

Clause embodied in Report No. 9 of the Scarborough Community Council, as adopted by the Council of the City of Toronto at its meeting held on October 2, 3 and 4, 2001.

25

**Morningside Heights Community
Transportation Network - McNicoll Avenue Extension
(Ward 42 - Scarborough Rouge River)**

(City Council on October 2, 3 and 4, 2001, adopted this Clause, without amendment.)

The Scarborough Community Council recommends, subject to compliance with all requirements of the Environmental Assessment Act and process, that:

- (1) authority be granted to initiate the expropriation process for the property interests detailed herein;**
- (2) authority be granted to serve and publish Notices of Applications for Approval to expropriate said property interests, to forward to the Chief Inquiry Officer any requests for hearings that are received and to report the Inquiry Officer's recommendations to Council for its consideration; and**
- (3) City Council authorize staff to undertake all steps required under the expropriation process to acquire land interests to extend McNicoll Avenue easterly as illustrated on Attachment 1, on receipt of the financial guarantee from MHLG.**

The Scarborough Community Council submits the following joint report (August 28, 2001) from the City Solicitor, the Director, Transportation Services, District 4, and the Director, Community Planning, East District, which was referred to the Scarborough Community Council by the Administrative Committee with the recommendation that Recommendations Nos. (1) to (3) hereunder be adopted:

Purpose:

To update City Council on the implementation of the Morningside Heights Secondary Plan with respect to the approved transportation network; and

To request City Council authorization for the acquisition of the lands necessary to extend McNicoll Avenue from its present terminus at Tapscott Road, easterly across the CPR Havelock subdivision into the Morningside Heights Community to connect to a north-westerly extension of Morningside Avenue from Finch Avenue East; and further to authorize the acquisition of the lands through a voluntary acquisition procedure under Section 30 of the Expropriations Act, or through the outright expropriation of all the lands required in accordance with the provisions of the Expropriations Act.

Financial Implications and Impact Statement:

The Morningside Heights Landowners Group (MHLG) will underwrite all costs of the expropriation and the environmental assessment process, which obligation is to be secured by a Letter of Credit or other financial instrument satisfactory to the Acting City Treasurer.

Recommendations:

It is recommended that, subject to compliance with all requirements of the Environmental Assessment Act and process:

- (1) authority be granted to initiate the expropriation process for the property interests detailed herein;
- (2) authority be granted to serve and publish Notices of Applications for Approval to expropriate said property interests, to forward to the Chief Inquiry Officer any requests for hearings that are received and to report the Inquiry Officer's recommendations to Council for its consideration;
- (3) City Council authorize staff to undertake all steps required under the expropriation process to acquire land interests to extend McNicoll Avenue easterly as illustrated on Attachment 1, on receipt of the financial guarantee from MHLG; and
- (4) the above recommendations be referred to the Scarborough Community Council at its meeting scheduled for September 12, 2001.

Background:

In February 1999, the Ontario Municipal Board approved the Morningside Heights Secondary Plan allowing for a residential community of approximately 2500 residential units, related amenities and a 26-hectare business park.

In November, 2000, the Board approved the zoning and the plans of subdivision along with extensive conditions of draft approval. A staff report, dated December 8, 2000 detailing the outcome of the OMB hearing and the OMB approved road network was submitted and approved by Council on January 30, 31 and February 1, 2001. The McNicoll Avenue extension was one of the Board approved road improvements.

Discussions with the landowners leading up to the OMB hearing resulted in a proposed set of network improvements, illustrated in Attachment 2. These alternative improvements include the extension of McNicoll Avenue easterly across the CPR Havelock Subdivision to connect to a north-westerly extension of Morningside Avenue from Finch Avenue East, as an alternative to the construction of the Neilson Road grade separation. Transportation staff from Urban Development Services and Works and Emergency Services Departments were of the opinion that this set of improvements provided better opportunities, from a transportation planning and engineering point of view, to service not only the subject development but also the larger

surrounding area. The alternate improvements also satisfied concerns regarding suitable access into the community for emergency response.

