

Initiation of Expropriation of Permanent Easements for the Port Union Road Widening

Date: November 16, 2020

To: General Government and Licencing Committee

From: Executive Director, Corporate Real Estate Management

Wards: Scarborough-Rouge Park

SUMMARY

The purpose of this report is to seek authority from City Council to commence expropriation proceedings to acquire permanent easements on part of the properties municipally known as 429 Port Union Road, 433 Port Union Road, 437 Port Union Road, 28 Rozell Road, 33 Rozell Road, 2 Cameron Glen Boulevard, 446 Lawson Road and 24 Fanfare Avenue (collectively, the "Properties"). The acquisition of these easements is essential for the construction of the proposed Port Union Road Widening project and ancillary works to improve vehicular traffic as well as cyclist and pedestrian safety in the 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 cost, 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.

Staff continue to negotiate with owners to secure the easements by agreement, rather than by expropriation. However, expropriation proceedings are being initiated in order to maintain project timelines.

RECOMMENDATIONS

The Executive Director, Corporate Real Estate Management, recommends that:

1. City Council authorize the Executive Director, Corporate Real Estate Management, or their designate, 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 as approving authority, authorize the initiation of the expropriation process for the Project Requirements, for the purposes of the Port Union Road widening project and ancillary works.

2. City Council direct the Executive Director, Corporate Real Estate Management, or their designate, to serve and publish Notices of Application for Approval to Expropriate the Project Requirements, to forward to the Chief Inquiry Officer any requests for hearing that are received, to attend the hearing to present the City's position and to report the Inquiry Officer's recommendations to City Council for its 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 2020 Council Approved Capital Budget and 2021-2029 Capital Plan for Transportation Services under account CTP815-25.

Prior to expropriation, a subsequent detailed report will be submitted to 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 as identified in the Financial Impact section.

DECISION HISTORY

At its meeting of April 7, 2004, the Works Committee adopted the report on the findings and recommendations of the Port Union Road, Lawrence Avenue East to Kingston Road, Class Environmental Assessment Study, and request to file the Environmental Study Report in the public record in accordance with the requirements of the Municipal Class Environmental Assessment.

<https://www.toronto.ca/legdocs/2004/agendas/committees/wks/wks040428/it009.pdf>

At its meeting of June 10, 2014, City Council adopted the recommendation to issue the Notice of Completion and file the Addendum to the Port Union Environmental Assessment Study (2004) in the public record for a minimum 30 days in accordance with the requirements of the Municipal Class Environmental Assessment.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.PW31.10>

At its meeting of December 21, 2016, the Bid Committee adopted the award of Request For Proposal Number 9117-16-5042 to Candevcon Limited to complete the preliminary

and detailed design services and contract administration for Port Union Road Widening and Improvements between Lawrence Avenue East and Island Road.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.BD115.5>

COMMENTS

An Environmental Assessment study for Port Union Road was undertaken in 2002-2004 and endorsed by City Council, with the provincially-mandated public review completed in 2004. The preferred design solution, intended to address traffic delays particularly in the northbound direction, was to be implemented in two phases: the first consisted of intersection modifications to Kingston Road and Port Union Road, while the second was a widening of the road from Lawrence Avenue to Island Road, to be carried out in the future following an additional round of public consultation. The first phase of the work was carried out in 2005, with the intersection improvements at Kingston Road. The second phase of the works (road widening), is currently scheduled for 2021 and included in the Ten Year Capital Plan for Transportation Services.

The Addendum to the 2004 Environmental Assessment includes a modification to the preferred design to reflect current conditions and minimize impacts to property and the community where possible. The preferred design adds a second northbound traffic lane as previously recommended, and in total consists of the following principal elements:

- Two northbound and two southbound travel lanes on Port Union Road from Lawrence Avenue East to Island Road;
- Continuous on-road bicycle lanes in both directions;
- Continuous sidewalks on both sides (current gaps filled in);
- A continuous two-way centre left-turn lane where feasible;
- A planted median, similar to what exists south of Lawrence Avenue, in the block north of Lawrence Avenue; and
- Left-turn lanes added to the Winter Gardens Trail and Conference Boulevard intersections.

In fall 2019, Corporate Real Estate Management staff informed the affected property owners about the easement needs. In January 2020, 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 road widening and associated works is planned from 2021 to 2022 and is contingent on easement acquisitions. If expropriation is required, construction would likely begin in early 2022 and end in 2023. Staff will continue to negotiate with the property owners as negotiated agreements are preferred. However, to maintain the project timelines, it is prudent to initiate the expropriation process to ensure all easements are acquired by the first quarter of 2022 at the latest.

