

Scarlett Road Bridge Reconstruction Project - Expropriations (Stage 1)

Date: May 12, 2021

To: General Government and Licensing Committee

From: Executive Director, Corporate Real Estate Management

Wards: 4 – Parkdale-High Park and 5 – York South-Weston

SUMMARY

This report seeks authority to commence expropriation proceedings to acquire real estate interests involving the properties municipally known as 2 Scarlett Road, 10 Scarlett Road, 2700 St. Clair Avenue West, 3671 Dundas Street West and 4000 Dundas Street West (the "Property Interests") for the purpose of completing the proposed Transportation Services' Scarlett Road Bridge Reconstruction Project (the "Project").

This is the first stage of the expropriation process. After the application for approval to expropriate is authorized by City Council, as the Approving Authority under the Expropriations Act, staff will serve and publish a Notice of Application for Approval to Expropriate on all registered owners. Registered owners will have 30 days to request an inquiry into whether the City's proposed taking is fair, sound and reasonably necessary.

If no inquiry is requested, City Council may approve the expropriation through a subsequent Stage 2 report. At that time, staff will report to City Council with further details on the anticipated costs, based on appraisals. Following the Stage 2 report, an Expropriation Plan will be registered and Notices of Expropriation will be served to the appropriate parties. Statutory offers of compensation must be served before the City can take possession of the expropriated Property Interests.

RECOMMENDATIONS

The Executive Director, Corporate Real Estate Management, recommends that:

1. City Council authorize the Executive Director, Corporate Real Estate Management, to continue negotiations for the acquisition of the real estate interests listed in Appendix A and displayed on the maps attached as Appendix B (the "Property Interests"), and as Approving Authority, authorize the initiation of the expropriation process for the Property

Interests for the purpose of completing the proposed Scarlett Road Bridge Reconstruction Project (the "Project").

2. City Council direct the Executive Director, Corporate Real Estate Management, or their designate, to serve and publish the Notice of Application for Approval to Expropriate the Property Interests, to forward any requests for a hearing of necessity to the Chief Inquiry Officer, to attend any hearings to present the City of Toronto's position, and to report the Inquiry Officer's recommendations to City Council for consideration.

FINANCIAL IMPACT

The costs to serve and publish the required Notice 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 2021-2030 Council Approved Capital Budget and Plan for Transportation Services within account CTP811-43.

Prior to final expropriation, a subsequent report will be submitted to the General Government and Licensing Committee and City Council identifying all anticipated costs stipulated under the Expropriations Act associated with expropriation of the Property Interests. Costs include the market value of the Property Interests, disturbance costs (if any), interest, land transfer tax costs, and any other applicable costs as specified in the Expropriations Act. The subsequent report will also identify a proper funding source for the anticipated costs and will seek final approval for the expropriation of the Property Interests.

The Chief Financial Officer and Treasurer has reviewed this report and agrees with the financial implications as identified in the Financial Impact section.

DECISION HISTORY

At its meeting held on September 26 and 27, 2007, City Council referred the recommendations contained within Staff Report PW8.4 titled "Scarlett Road/CP Rail Bridge Class Environmental Assessment Study" to the Budget Committee for further consideration, and directed that any change in the status of the project be reported out to Council, through the appropriate Committee, as a discrete item.

<https://www.toronto.ca/legdocs/mmis/2007/cc/decisions/2007-09-26-cc12-dd.pdf>

At its meeting held on December 18, 2014, the Bid Committee adopted Staff Report BD3.1 titled "Award of RFP 9117-14-5064 to Morrison Hershfield Limited for Professional Engineering Services for Scarlett Road Underpass at CPR Bridge Replacement - Feasibility Study and Preliminary Design" granting authority to award the contract to Morrison Hershfield Limited in accordance with the contract details set out in the report from the Director, Purchasing and Materials Management.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.BD3.1>

