



**STAFF REPORT
ACTION REQUIRED**

Expropriation of Property Interests from 3122 Eglinton Avenue East for the extension of Conn Smythe Drive

Date:	January 28, 2011
To:	City Council
From:	Chief Corporate Officer
Wards:	Ward 38 – Scarborough Centre
Reference Number:	P:\2011\Internal Services\RE\Gm11004re (AFS #13304)

SUMMARY

This report seeks authority to commence expropriation proceedings for certain property interests from 3122 Eglinton Avenue East required for the extension of Conn Smythe Drive south to Eglinton Avenue East opposite Mason Road.

RECOMMENDATIONS

The Chief Corporate Officer recommends that:

1. City Council grant authority to initiate the expropriation process for the property interests listed in Appendix "A" (the "Required Lands") and shown on the Sketch attached as Appendix "C", conditional upon the owner of 3132 Eglinton Avenue East executing a Site Plan Agreement, in a form satisfactory to the City Solicitor, in which, among other things, the owner agrees to pay all costs associated with the City's acquisition or expropriation of the Required Lands, the environmental remediation of the Required Lands to the satisfaction of the City and the construction of the Conn Smythe Drive extension to the satisfaction of the City, and upon the owner delivering to the City, prior to issuance of site plan approval, an unconditional, irrevocable letter of credit in an amount satisfactory to the Director of Real Estate Services, in consultation with the Executive Director of Technical Services, to secure such obligation.
2. Subject to satisfaction of the conditions in Recommendation 1, City Council grant authority to serve and publish Notices of Application for Approval to Expropriate

the Required Lands, 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 Council for its consideration.

Financial Impact

There are no financial implications as a result of this report.

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

DECISION HISTORY

The owner of 3132 Eglinton Avenue East submitted a site plan application on March 1, 2010. Site Plan Application 10 124737 ESC 38 SA is for the demolition of the former car dealership on site and redevelopment of the site with a commercial building.

The current proposal contemplates a 9,446 m² (101,679 ft²) 2 storey commercial development. No approvals for this project have been granted to date. However, Community Planning has advised they are generally supportive of the proposal subject to some minor technical modifications.

The Technical Services Division commented on April 21, 2010 to City Planning Division, in response to the first circulation for site plan comments. Technical Services requested that the applicant prepare all documents and convey to the City at nominal cost, all such lands that will be required as part of the land assembly for the extension of Conn Smythe Drive (Luella Street) to Eglinton Avenue East.

ISSUE BACKGROUND

A mutual access easement agreement exists along the signalized access drive aisle between 3132 Eglinton Avenue East and the adjacent property to the west, 3122 Eglinton Avenue East. The easement agreement benefits both lands, however, the benefit does not accrue to the entire portion of 3132 Eglinton Avenue East.

The applicant has been attempting for the last 14 months to negotiate with the abutting property owner located at 3122 Eglinton Avenue East (990259 Ontario Inc.) to improve the terms of the mutual access easement so that it will benefit the applicant's entire site or to acquire approximately 1,120 m² (12,056 ft²) of additional land from the abutting property owner, located at 3122 Eglinton Avenue (990259 Ontario Inc.). In a letter dated December 21, 2010, the solicitor representing the owner of 3122 Eglinton Avenue East advised that his client does not consent to either the modification of the mutual easement or the location of a road on its property and takes the position that its consent is required for either proposal.

Schedule 2 of the Official Plan identifies Luella Street (Conn Smythe Drive) to be extended from Beachell Street to Eglinton Avenue East.

The applicant has indicated that construction of the Conn Smythe Drive extension would be beneficial to its proposed development and that it is, therefore, willing to convey to the City its portion (712 m² / 7,664 ft²) of the land required for the extension of Conn Smythe Drive to Eglinton Avenue East and to cover all of the City's costs to acquire or expropriate the additional land that is required from the owner at 3122 Eglinton Avenue East. In addition, the applicant has indicated it is willing to cover all of the costs of remediating and constructing the Conn Smythe Drive extension.

COMMENTS

In order to extend Conn Smythe Drive, as shown in the Official Plan, it is necessary to acquire the Required Lands. The Required Lands are listed in Appendix "A" and shown on the Property Sketch in Appendix "C". The general location of the Required Lands is shown on Appendix "B".

