

Expropriation of Easements for the Port Union Road Widening - Stage 2

Date: May 12, 2021

To: General Government and Licensing Committee

From: Executive Director, Corporate Real Estate Management

Wards: Ward 25 - Scarborough-Rouge Park

REASON FOR CONFIDENTIAL INFORMATION

This report deals with a proposed or pending acquisition of land interests by the City of Toronto (the "City").

SUMMARY

This report seeks: 1) approval from City Council as Approving Authority under the Expropriations Act, to expropriate permanent and temporary easements (the "Easements") over part of the properties municipally known as 429 Port Union Road, 433 Port Union Road, 437 Port Union Road, 33 Rozell Road, 446 Lawson Road and 2 Cameron Glen Boulevard (collectively, the "Properties"); and, 2) approval for the City, as Expropriating Authority under the Expropriations Act, to serve associated notices and make statutory Offers of Compensation in accordance with the Expropriations Act.

The Easements are required for the Port Union Road Widening project (the "Project"), which will improve vehicular traffic as well as cyclist and pedestrian safety in the area.

This report relates to the second stage of the expropriation process. During the first stage and in accordance with the Expropriations Act, Notices of Application for Approval to Expropriate were served on all applicable "registered owners", who had 30 days to request an inquiry into whether the proposed taking is fair, sound, and reasonably necessary. No requests were received and City Council may now approve the expropriation by this Stage 2 report. If authorized, the Expropriation Plans will be registered and associated notices served. Statutory Offers of Compensation must be served prior to the City taking possession of the expropriated properties.

RECOMMENDATIONS

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

1. City Council, as the Approving Authority under the Expropriations Act, approve the expropriation of the Easements as set out in Appendix A and as identified on the Reference Plans attached as Appendix B, for municipal purposes including for the Port Union Road Widening project.
2. City Council authorize the City of Toronto, as Expropriating Authority under the Expropriations Act, to take all necessary steps to comply with the Expropriations Act, including but not limited to, the preparation and registration of Expropriation Plans and the service of Notices of Expropriation, Notices of Election and Notices of Possession, if amicable acquisitions of the Easements cannot be completed to accommodate the project timelines.
3. City Council authorize the Executive Director, Corporate Real Estate Management, or their designate, to prepare and serve Offers of Compensation in accordance with the requirements of the Expropriations Act, if amicable acquisitions of the Easements cannot be completed to accommodate the project timelines.
4. City Council authorize the public release of the confidential information contained in Confidential Attachment 1 once there has been a final determination of all claims for compensation payable to the property owners to the satisfaction of the City Solicitor.

FINANCIAL IMPACT

Confidential Attachment 1 to this report identifies the estimated value of the required Easements associated with the Properties.

Funding to acquire the Easements and the disbursement of all anticipated costs associated with the proposed expropriations is available in the 2021-2030 Council Approved Capital Budget and Plan for Transportation Services under the capital project account CTP815-25.

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

DECISION HISTORY

At its meeting of April 7, 2004, the Works Committee adopted the report on the findings and recommendations of the Port Union Road, Lawrence Avenue East to Kingston Road, Class Environmental Assessment Study, and request to file the Environmental Study Report in the public record in accordance with the requirements of the Municipal Class Environmental Assessment.

<https://www.toronto.ca/legdocs/2004/agendas/committees/wks/wks040428/it009.pdf>

At its meeting of June 10, 2014, City Council adopted the recommendation to issue the Notice of Completion and file the Addendum to the Port Union Environmental Assessment Study (2004) in the public record for a minimum 30 days in accordance with the requirements of the Municipal Class Environmental Assessment.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.PW31.10>

At its meeting of December 21, 2016, the Bid Committee adopted the award of Request For Proposal Number 9117-16-5042 to Candevcon Limited to complete the preliminary and detailed design services and contract administration for Port Union Road Widening and Improvements between Lawrence Avenue East and Island Road.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.BD115.5>