In order to facilitate the widening of Port Union Road and ancillary works, 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

Patrick Matozzo
Executive Director, Corporate Real Estate Management

ATTACHMENTS

Appendix A – Required Property Interests
Appendix B – Easement R-Plans

Appendix A - Required Property Interests

Temporary Easement means:

A temporary easement or rights in the nature of a temporary easement on, in, over, under and through the lands identified, for the purpose of the construction and installation of a retaining wall, to be constructed on City Property as part of a project to widen Port Union Road, and all works ancillary thereto, including, without limitation, alterations to and removal of hard and soft landscaping and re-grading work, together with the right to enter and occupy the Temporary Easement Lands for the City's servants, agents, contractors, vehicles, supplies and equipment, for all purposes necessary or incidental to the exercise and enjoyment of the rights hereby granted. The Temporary Easement shall commence on a date specified in writing, on at least THIRTY (30) days' prior written notice, and will continue for THREE (3) MONTHS. The City shall have the right to extend the Temporary Easement for an additional TWO (2) MONTHS on THIRTY (30) days' prior written notice. All rights under the Temporary Easement shall expire on either the completion of the project to widen Port Union Road, or on December 31, 2024, whichever is earlier.

Permanent Easement means:

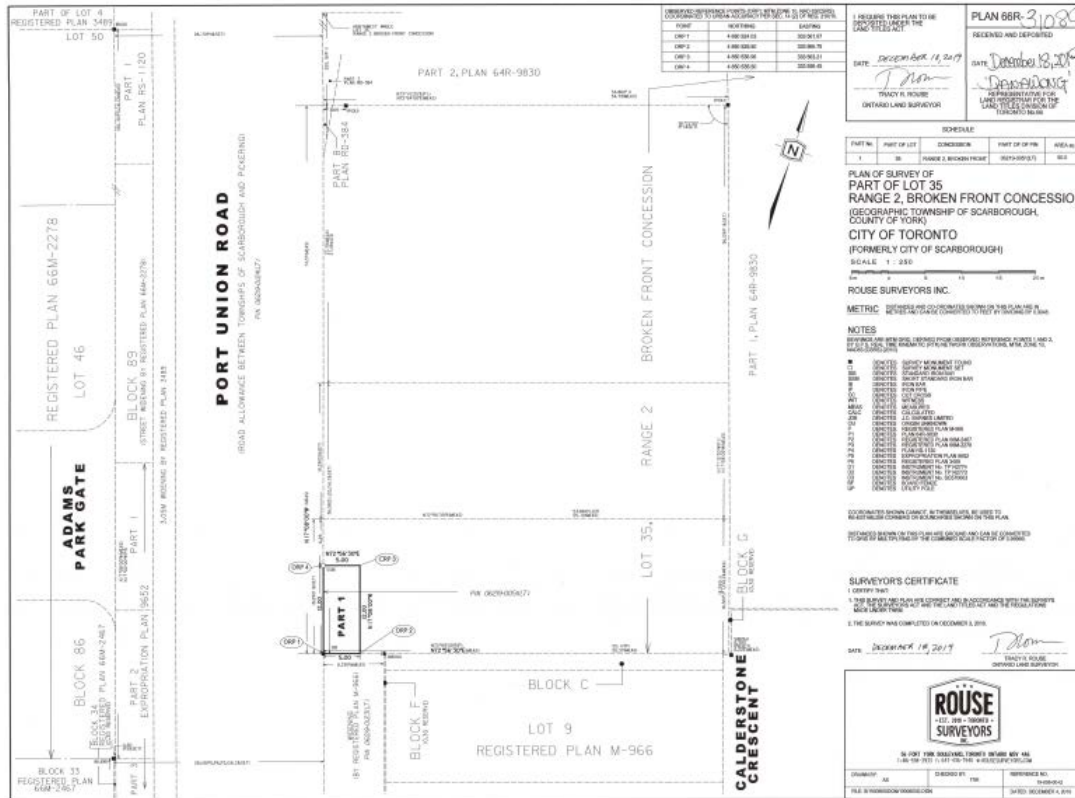
A permanent easement or rights in the nature of a permanent easement, on, in, over, under and through the lands identified, for the construction, installation, maintenance, inspection, repair, removal, replacement or reconstruction of a retaining wall, constructed on adjacent City Property as part of a project to widen Port Union Road, and all works ancillary thereto including, without limitation, alterations to and removal of hard and soft landscaping and re-grading work, together with the right to enter and occupy the Permanent Easement Lands for the City's servants, agents, contractors, with all such vehicles, materials, machinery, tools and equipment for necessary or incidental to the exercise and enjoyment of the rights hereby granted.

