Expropriation of Easement Area, 500 Dawes Road

Date: July 28, 2017  
To: Government Management Committee  
From: Chief Corporate Officer  
Wards: 31 - Beaches East York

SUMMARY

This report seeks authority to initiate expropriation proceedings for an amended permanent easement and a temporary construction easement area, (the "Property Interests") for a pedestrian walkway over a portion of the property municipally known as 500 Dawes Road, (the "Property").

RECOMMENDATIONS

The Chief Corporate Officer recommends that:

1. City Council authorize the Director, Real Estate Services to continue negotiations to acquire and, if unsuccessful, City Council authorize initiation of the expropriation process for an amended permanent easement and a temporary construction easement area over the portion of 500 Dawes Road set out in the draft expropriation plan in Appendix "A" as Part 2 for the permanent easement and Parts 1 and 3 for the temporary construction easement.

2. City Council authorize the Director, Real Estate Services to serve and publish Notices of Application for Approval to Expropriate Land for the Property Interests, 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 2017 Council Approved Capital Budget for Parks, Forestry & Recreation -Parkland Acquisition CPR115-47-01.
Funding for the market value of the Property Interests as well as disturbance costs (if any), interest, land transfer tax costs, and all other associated costs stipulated under the Expropriations Act will also be funded from the 2017 Council Approved Capital Budget and 2018-2026 Capital Plan for Parks, Forestry & Recreation (CPR115-47-01). 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**

At its meeting of December 9 and 10, 2015, City Council directed the Director of Real Estate Services to continue discussions with the property owner at 500 Dawes Road for the acquisition of a permanent and temporary construction easement required for the pedestrian walkway and authorized the initiation of the expropriation process for the required lands, if deemed necessary by the Director of Real Estate Services. The Council decision associated with this approval can be found at: [http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.GM8.20](http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.GM8.20)

**COMMENTS**

Parks, Forestry and Recreation (PF&R) is seeking to create a pedestrian trail which spans from Cedarcrest Boulevard to Joshua Cronkwright Parkette by constructing a pathway along the northern edge of 500 Dawes Road. The area currently serves as a parking lot but is well-travelled by residents and used as an informal path. The planned connection will provide a more safe and accessible pedestrian route which will vastly improve the neighbourhoods connectivity.

Shortly after obtaining Council Approval to initiate the expropriation process in December 2015, it was determined that due to site grading, the required area would have to be amended for both the permanent and temporary construction easements and the expropriation was placed on hold. The sketch in Appendix "B" shows Part 2 as the proposed permanent easement area and Parts 1 and 3 as the proposed temporary construction easement area. Part 4 represents the initial area requested for the permanent easement and Part 5 represents the initial area requested for the temporary construction easement. As the sketch demonstrates, the land area required for both the permanent and temporary easement is now larger do to the site constraints.
Negotiations are ongoing with the property owner and staff are attempting to reach a negotiated settlement. In order to protect the time line for the construction of this project, expropriation is recommended.

CONTACT

Joe Casali, Director of Real Estate Services, Tel.: (416) 392-7202; Fax (416) 392-1880
Email: jcasali@toronto.ca

SIGNATURE

_______________________________
Josie Scioli
Chief Corporate Officer

ATTACHMENTS

Appendix "A" - Draft Expropriation Plan of Survey
Appendix "B" - PS Sketch
Appendix "C" - Location Map
Appendix "A"

Draft Expropriation Plan of Survey
Appendix "B"

Sketch
Appendix "C"

Location Map