At its meeting held on December 16, 2020, City Council adopted Item GL19.13 titled, "Initiation of Expropriation of Permanent Easements for the Port Union Road Widening", granting authority to the Executive Director, Corporate Real Estate Management, to continue negotiations for the acquisition of the necessary property interests and initiate expropriation proceedings for the easements in connection with the Port Union Road Widening. City Council also directed the Executive Director, Corporate Real Estate Management, to serve and publish Notices of Application for Approval to Expropriate the Project Requirements, to forward any requests for hearing to the Chief Inquiry Officer, to attend any hearings to present the City of Toronto's position and to report the Chief Inquiry Officer's recommendation to City Council for consideration.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.GL19.13>

COMMENTS

An Environmental Assessment ("EA") study for Port Union Road was undertaken in 2002–2004 and endorsed by City Council, with the Ministry of Environment-mandated public review completed in 2004. The preferred design solution, intended to address traffic delays particularly in the northbound direction, was to be implemented in two phases: the first consisted of intersection modifications to Kingston Road and Port Union Road, while the second was a widening of the road from Lawrence Avenue East to Island Road, to be carried out in the future following an additional round of public consultation. The first phase of the work was carried out in 2005, with the intersection improvements at Kingston Road. The second phase of the works (widening), tentatively scheduled for 2021 and included in the Ten Year Capital Program.

The Addendum to the 2004 EA includes a modification to the Environmental Assessment preferred design to reflect current conditions and minimize impacts to property and the community where possible. The preferred design adds a second northbound traffic lane as previously recommended, and in total consists of the following principal elements:

- Two northbound and two southbound travel lanes on Port Union Road from Lawrence Avenue East to Island Road;
- Continuous on-road bicycle lanes in both directions;

- Continuous sidewalks on both sides (current gaps filled in); and
- A continuous two-way centre left-turn lane where feasible.

In fall 2019, Corporate Real Estate Management staff informed the affected property owners about the easement needs. In January 2020, upon completion of the appraisals and confirmation of the easement requirements by the project design team, property owners were provided with compensation details. In accordance with the Expropriations Act, Notices of Application for Approval to Expropriate were served on all applicable "registered owners" in April of 2021. A Notice of Application for Approval to Expropriate Land was published in the Toronto Star on April 9, 16, and 23, 2021. The City did not receive any requests for a hearing of necessity from any of the applicable parties.

Construction for the road widening and associated works is tentatively planned from 2021 to 2022 and is contingent on easement acquisitions. If expropriation is required, construction would likely begin in the second quarter of 2022 and end in 2023. Staff will continue to negotiate with the property owners as negotiated agreements are preferred. However, as negotiations with a few property owners have been challenging, it is prudent to continue the expropriation process to ensure all easements are acquired by the first quarter of 2022 at the latest.

To ensure that the Project's construction schedule is maintained, it is recommended that City Council, as Approving Authority under the Expropriations Act, approve the expropriation of the Easements, and authorize the City, as the Expropriating Authority, to take all necessary steps to proceed with the expropriation.

CONTACT

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SIGNATURE

Patrick Matozzo
Executive Director, Corporate Real Estate Management

ATTACHMENTS

Appendix A - Required Property Interests

Appendix B - Reference Plans

Confidential Attachment 1

Appendix A - Required Property Interests

Temporary Easement means:

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 facilitating the construction of a retaining wall on adjacent City-owned land, and all works ancillary thereto, including without limitation, alterations to and removal of hard and soft landscaping, re-grading work and the right to enter and occupy with all vehicles, materials, machinery, tools and equipment necessary. Such temporary easement shall commence on a date specified in writing, on at least THIRTY (30) days' prior written notice to the registered owner, and will continue for THREE (3) MONTHS. The City shall have the right to extend the temporary easement for an additional TWO (2) MONTHS on THIRTY (30) days' prior written notice to the registered owner. All rights under the temporary easement shall expire no later than December 31, 2024.

