

Section I – Items for Board of Directors Action

TO: Chair and Members of the Executive Committee
Friday, June 11, 2021 Meeting

FROM: Michael Tolensky, Chief Financial and Operating Officer

RE: **REQUEST FOR PERMANENT EASEMENT (METROLINX)**
Request for Permanent Easement Required for the construction of a culvert extension for the Lake Shore East – Central Corridor Go Expansion Project, City of Toronto, Lake Ontario Waterfront (CFN 65103)

KEY ISSUE

Receipt of a request from Metrolinx for a permanent easement required for the construction of a culvert extension for the Lake Shore East – Central Corridor Go Expansion Project, located at Port Union Waterfront Trail, south of Duthie Street and east of Port Union Road, in the City of Toronto, Lake Ontario Waterfront.

RECOMMENDATION

THE EXECUTIVE COMMITTEE RECOMMENDS THAT WHEREAS the Toronto and Region Conservation Authority (TRCA) is in receipt of a request from Metrolinx for a permanent easement required for the construction of a culvert extension for the Lake Shore East – Central Corridor Go Expansion Project, located at Port Union Waterfront Trail, south of Duthie Street and east of Port Union Road, in the City of Toronto, Lake Ontario Waterfront;

AND WHEREAS it is in the best interest of TRCA in furthering its objectives as set out in Section 20 of the *Conservation Authorities Act* to cooperate with Metrolinx in this instance.

THEREFORE, LET IT BE RESOLVED THAT a permanent easement containing 0.011 hectares (0.0271 acres), more or less, of vacant land, required for the construction of a culvert extension for the Lake Shore East – Central Corridor Go Expansion Project, designated as Parts 1 and 2 on Registered Plan 66R-31465, in the City of Toronto, be conveyed to Metrolinx.

THAT consideration be \$55,981; all legal, appraisal, survey and other costs to be paid by Metrolinx;

THAT Metrolinx is to fully indemnify TRCA from any and all claims from injuries, damages or costs of any nature resulting in any way, either directly or indirectly, from this conveyance or the carrying out of construction;

THAT an archaeological investigation be completed, with any mitigation measures being carried out to the satisfaction of TRCA staff, at the expense of Metrolinx;

THAT all TRCA lands disturbed by the proposed works be revegetated/stabilized following construction and where deemed appropriate by TRCA staff, a landscape plan be prepared for TRCA staff review and approval in accordance with existing TRCA landscaping guidelines, at the expense of Metrolinx;

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AND FURTHER THAT authorized TRCA officials be directed to take the necessary action to finalize the transaction, including obtaining any necessary approvals and the signing and execution of documents.

BACKGROUND

Metrolinx has requested a permanent easement across TRCA-owned lands required for the construction of a culvert extension for the Lake Shore East – Central Corridor Go Expansion Project, located at Port Union Waterfront Trail, south of Duthie Street and east of Port Union Road, in the City of Toronto, Lake Ontario Waterfront.

The subject TRCA-owned lands were acquired from Canadian National Railway Company, on March 18, 1999 under the Greenspace Protection and Acquisition Project 1996 – 2000, Flood Plain and Conservation, Lake Ontario Waterfront – Scarborough Sector (CFN 29182) Port Union Shoreline Improvements Plan.

Attachment 1 is a sketch illustrating the location of the permanent easement.

Attachment 2 is an orthophoto illustrating the location of the permanent easement.

RATIONALE

TRCA staff have been working with Metrolinx to review and process a request for an interest in TRCA-owned property for construction of a culvert extension for the Lake Shore Rail East – Central Corridor at Port Union Waterfront Trail. On January 13, 2021, an Order-in-Council permitting the expropriation of this property to proceed without the inquiry procedure was received by TRCA. Although the expropriation process is occurring in parallel, TRCA staff and Metrolinx have been working towards concluding a mutually satisfactory agreement. While the Order-in-Council indicates that a fee simple interest is required for the culvert extension, the property requirements have been amended to a permanent easement. Part 2 of the proposed permanent easement will be a subsurface easement, which will go under the Port Union Waterfront Trail.

The subject property is managed by the City of Toronto. Works by Metrolinx will be coordinated with City of Toronto (Parks, Forestry and Recreation). A restoration plan will be prepared as part of the voluntary project review submission.

Relationship to Building the Living City, the TRCA 2013-2022 Strategic Plan

This report supports the following strategy set forth in the TRCA 2013-2022 Strategic Plan:

Strategy 4 – Create complete communities that integrate nature and the built environment

FINANCIAL DETAILS

Metrolinx has agreed to assume all legal, survey and other costs involved in completing this transaction. The unrestricted easement fees will be utilized by TRCA to further its mandate.

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Date: May 5, 2021

Attachments: 2

Attachment 1: Site Plan

Attachment 2: Orthophoto