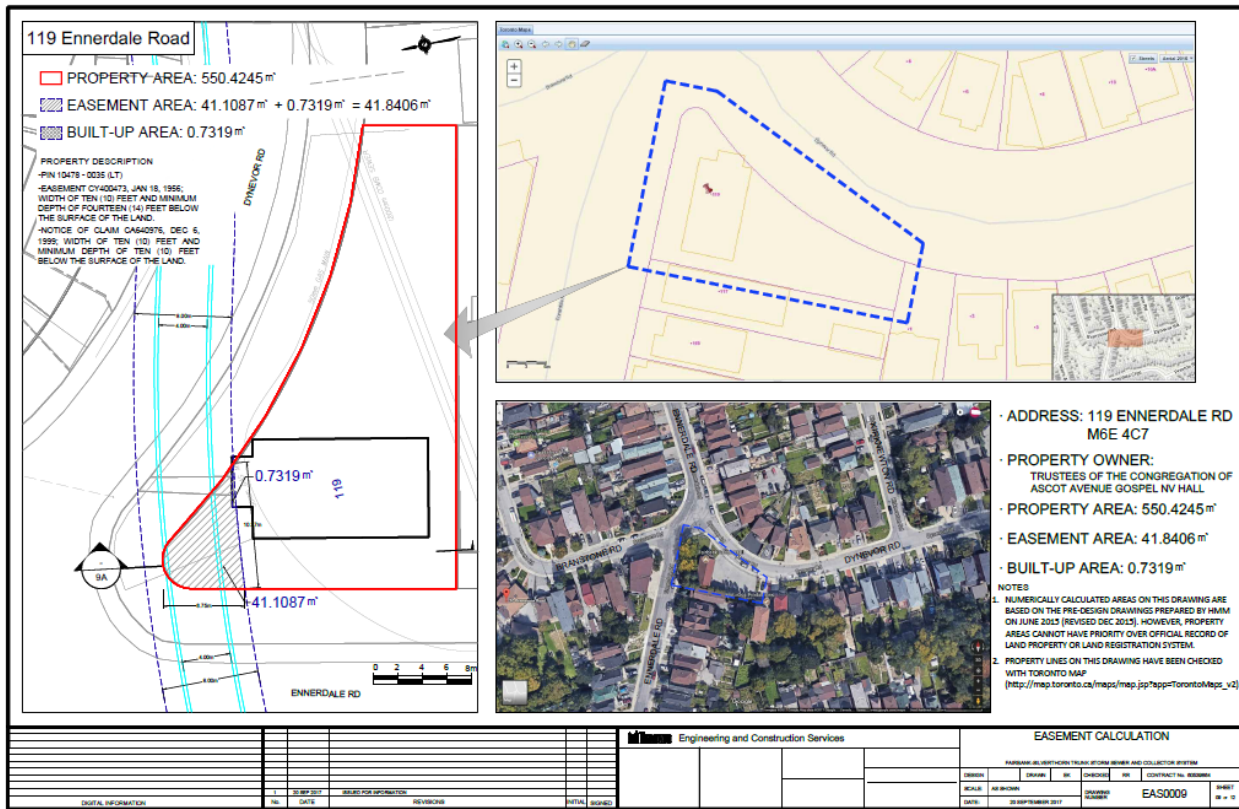


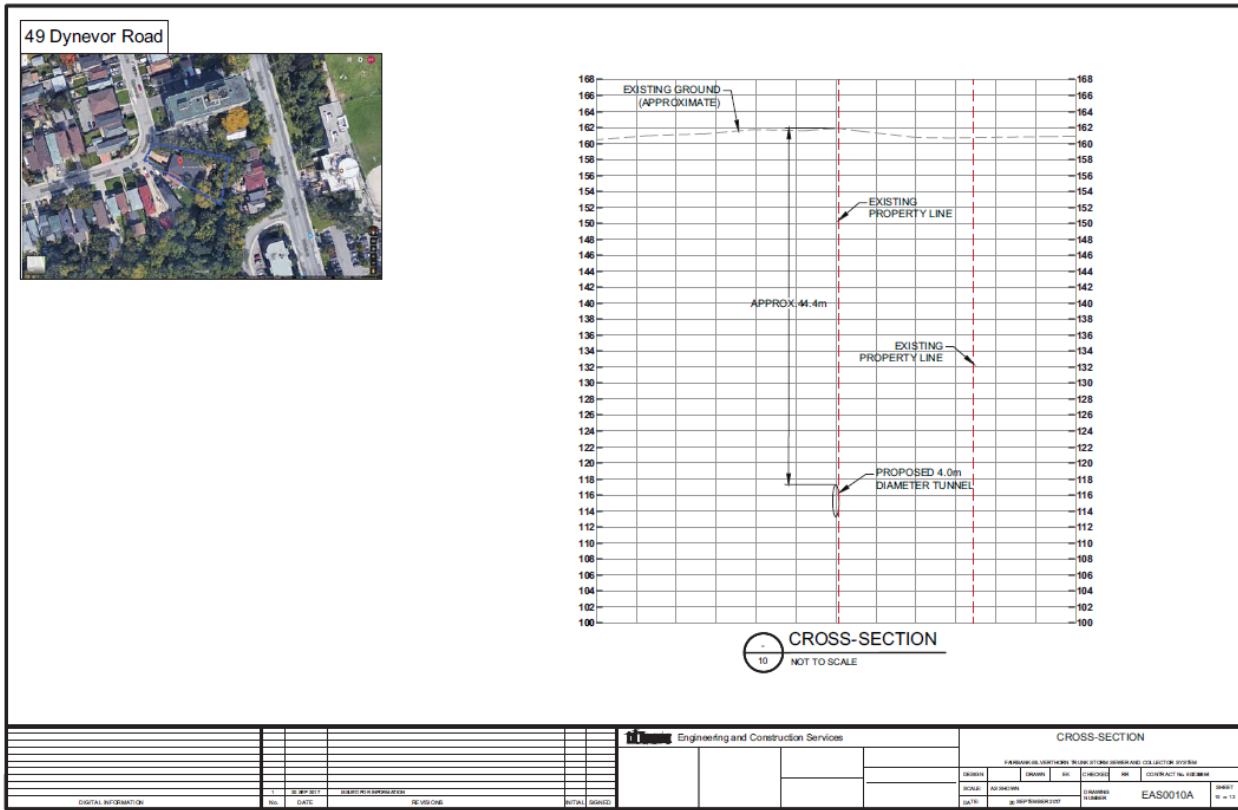