Municipal Address	Property Interests
429 Port Union Road	Permanent Easement Part 1, 66R-31089 as in Appendix B
433 Port Union Road	Permanent Easement Part 1, 66R-31091 as in Appendix B
437 Port Union Road	Permanent Easement Part 1, 66R-31090 as in Appendix B
24 Fanfare Avenue	Permanent Easement Part 1, 66R-31174 as in Appendix B

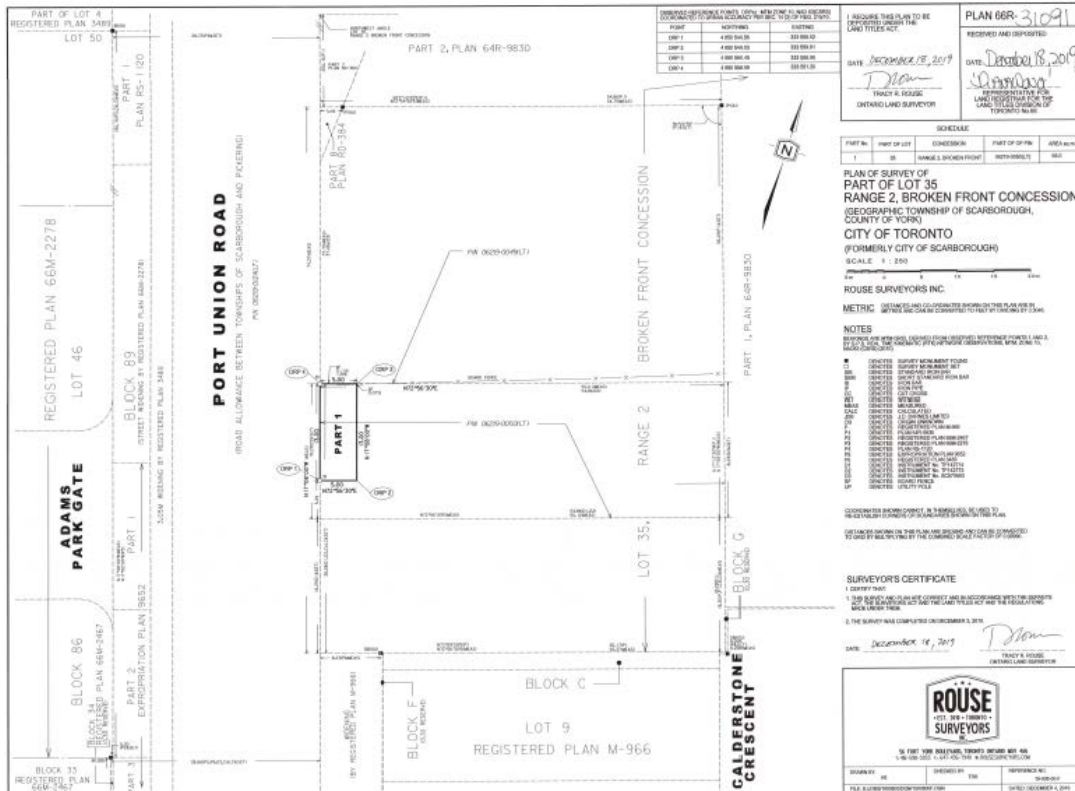
Municipal Address	Property Interests
446 Lawson Road	Permanent Easement Part 1, 66R-31088 as in Appendix B
2 Cameron Glen Blvd	Temporary Easement Part 1, 66R-31085 as in Appendix B
28 Rozell Road	Temporary Easement Part 1, 66R-31086 as in Appendix B
33 Rozell Road	Temporary Easement Part 1, 66R-31087 as in Appendix B

