



REPORT FOR ACTION

Expropriation of the Right of Way Easement Interest in favour of 1480 Jane Street over Parts of 55 Denison Road East

Date: May 8, 2017

To: Government Management Committee

From: Chief Corporate Officer

Wards: Ward 11 - York South Weston

SUMMARY

This report seeks authority to commence expropriation proceedings on the 'Right of Way' Easement interest in favour of the property municipally known as 1480 Jane Street located over part of 55 Denison Road East, which is to be conveyed by Pamlimar Investments & Enterprises Limited to the City for the purposes of a public roadway.

RECOMMENDATIONS

The Chief Corporate Officer recommends that:

1. City Council grant authority to the Director of Real Estate Services to initiate expropriation proceedings, if necessary, where negotiations are unsuccessful, for the acquisition of the easement interest in favour of 1480 Jane Street described in Instrument No. NY470668 as it affects those lands shown as Part 1, 66R-28426 (the "Lands").
2. City Council grant authority to the Director of Real Estate Services to serve and publish Notices of Application for Approval to Expropriate the 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

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 reimbursed fully by Pamlimar Investments & Enterprises Limited.

In the event of expropriation, expenditures for the market value of the Lands as well as disturbance costs (if any), interest, and land transfer tax, and all other associated costs stipulated under the Expropriations Act will be funded by Pamlimar Investments & Enterprises Limited.

The detailed funding amounts will form part of a subsequent report to Committee and Council seeking final approval for the expropriation, if necessary.

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

DECISION HISTORY

An application for Site Plan Control was submitted to the City on February 18, 2005. Notice of Approval Conditions (NOAC) was issued on October 17, 2006. Three revised NOACs have subsequently been issued, the most recent on September 26, 2016.

COMMENTS

The owner of the lands municipally known as 55 Denison Road East submitted a Site Plan Control application to the City, proposing to construct a new standalone grocery store. The subject lands are identified on the City's Official Plan Map 3 - Right-of-Way Widths Associated with Existing Major Streets and Jane Street from south of Highway 400 to Weston Road is identified as requiring a 27 metre right-of-way. Official Plan policy 2.2.3 states that the City's transportation network will be maintained and developed to support the growth management objectives of the Plan by: a) protecting and developing the network of rights-of-way shown on Map 3 and Schedules 1 and 2 by:

i) acquiring over time the additional property needed to achieve the designated width. The conveyance of land for widening may be required for nominal consideration from abutting property owners as a condition of subdivision, severance, minor variance, condominium or site plan approvals.

As a condition of Site Plan approval, included in the Notice of Approval Conditions (NOAC) issued on September 26, 2016, the owner of 55 Denison Road East is required to convey a strip of property along the Jane Street frontage that is approximately 3.4 metres wide at the northeast corner of the site, tapering down to approximately 0.5 metres wide at the southeast corner (Parts 1 and 2 on Plan 66R-28426, see Appendix "A"). A further condition of approval requires that the lands be conveyed to the City in fee simple, free and clear of all physical and title encumbrances. Part 1 (the

"Lands") is encumbered with an easement (registered as NY470668) in favour of the abutting property to the south, municipally known as 1480 Jane Street, providing a common right-of-way for persons and vehicles. Negotiations between the owner of 55 Denison Road East and the owner of 1480 Jane Street to have the easement removed from Part 1 have not been successful.

Given that the owner is responsible for the clear transfer of title to the City, they have agreed to pay for all costs associated with the acquisition or alternatively to cover the costs of the City-initiated expropriation.

Real Estate Services have been requested by Transportation Services to acquire the subject easement right through negotiations with the owner of 1480 Jane Street and if negotiations fail, to then proceed with expropriation of the easement right. Removal of the easement in favour of 1480 Jane Street will not affect vehicular access to that property as it still will retain direct frontage on Jane Street, where their current driveway access is located.