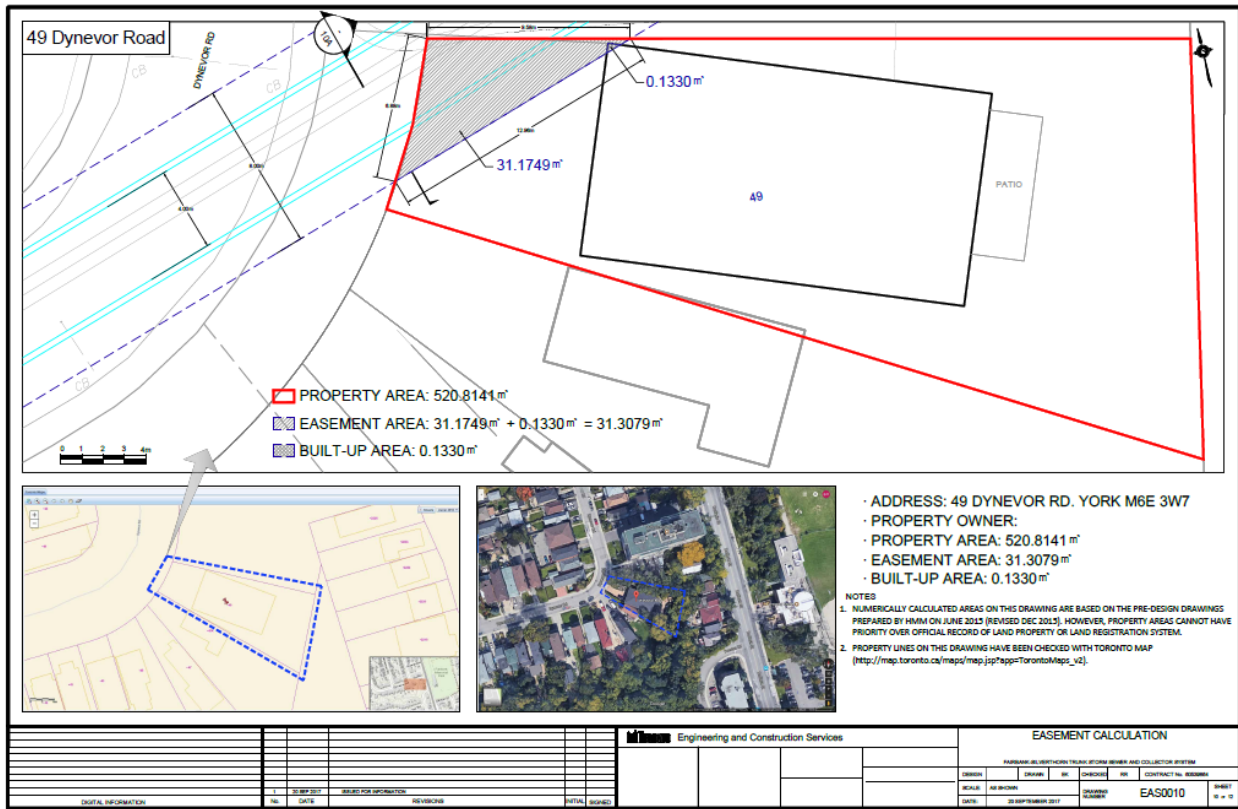