The owner of 3122 Eglinton Avenue East does not appear to be willing to sell the Required Lands to the owner of 3132 Eglinton Avenue East to permit the extension of Conn Smythe Drive to proceed. Accordingly, Real Estate Services staff recommend that authority be granted to initiate expropriation proceedings for the Required Lands, conditional upon the owner of 3132 Eglinton Avenue East executing a Site Plan Agreement, in a form satisfactory to the City Solicitor, in which, among other things, the owner agrees to pay all costs associated with the City's acquisition or expropriation of the Required Lands, the environmental remediation of the Required Lands to the satisfaction of the City and the construction of the Conn Smythe Drive extension to the satisfaction of the City, and upon the owner delivering to the City an unconditional, irrevocable letter of credit in an amount satisfactory to the Director of Real Estate Services, in consultation with the Executive Director of Technical Services, to secure such obligations. The owner of 3132 Eglinton Avenue East has provided written confirmation that it is willing to pay all such costs.

CONTACT

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SIGNATURE

Bruce Bowes, P.Eng.,
Chief Corporate Officer

ATTACHMENTS

Appendix "A" – Table of Property Requirements
Appendix "B" – Location Map
Appendix "C" – Property Requirements Sketch

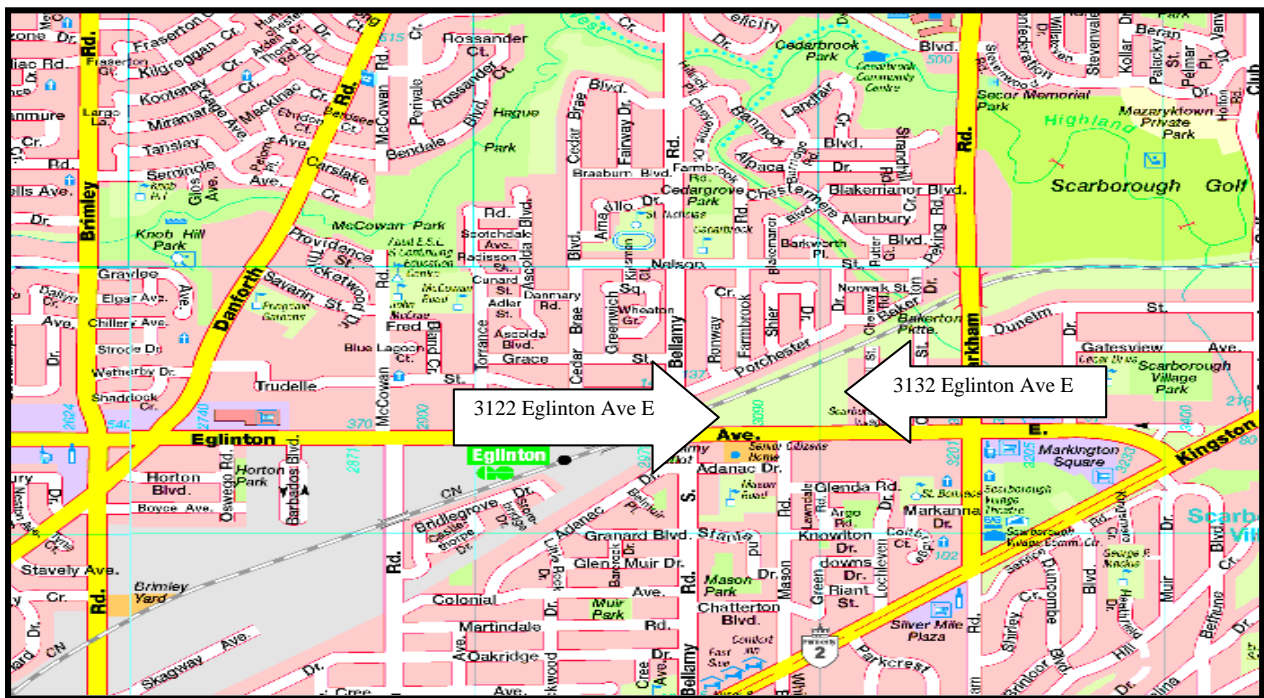
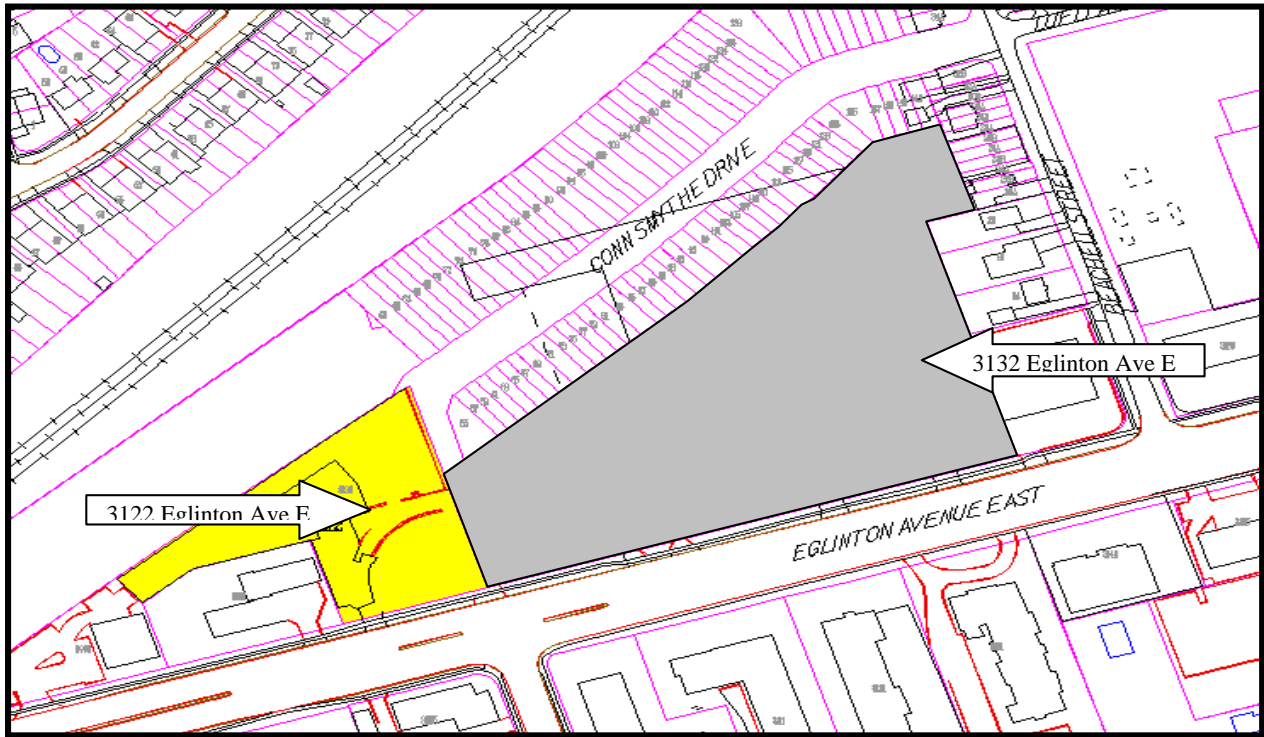
APPENDIX "A"