At its meeting held on May 24, 2017, the Bid Award Panel adopted Staff Report BA23.17 titled " Award of Request for Proposal No. 9117-17-5035 to Morrison Hershfield Limited for Professional Engineering Services for Design, Construction Administration, and Post Construction Services for Scarlett Road Bridge under CPR/Metrolinx" granting authority to award the contract to Morrison Hershfield Limited in accordance with the contract details set out in the report from the Director, Purchasing and Materials Management.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.BA23.17>

COMMENTS

In 2008, Transportation Services completed a Municipal Class Environmental Assessment of the CP Rail underpass located on Scarlett Road between St. Clair Avenue West and Dundas Street West. The study investigated the safety and traffic operations in the area around the bridge. Changes to the bridge and surrounding roads were recommended as a result of the study.

In 2017, the detailed design phase was initiated, which included consultation with the public about the proposed project, the proposed design, and the impacts of construction to complete the project.

Transportation Services is moving forward to implement the study recommendations, which include widening the underpass as well as reconfiguring the intersection of Scarlett Road and Dundas Street West to accommodate traffic volumes and improve vehicle, pedestrian and bicycle movement through the intersection.

In order to proceed with the proposed Project, the City will need to acquire additional property rights in the vicinity of the Scarlett Road Bridge. These rights will enable the City's contractor to construct portions of retaining walls on private property that will hold current properties in place after existing roads are lowered to accommodate the proposed wider underpass.

City staff have been in communication with the impacted property owners in an effort to acquire the Property Interests through a negotiated agreement. As ongoing negotiations with the owners have not resulted in the acquisition of the Property Interests, expropriation may be required. Therefore, it is recommended that City Council, as approving authority under the Expropriations Act, grant authority to initiate the expropriation process to acquire the Property Interests to avoid jeopardizing the proposed construction schedule for the Project.

CONTACT

Alison Folosea, Director, Transaction Services, Corporate Real Estate Management, 416-338-2998, Alison.Folosea@toronto.ca

Jacquelyn Hayward, Director, Project Design & Management, Transportation Services,

416-392-5348, Jacquelyn.Hayward@toronto.ca

SIGNATURE

Patrick Matozzo
Executive Director, Corporate Real Estate Management

ATTACHMENTS

Appendix A – Property Interests to be Expropriated
Appendix B – Property Sketches
Appendix C – Location Map

APPENDIX A - PROPERTY INTERESTS TO BE EXPROPRIATED

Municipal Address	Property Interest	Approximate Area
2 Scarlett Road	Temporary easement (140 days) in the land labelled as Part 1 in the Property Sketch for 2 Scarlett Road in Appendix B	133.3 square meters
10 Scarlett Road	Fee simple acquisition in the land labelled as Part 1 in the Property Sketch for 10 Scarlett Road in Appendix B	213.7 square meters
2700 St. Clair Avenue West	Permanent easement in the land labelled as Part 1 in the Property Sketch for 2700 St. Clair Avenue West in Appendix B	402.1 square meters
	Temporary easement (140 days) in the land labelled as Part 2 in the Property Sketch for 2700 St. Clair Avenue West in Appendix B	69.9 square meters
3671 Dundas Street West	Temporary easement (140 days) in the land labelled as Part 1 in the Property Sketch for 3671 Dundas Street West in Appendix B	737.2 square meters
4000 Dundas Street West	Permanent easement in the land labelled as Part 1 in the Property Sketch for 4000 Dundas Street West in Appendix B	2.7 square meters
	Temporary easement (200 days) in the land labelled as Part 2 in the Property Sketch for 4000 Dundas Street West in Appendix B	165 square meters

Temporary Easement Definition:

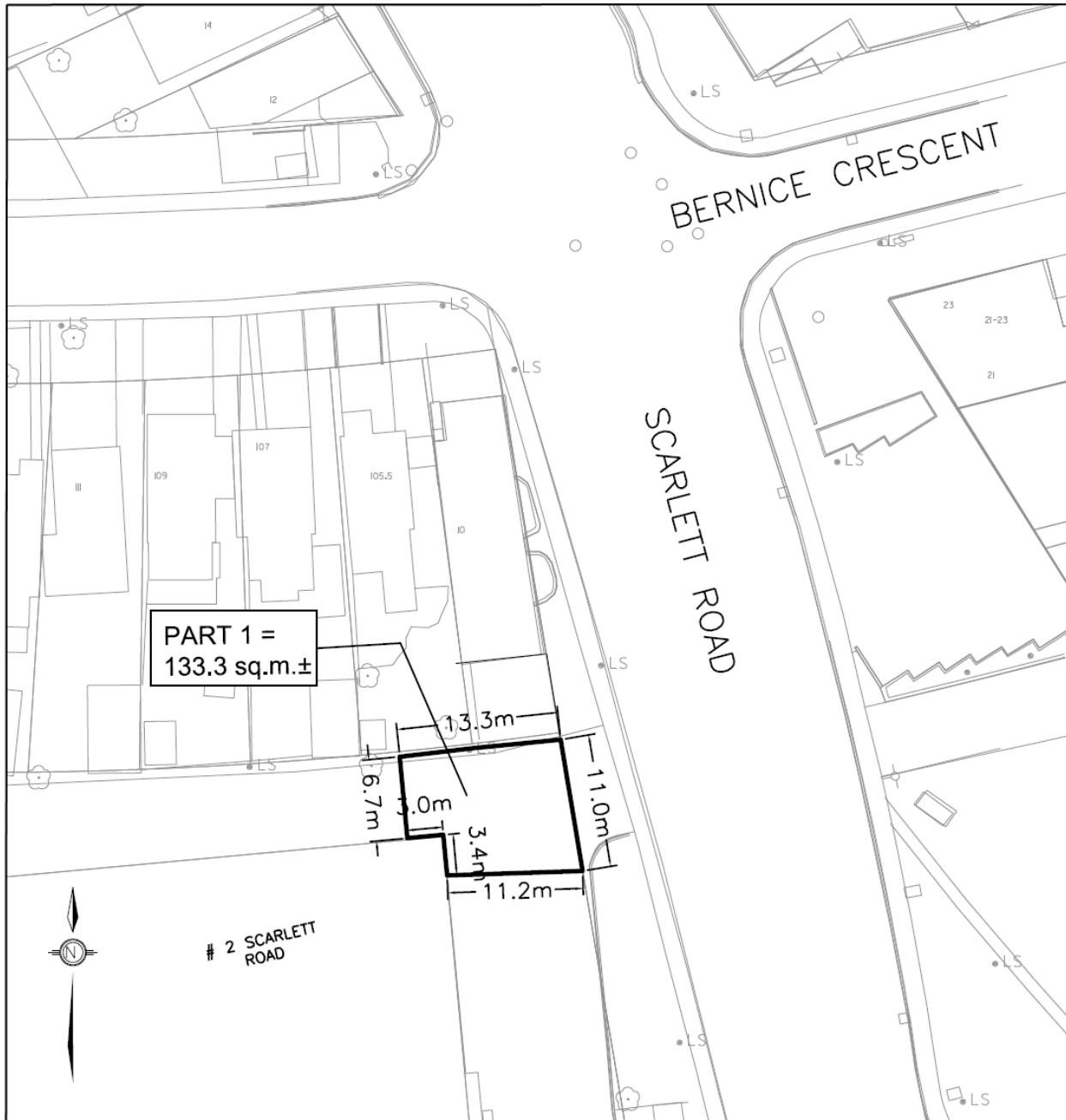
A temporary easement or rights in the nature of a temporary easement on, in, over, under and through the lands identified, for the purpose of the construction and installation of a retaining wall, to be constructed on adjacent City Lands as part of a project to reconstruct the Scarlett Road Bridge, and all works ancillary thereto, including, without limitation, alterations to and removal of hard and soft landscaping and re-grading work, together with the right to enter and occupy the Temporary Easement Lands for the City's servants, agents, contractors, vehicles, supplies and equipment, for all purposes necessary or incidental to the exercise and enjoyment of the rights hereby granted. The Temporary Easement shall commence on a date specified in writing, on at least THIRTY (30) days' prior written notice, and will continue for the term specified in the chart above. All rights under the Temporary Easement shall expire on either the completion of the project to reconstruct the Scarlett Road Bridge, or on December 31, 2026, whichever is earlier.