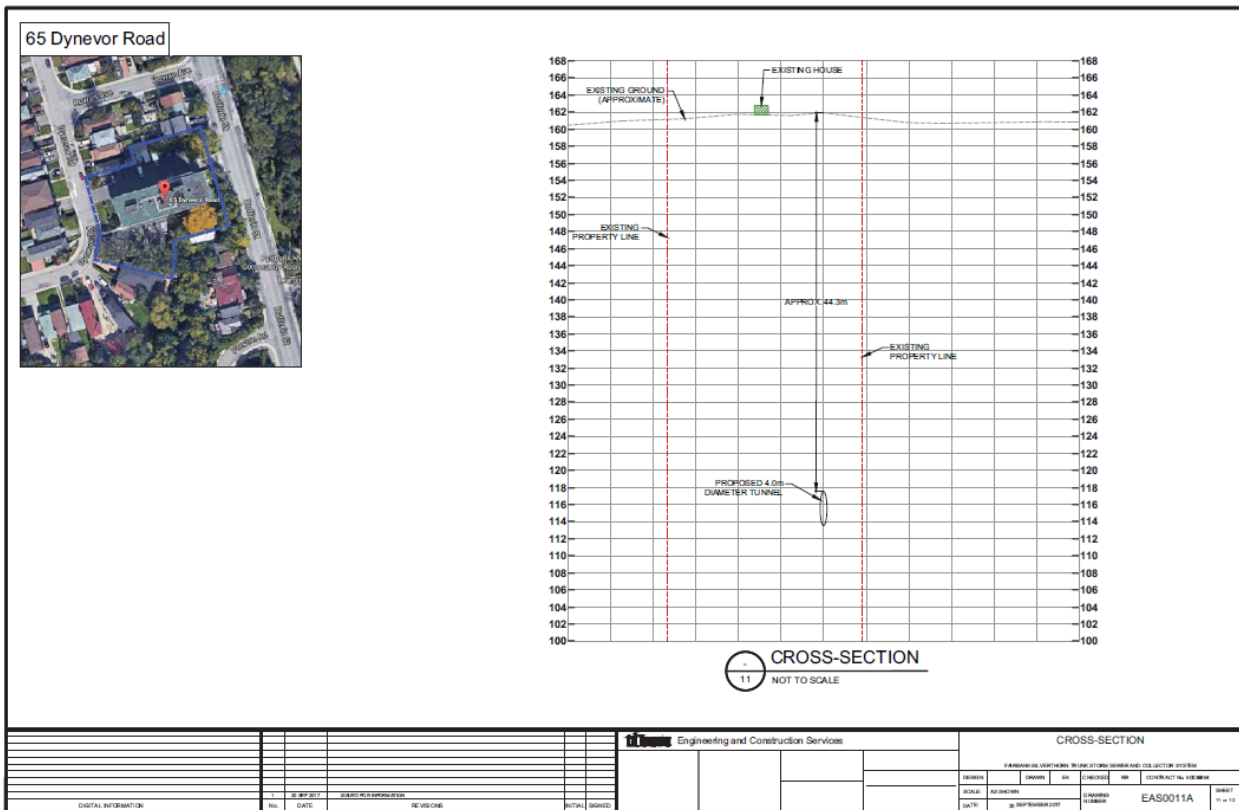
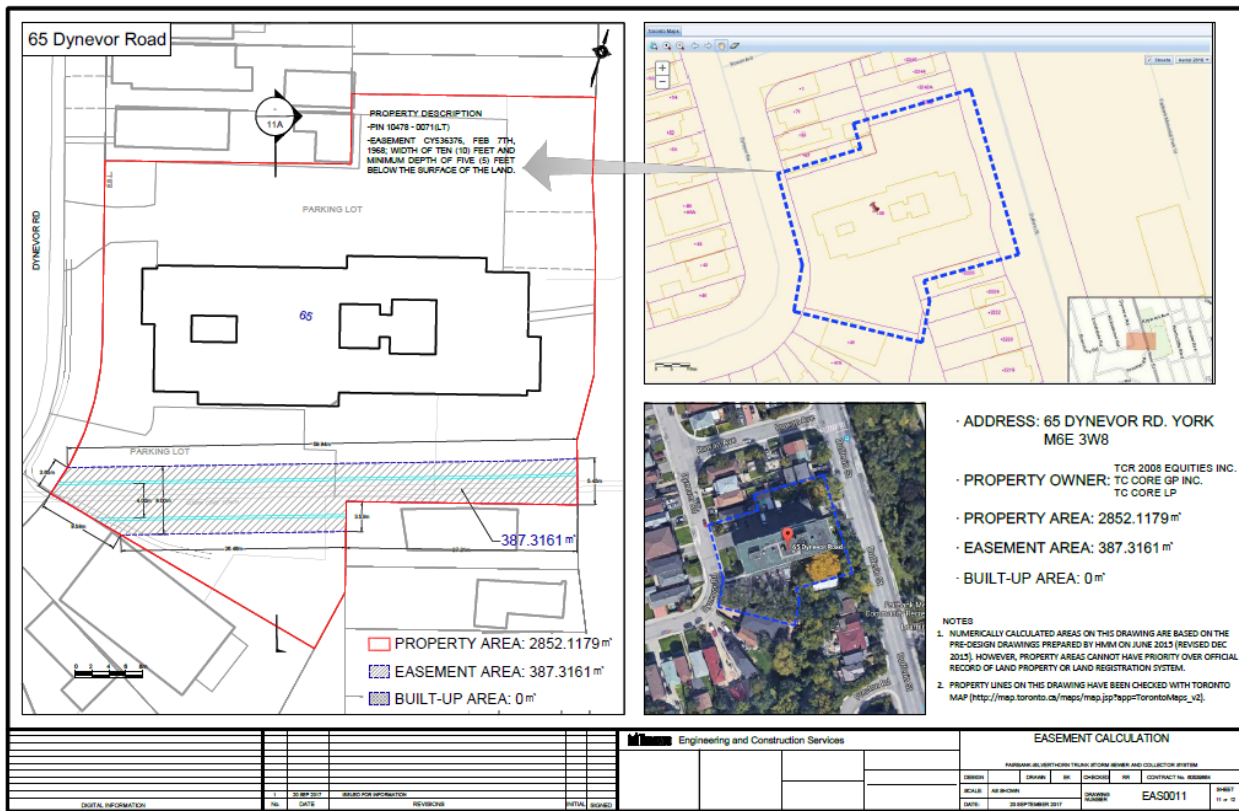