CONTACT

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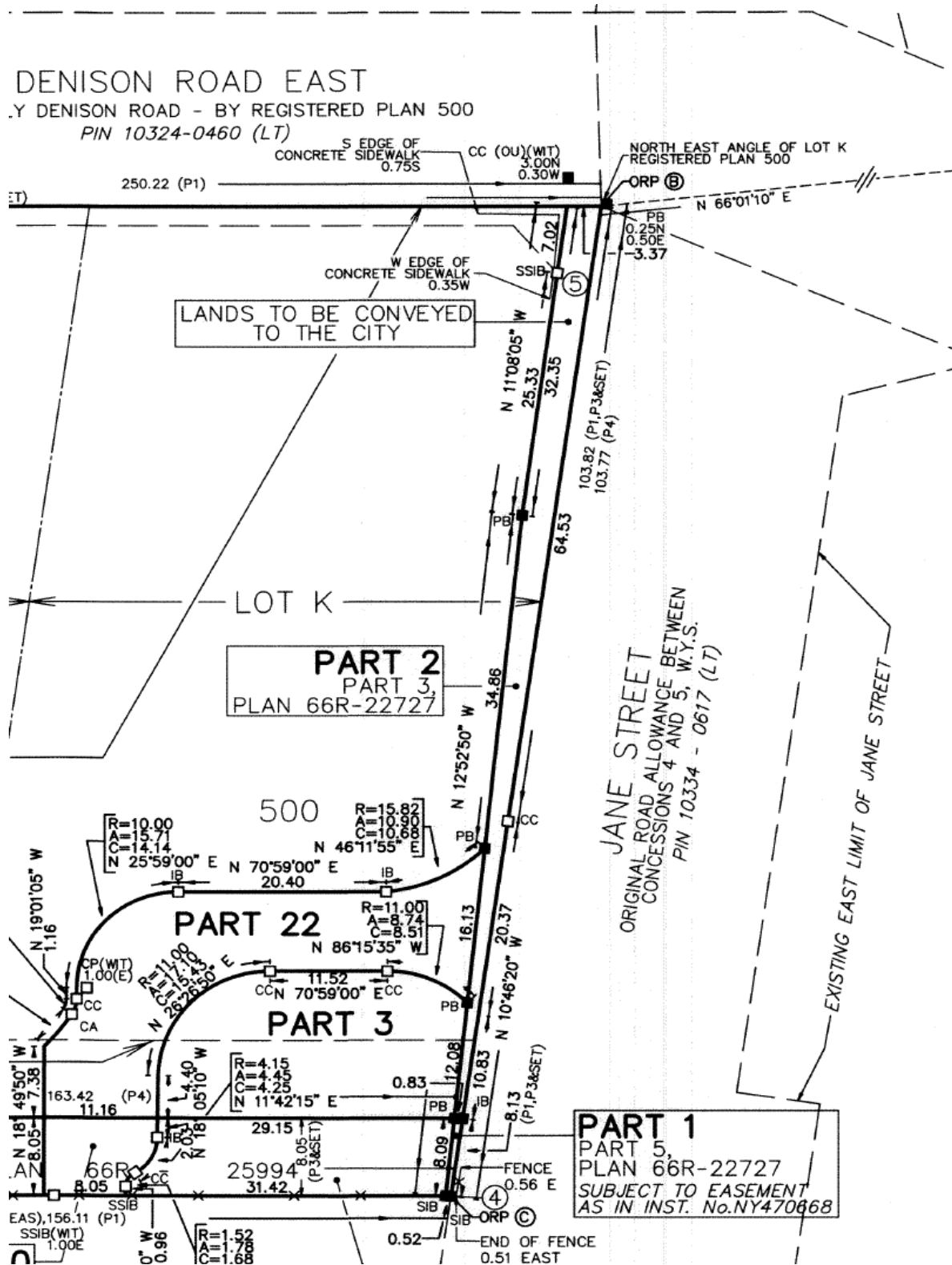
SIGNATURE

Josie Scioli
Chief Corporate Officer

ATTACHMENTS

Appendix "A" - Survey Sketch of Right of Way Easement
Appendix "B" - Location Map / Arial View

Appendix "A" – Survey Sketch of Right of Way Easement



Appendix "B" – Location Map / Aerial View