Comments:

The McNicoll Avenue Extension:

The connection between the extensions of Morningside Avenue and McNicoll Avenue not only provide the transportation services essential to support the Morningside Heights community but also provide benefits to the broader area. The connection would provide the much needed transportation capacity to service the future development of the Tapscott Industrial area to the west of the CP Havelock tracks and north of McNicoll Avenue. There has been recent interest shown in the development of the industrial lands through the formation of the Tapscott Industrial Landowners Group.

As reported in the earlier staff report dated December 8, 2000 to Council, the City is conducting an environmental assessment study for the Finch/Morningside intersection improvements. This environmental assessment was initially started by the City of Scarborough to address the poor connectivity between the north-south and east-west roads in the area. The connection between the Morningside Avenue extension and McNicoll Avenue extension would further enhance the connectivity of the road network in the north east part of the City.

The MHLG have made a number of efforts to obtain the land required to extend McNicoll Avenue to satisfy the OMB's condition of subdivision approval. The group was in frequent contact with the owner of the land west of the CPR rail tracks, and it seemed very likely that a purchase would be concluded, for a parcel of land under 2 acres in size, required to extend McNicoll Avenue. Ultimately, however, the owner sold its entire parcel of land to a third party and not to MHLG.

MHLG followed up by trying to enforce its purchase arrangement with the original owner but that attempt was not successful. The Group then sought to purchase the lands needed for the road extension from the new owner, but its efforts to reach an agreement have not been successful. Accordingly, in order to obtain the property needed to extend McNicoll Avenue, it appears that City intervention will be necessary.

Conclusions:

Transportation staff and the MHLG continue to support the extension of McNicoll Avenue and its connection to Morningside Avenue since such a connection would provide the essential transportation services needed for the development of Morningside Heights community and enhance the transportation network for the broader area.

As land outside of the community will have to be acquired to create the extension of McNicoll Avenue, authority is sought from Council to initiate the expropriation process to acquire the necessary land interests, with all compensation and legal and consultants' costs to be paid for by the MHLG.

Contacts:

Dipak Dhrona, P. Eng., MCIP, RPP, Senior Planner
Transportation Planning; Urban Development Services
Tel: (416) 396-7369; Fax: (416) 396-4265; E-mail:ddhrona@city.toronto.on.ca.

Peter Noehammer, P. Eng., Manager
Traffic Planning./Right-of-Way Management, Works and Emergency Services
Tel. (416) 396-5670; Fax: (416) 396-5681; E-mail:noehammer@city.toronto.on.ca.

Gary McKay, Solicitor
Planning and Administration Tribunal Law, Corporate Services
Tel: (416) 397-5422; Fax: (416) 397-4420; E-mail:gmckay@city.toronto.on.ca.

The Scarborough Community Council, also had before it the following communication (September 6, 2001) from the City Clerk:

The Administration Committee on September 6, 2001:

- (1) recommended to the Scarborough Community Council, the adoption of Recommendations Nos. (1) to (3) embodied in the joint report (August 28, 2001) from the City Solicitor; the Director, Transportation Services, Works and Emergency Services; and the Director, Community Planning, Urban Development Services; requesting authority to initiate the expropriation process respecting Morningside Heights Community Transportation Network – McNicoll Avenue Extension; and
- (2) concurred with Recommendation No. (4) embodied in the aforementioned joint report.

Background:

The Administration Committee at its meeting held on September 6, 2001, had before it a joint report (August 28, 2001) from the City Solicitor; the Director, Transportation Services, Works and Emergency Services; and the Director, Community Planning, Urban Development Services recommending that, subject to compliance with all requirements of the Environmental Assessment Act and process:

- (1) authority be granted to initiate the expropriation process for the property interests detailed herein;
- (2) authority be granted to serve and publish Notices of Applications for Approval to expropriate said property interests, to forward to the Chief Inquiry Officer any requests for hearings that are received and to report the Inquiry Officer's recommendations to Council for its consideration;

- (3) City Council authorize staff to undertake all steps required under the expropriation process to acquire land interests to extend McNicoll Avenue easterly as illustrated on Attachment 1, on receipt of the financial guarantee from MHLG; and
- (4) the above recommendations be referred to the Scarborough Community Council at its meeting scheduled for September 12, 2001.