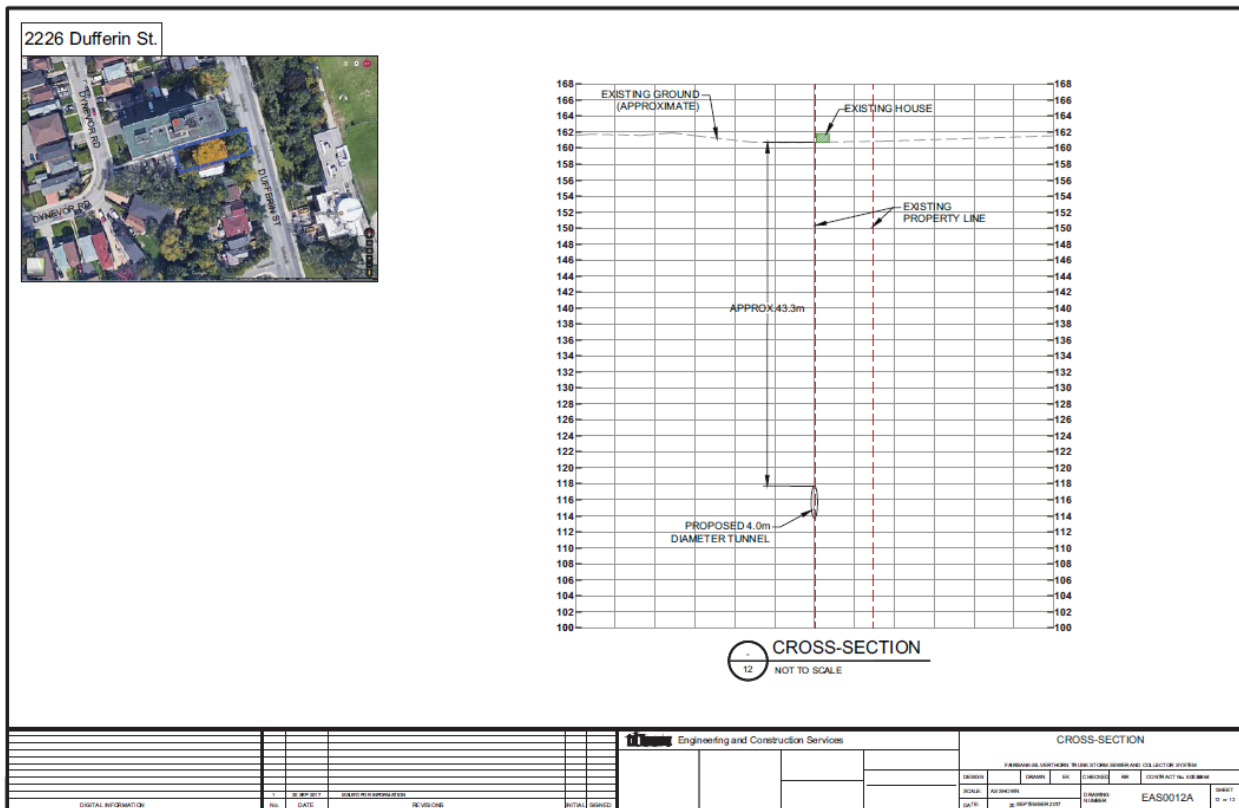