Permanent Easement Definition:

A permanent easement or rights in the nature of a permanent easement, on, in, over, under and through the lands identified, for the construction, installation, maintenance, inspection, repair, removal, replacement or reconstruction of a retaining wall, as part of a project to reconstruct the Scarlett Road Bridge, and all works ancillary thereto including, without limitation, alterations to and removal of hard and soft landscaping and re-grading work, together with the right to enter and occupy the Permanent Easement Lands for the City's servants, agents, contractors, with all such vehicles, materials, machinery, tools and equipment for necessary or incidental to the exercise and enjoyment of the rights hereby granted.

APPENDIX B - PROPERTY SKETCHES

2 Scarlett Road



Toronto

ENGINEERING & CONSTRUCTION SERVICES
ENGINEERING SUPPORT SERVICES
LAND & PROPERTY SURVEYS

NOTE:

THE SKETCH HAS BEEN
COMPILED FROM OFFICE
RECORDS.
MEASUREMENTS ARE
APPROXIMATE

CHECK BY: JERRY ZHU

PREPARED BY: SIVA GANJI

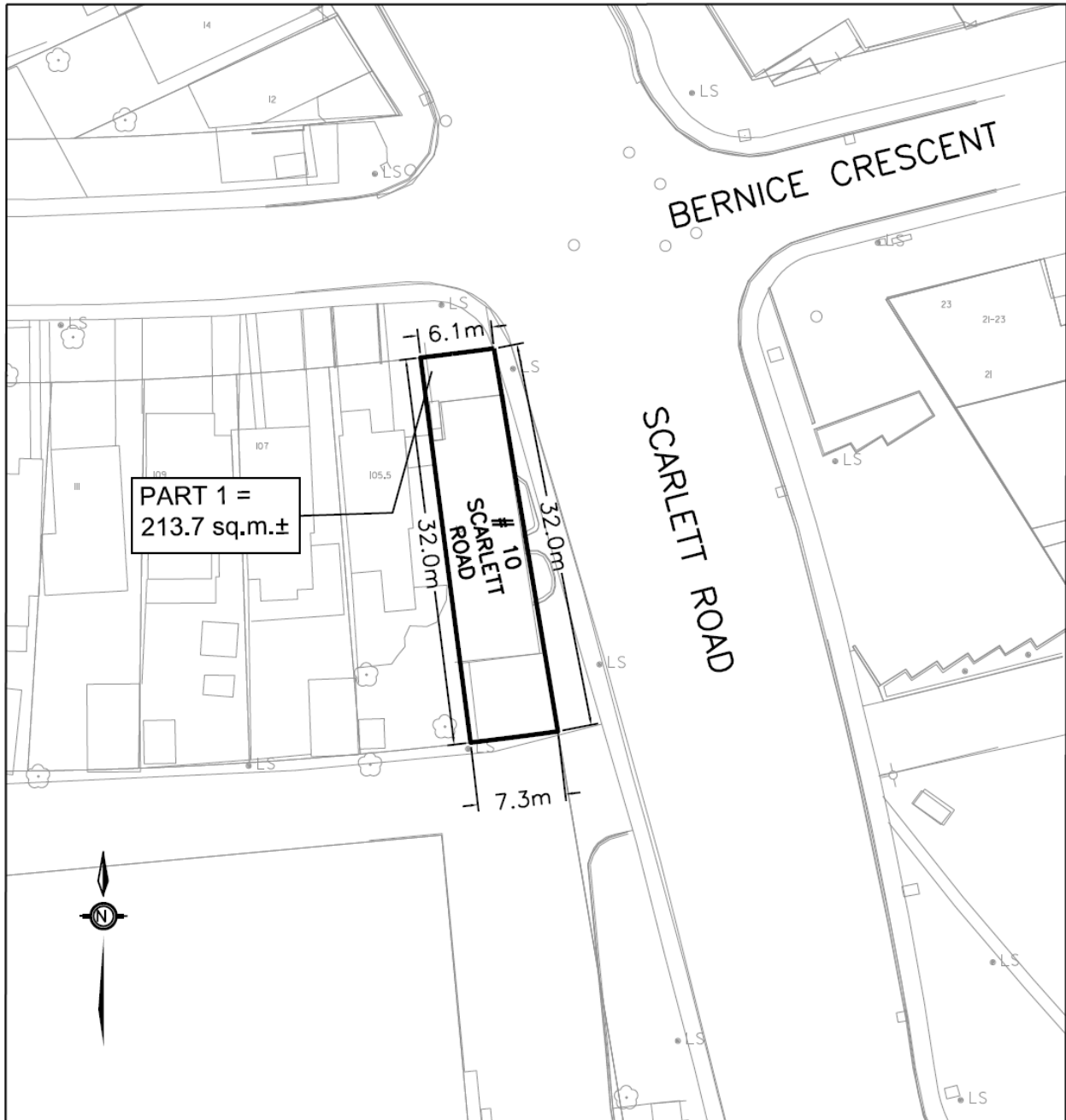
PROPERTY INFORMATION SHEET

SKETCH SHOWING PORTION OF
2 SCARLETT ROAD
(PART 1)

WARD: YORK SOUTH-WESTON

DATE: MARCH 12, 2021

10 Scarlett Road



Toronto

ENGINEERING & CONSTRUCTION SERVICES
ENGINEERING SUPPORT SERVICES
LAND & PROPERTY SURVEYS

NOTE:

THE SKETCH HAS BEEN
COMPILED FROM OFFICE
RECORDS.
MEASUREMENTS ARE
APPROXIMATE

CHECK BY: JERRY ZHU

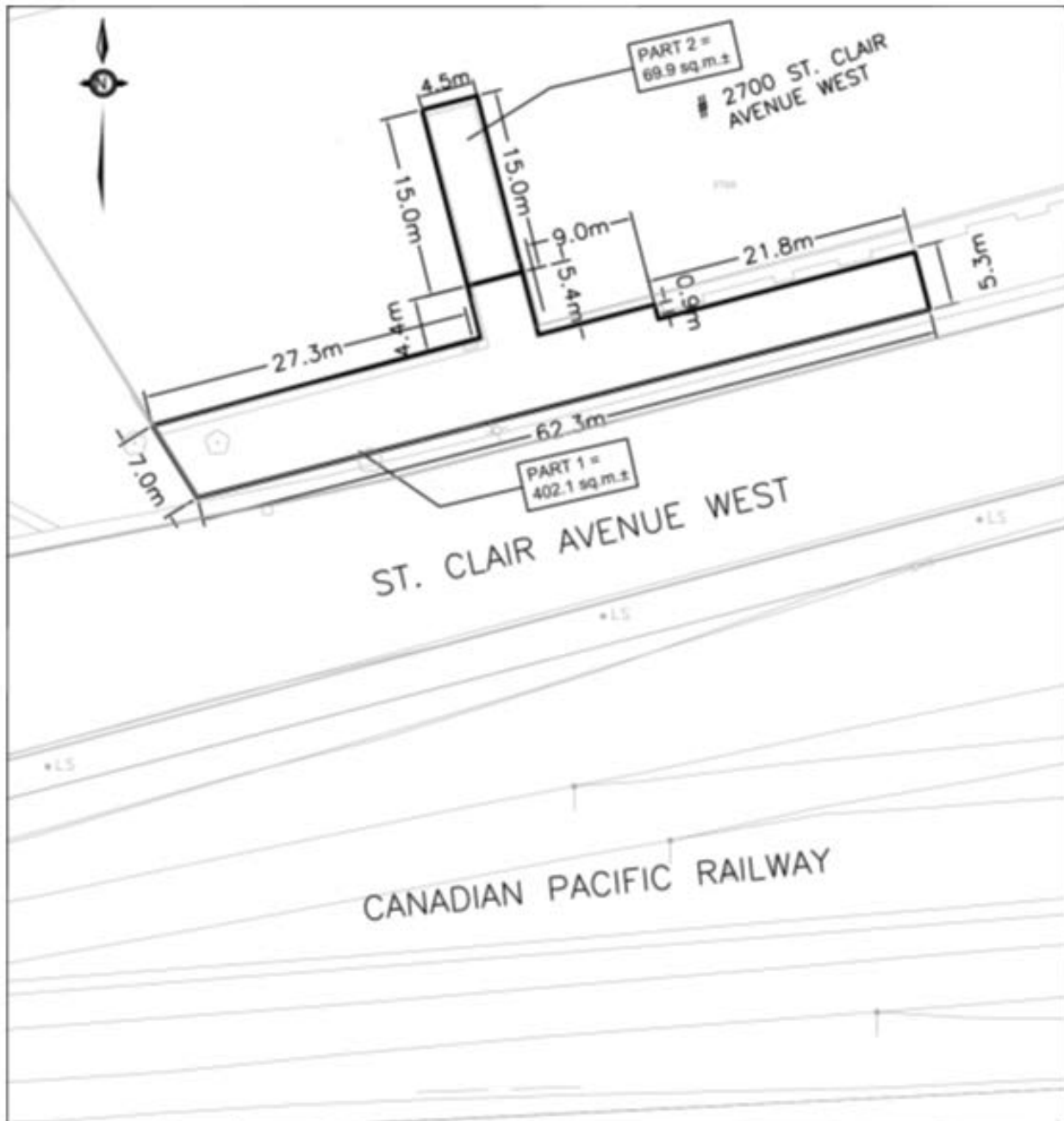
PREPARED BY: SIVA GANJI

PROPERTY INFORMATION SHEET SKETCH SHOWING 10 SCARLETT ROAD (PART 1)