Appendix B – Easement R-Plans

429 Port Union Road

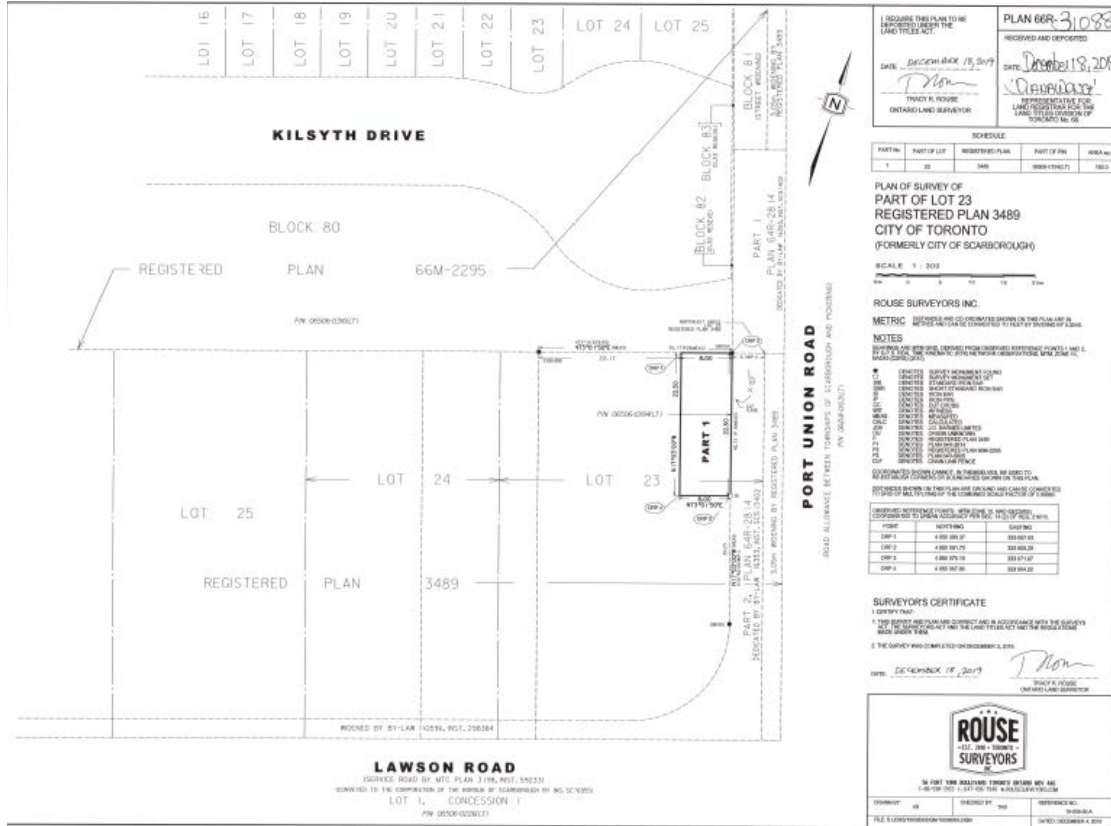


433 Port Union Road

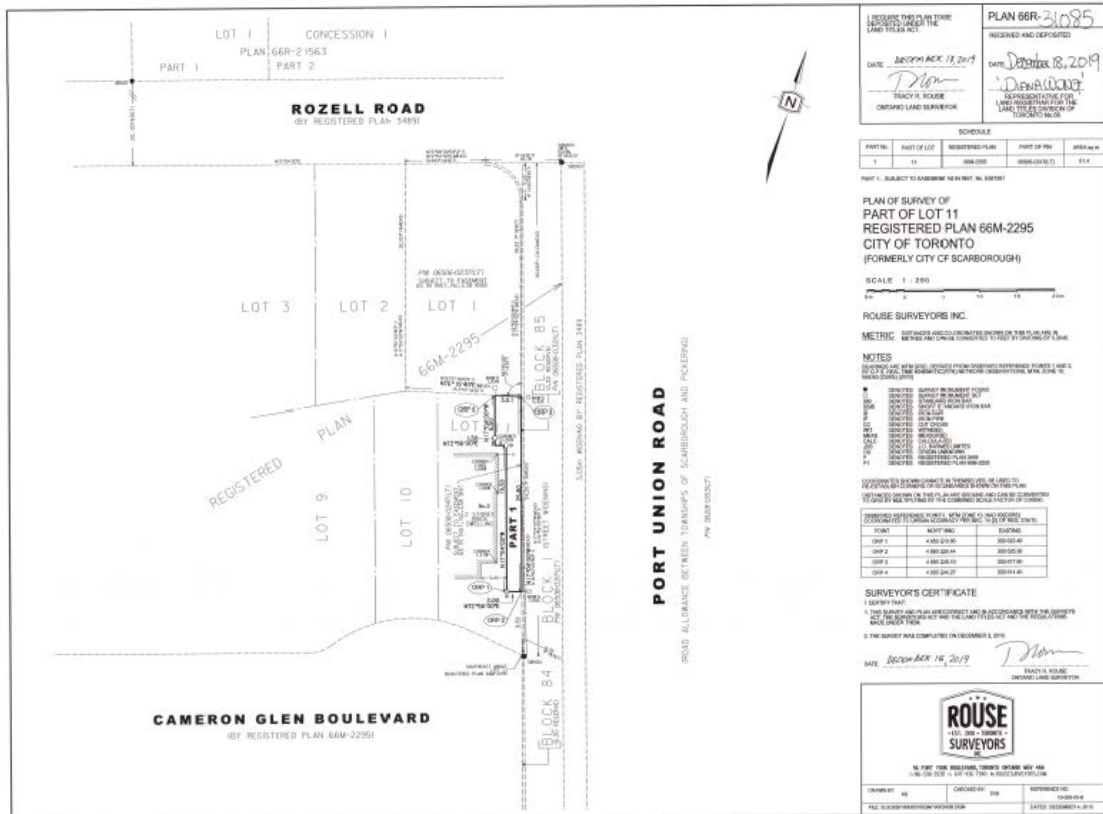


