



**STAFF REPORT
ACTION REQUIRED
with Confidential Attachment**

Expropriation of Temporary Easement for Grade Separation at Agincourt GO Station

Date:	March 13, 2012
To:	Government Management Committee
From:	Chief Corporate Officer
Wards:	Ward 41 – Scarborough-Rouge River
Reason for Confidential Information:	This report is about a proposed or pending land acquisition by the City or one of its agencies, boards, and commissions and deals with litigation or potential litigation that affects the City or one of its agencies, boards and commissions.
Reference Number:	P:\2012\Internal Services\RE\Gm12014re – (AFS – 15370)

SUMMARY

This report seeks authority to expropriate a temporary easement over the lands identified in Appendix "A" and illustrated in Appendix "C" for the purpose of constructing a grade separation at the Agincourt GO Station (the "Project"). A temporary easement previously expropriated by the City over these lands will expire in April, 2012, and access is required for an additional six month period.

RECOMMENDATIONS

The Chief Corporate Officer recommends that:

1. City Council, as approving authority under the *Expropriations Act*, approve the expropriation of a temporary easement as set out in Appendix "A" (the "Temporary Easement") for the Sheppard Avenue East Grade Separation.

2. City Council, as expropriating authority under the *Expropriations Act*, authorize all necessary steps to comply with the *Expropriations Act*, including but not limited to, the preparation and registration of an Expropriation Plan and the service of Notices of Expropriation, Notices of Election as to a Date for Compensation and Notices of Possession.
3. Leave be granted for introduction of the necessary Bill in Council to give effect thereto.
4. City Council authorize the public release of the confidential information contained in Confidential Attachment 1 once there has been a final determination of the compensation payable to the owners by arbitration, appeal or settlement to the satisfaction of the City Solicitor.

Financial Impact

Funding for the Temporary Easement is available in City of Toronto Account Internal Order No. 99000055 for Metrolinx funded initiatives which are managed by TTC's Transit Department and which costs are recoverable from Metrolinx's paid advances held in City reserves.

Confidential Attachment 1 to this report identifies the appraised value for the Property.

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

DECISION HISTORY

On July 15, 16 and 17, 2008, City Council adopted the recommendations of Report PG17.8, approving the recommendations of a class environmental assessment study which included the construction of a grade separation at Agincourt GO Station.
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2008.PG17.8>

On January 26 and 27, 2010, City Council adopted the recommendations of Report GM27.4, authorizing the expropriation of permanent and temporary interests in eleven properties for the Project, including the property which is the subject of this report. The report authorized the expropriation of temporary easements for a period of two years over these properties.
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2010.GM27.4>

On November 29 and 30 and December 1, 2011, City Council adopted the recommendations of Report GM9.8, granting authority to negotiate to acquire and to initiate expropriation proceedings, if necessary for the Temporary Easement for the purpose of constructing a grade separation along Sheppard Avenue East at the Agincourt GO Station.
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2011.GM9.8>

COMMENTS

On April 13, 2010, the City expropriated a temporary easement for the Project over part of 4146 Sheppard Avenue East by registration of Expropriation Plan No. AT2350016, attached as Appendix "C", for a two year term expiring April 12, 2012. Construction of the Project is currently underway and the Project team has advised that access to these lands is required for an additional six month period.

City staff sought to secure voluntary acquisition of the necessary Temporary Easement, as detailed in Appendix "A", through negotiations with the impacted owner, but an agreement has not been reached. Pursuant to Council's authority and in accordance with the *Expropriations Act*, Notices of Application for Approval to Expropriate the Temporary Easement were served on the registered owners and published in the newspaper. No request for a Hearing of Necessity has been received within the time frame set out in the *Expropriations Act*.

Therefore, to ensure the Temporary Easement is secured in a timely manner for the completion of the Project, this report recommends that Council approve the proposed expropriation and authorize all necessary steps to proceed with the expropriation in compliance with the *Expropriations Act*. All such steps, including payment of the required compensation, will be undertaken by City staff pursuant to delegated authority as applicable.

CONTACT

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SIGNATURE

Bruce Bowes, P.Eng.
Chief Corporate Officer

ATTACHMENTS

Confidential Attachment 1 – Confidential Information
Appendix A – Table of Private Property Requirements
Appendix B – Site Map
Appendix C – Expropriation Plan AT2350016