WARD: YORK SOUTH-WESTON

DATE: MARCH 12, 2021

2700 St. Clair Avenue West

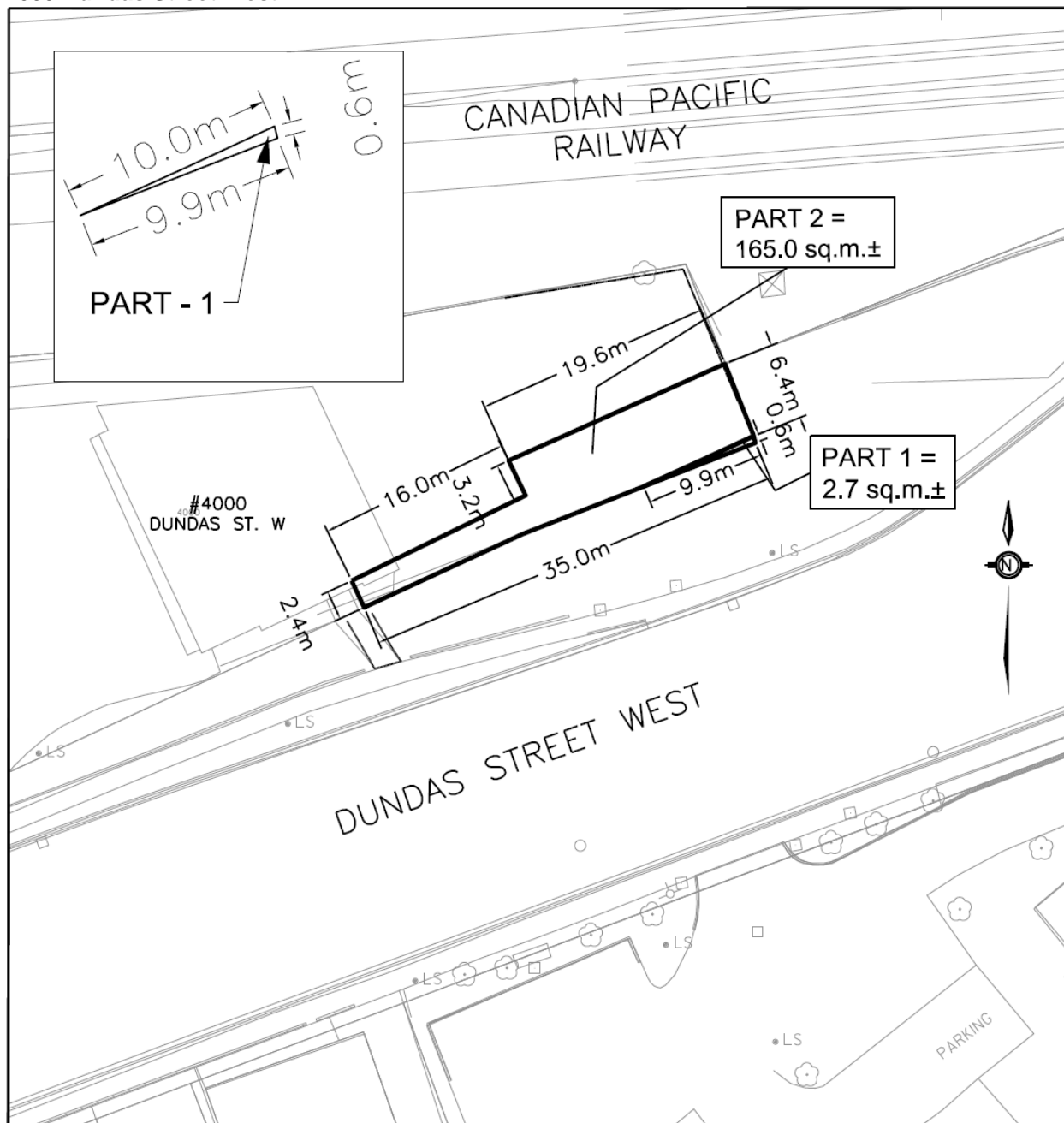


<p>Toronto ENGINEERING & CONSULTING SERVICES ENGINEERING SURVEY SERVICES LAND & PROPERTY SERVICES</p>	<p>PROPERTY INFORMATION SHEET SKETCH SHOWING PORTIONS OF 2700 ST. CLAIR AVENUE WEST (PART - 1 AND 2)</p>
<p>NOTE: THIS SKETCH HAS BEEN COMPILED FROM OFFICE RECORDS. MEASUREMENTS ARE APPROXIMATE.</p>	
<p>CHECK BY: JERRY ZHU PREPARED BY: SVA GANJI</p>	<p>WARD: YORK SOUTH - WESTON DATE: MARCH 12, 2021</p>

3671 Dundas Street West



4000 Dundas Street West



Toronto

ENGINEERING & CONSTRUCTION SERVICES
ENGINEERING SUPPORT SERVICES
LAND & PROPERTY SURVEYS

NOTE:

THIS SKETCH HAS BEEN
COMPILED FROM OFFICE
RECORDS. MEASUREMENTS
ARE APPROXIMATE.

CHECK BY: JERRY ZHU

PREPARED BY: SIVA GANJI

PROPERTY INFORMATION SHEET

SKETCH SHOWING PORTIONS OF
4000 DUNDAS STREET WEST
(PARTS 1 AND 2)

WARD: PARKDALE - HIGH PARK
DATE: MARCH 12, 2021

APPENDIX C - LOCATION MAP