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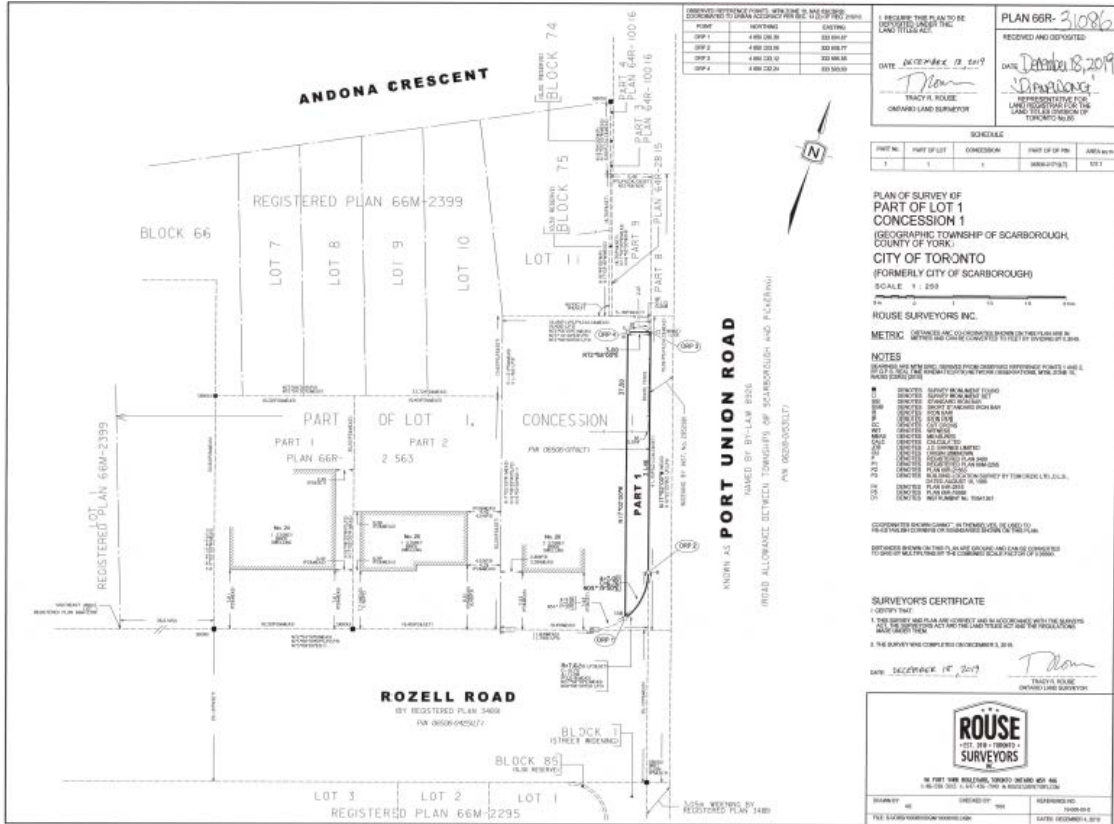
446 Lawson Road



2 Cameron Glen Blvd



28 Rozell Road



33 Rozell Road