TABLE OF PROPERTY REQUIREMENTS

PROPERTY ADDRESS		LEGAL DESCRIPTION	PROPERTY REQUIREMENTS
WARD 38-Scarborough Centre			
1.	<u>Address:</u> A portion of 3122 Eglinton Avenue East	Part of PIN 06368-0299 (LT), being part of Lot M, Plan 1098, Scarborough, City of Toronto	All right, title and interest in approximately 1,120 m ² (12,056 ft ²) of land, as shown cross-hatched on Appendix "C"
2.	<u>Address:</u> An easement benefitting 3122 Eglinton Avenue East over a portion of 3132 Eglinton Avenue East	<u>Benefitting Lands:</u> PIN 06368-0299 (LT), being part of Lot M, Plan 1098, designated as Parts 2 and 5 on Plan 64R-11944, Scarborough, City of Toronto <u>Easement Lands:</u> Part of PIN 06368-0374 (LT), being part of Lot M, Plan 1098, designated as Parts 19 and 22 on Plan 66R-19813, Scarborough, City of Toronto	The existing easement in favour of 3122 Eglinton Avenue East, over a portion of 3132 Eglinton Avenue East, shown on Appendix "C", in order to extinguish such easement

APPENDIX "B"

LOCATION MAP



Expropriation of Property Interests from 3122 Eglinton Avenue East for the extension of Conn Smythe Drive

APPENDIX "C" PROPERTY REQUIREMENTS SKETCH