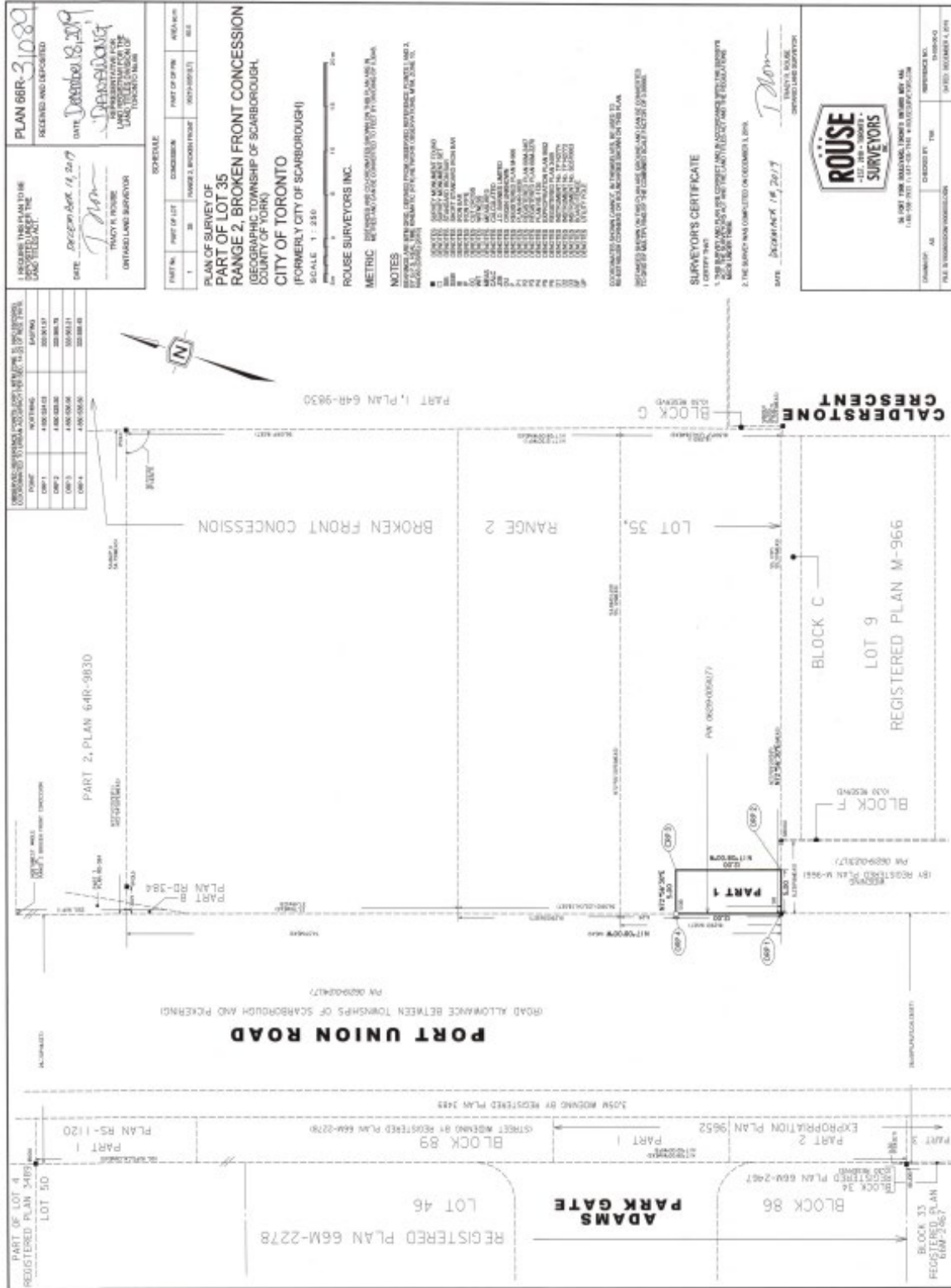
Permanent Easement means:

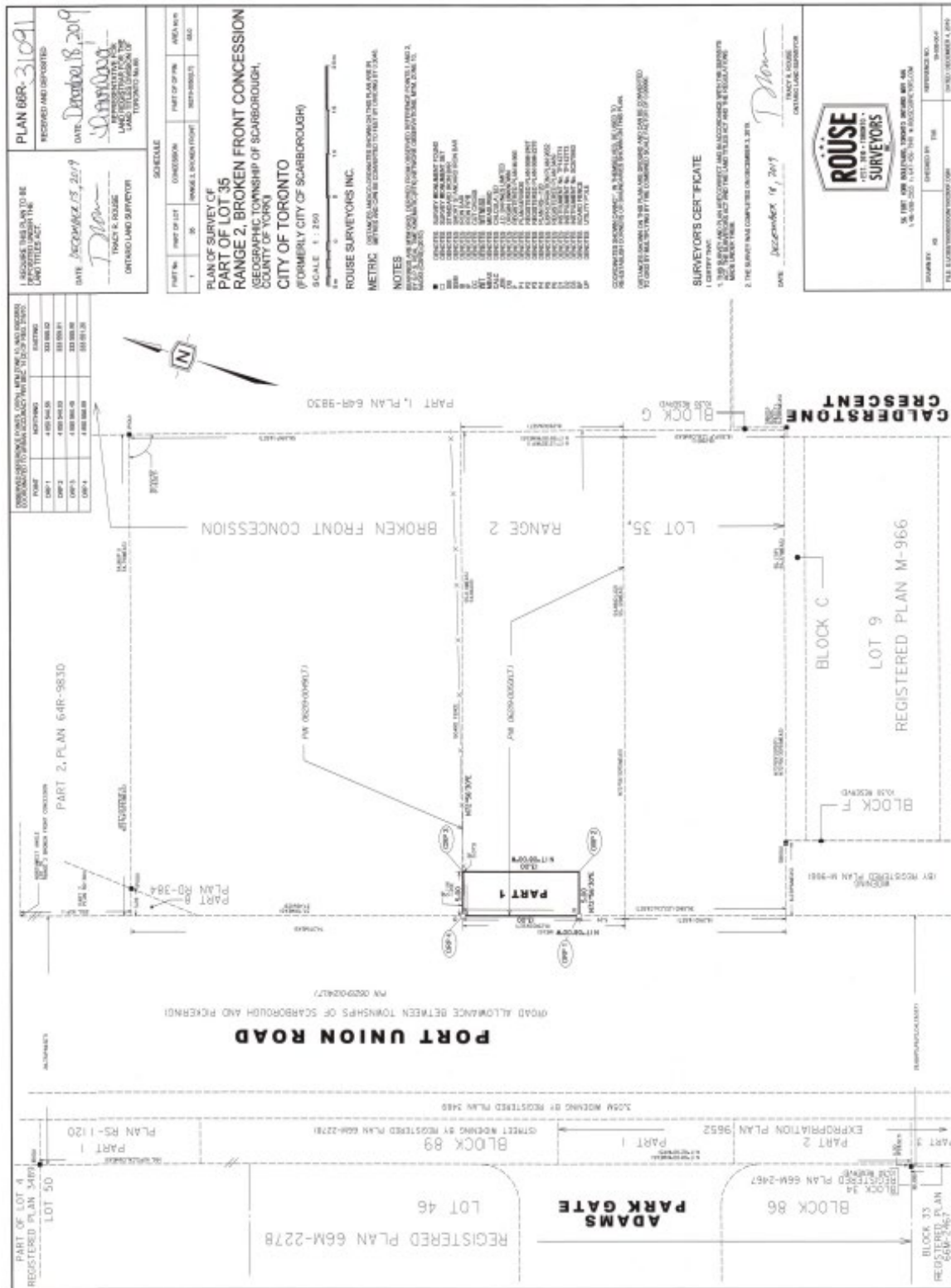
A permanent easement or rights in the nature of a permanent easement, on, in, over, under and through the lands identified for the construction, installation, maintenance, inspection, repair, removal, replacement or reconstruction of a retaining wall on adjacent City-owned land, and all works ancillary thereto including, without limitation, alterations to and removal of hard and soft landscaping, re-grading work and the right to enter and occupy with all vehicles, materials, machinery, tools and equipment necessary.

Municipal Address	Property Interest	Approximate Area
429 Port Union Road	Permanent Easement Part 1, 66R-31089 as in Appendix B	60 square metres
433 Port Union Road	Permanent Easement Part 1, 66R-31091 as in Appendix B	65 square metres
437 Port Union Road	Permanent Easement Part 1, 66R-31090 as in Appendix B	188.9 square metres
446 Lawson Road	Permanent Easement Part 1, 66R-31088 as in Appendix B	180 square metres
2 Cameron Glen Boulevard	Temporary Easement Part 1, 66R-31085 as in Appendix B	61.4 square metres
33 Rozell Road	Temporary Easement Part 1, 66R-31087 as in Appendix B	87.9 square metres

Appendix B - Reference Plans

429 Port Union Road





2 Cameron Glen Boulevard