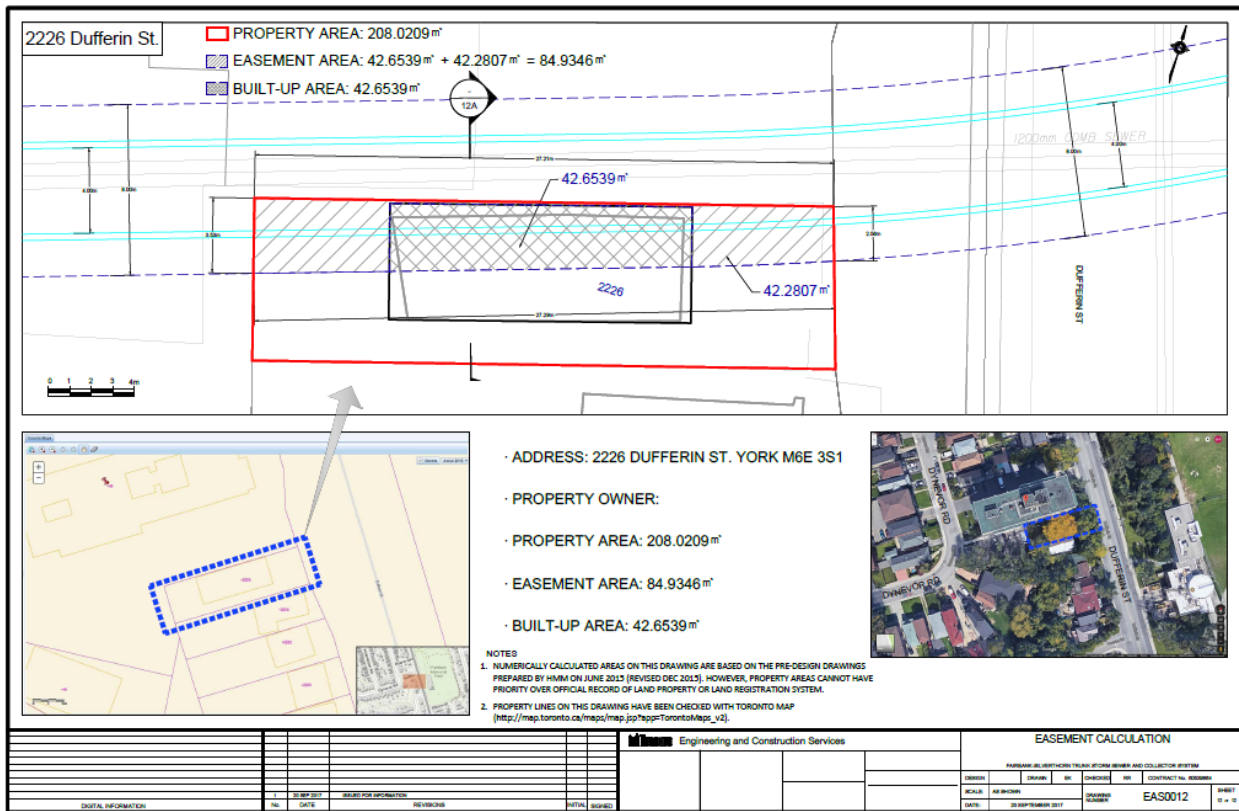












Appendix C - Project Map

