

Section I – Items for Board of Directors Action

TO: Chair and Members of the Executive Committee
Meeting Friday, April 01, 2022

FROM: Michael Tolensky, Chief Financial and Operating Officer

RE: **DISPOSITION TO METROLINX**
Request from Metrolinx for Disposition of Toronto and Region Conservation Authority-owned Lands Required for Ontario Line Early Works, City of Toronto, Don River Watershed (CFN 66853 and CFN 66854)

KEY ISSUE

Receipt of a request from Metrolinx for disposition of Toronto and Region Conservation Authority (TRCA) owned lands located at 155 Bayview Avenue, in the City of Toronto, Don River watershed and for disposition of Toronto and Region Conservation Authority-owned lands located at the Don Landing, located southeast of Corktown Common Park, City of Toronto, Don River watershed.

RECOMMENDATION

THE EXECUTIVE COMMITTEE RECOMMENDS THAT WHEREAS TRCA is in receipt of a request from Metrolinx for the disposition of TRCA-owned lands located at 155 Bayview Avenue, in the City of Toronto, Don River watershed and for disposition of Toronto and Region Conservation Authority-owned lands located at the Don Landing, located southeast of Corktown Common Park, City of Toronto, Don River watershed, required for Ontario Line Early Works, Don River watershed;

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 TRCA-owned land containing 0.34 hectares (0.84 acres), more or less, of vacant land, required for Ontario Line Early Works, designated as Parts 1, 2, 3, 4 and 5 on draft plan PL0300-02-SF909, in the City of Toronto, be disposed of to Metrolinx, subject to compensation being based on fair market value; satisfactory provision for third party works; satisfactory provision for City of Toronto open space and trail operations; and, satisfactory protection of the flood protection landform and satisfactory access for maintenance and public safety;

THAT TRCA-owned land containing 0.40 hectares (1.0 acres), more or less, of vacant land, required for Ontario Line Early Works, designated as Parts 1-11 on draft plan PL0250-02-SF924, in the City of Toronto, be disposed of to Metrolinx subject to compensation being based on fair market value; satisfactory provision for third party works; satisfactory provision for City of Toronto open space and trail operations; and satisfactory provision for TRCA's flood protection operations including provision for access to the Don River for related maintenance;

THAT all legal, survey and other costs to be paid by Metrolinx;

Item 7.4

THAT Metrolinx is to confirm that the project shall be carried out at the sole cost and risk of Metrolinx, and that Metrolinx shall release TRCA from all actions, causes of action, claims, demands, costs, obligations, proceedings and damages of any kind caused by Metrolinx or its representatives;

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 a landscape plan be prepared for TRCA staff review and approval, in accordance with existing TRCA landscaping guidelines at the expense Metrolinx;

THAT Metrolinx provide notice to the City of Toronto and Trail Users of any trail closures;

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 TRCA-owned lands to construct early works for the Ontario Line Project at Corktown Common Park, located at 155 Bayview Avenue, in the City of Toronto, Don River watershed, for the purpose of widening the Metrolinx right-of-way for track alignment, embankment, wet well, fencing, drainage and temporary long-term access for construction and staging. Metrolinx has also requested TRCA-owned lands to construct early works for the Ontario Line Project at the Don Landing, located southeast of Corktown Common Park, City of Toronto, Don River watershed, for the purpose of constructing bridge structure(s), portal grounding arrestor, third party utilities including watermain and hydro, and for long term temporary construction laydown and access for construction.

Metrolinx's property requirements for these parcels range from temporary long-term easements to permanent property interests. Although it is Metrolinx's preferred approach to negotiate with owners to reach amicable, mutually beneficial agreements, the expropriation process has commenced to ensure that construction timelines can be met. Metrolinx has applied to expropriate a long term (7-8 years), temporary easement over a portion of the Corktown Common Park parcel, during which time Metrolinx will construct the permanent infrastructure for the Ontario Line Project. Metrolinx has also applied to expropriate the entire Don Landing parcel fee simple and is working towards having possession for its land requirements in April 2022.

TRCA technical staff have been working with Metrolinx through various design submissions and will continue to do so as the project progresses. Refinement of the design and resulting property requirements has been ongoing. Although it is not anticipated that there will be significant impacts to natural features, the Don Landing is in the floodplain, and there are flood control features in this area. The Corktown Common Park contains the West Don Flood Protection Landform. Where there are potential impacts to those features, the voluntary disposition will be subject to terms and conditions to mitigate any impacts.

The subject TRCA-owned lands were acquired for the Lower Don River West Flood Protection Project. The terms of the original acquisitions will be reviewed for compliance.

Attachment 1 is a sketch illustrating the location of the proposed disposition. **Attachment 2** is an orthophoto illustrating the location of the proposed disposition.

RATIONALE

Metrolinx has requested disposition of TRCA-owned lands to construct early works for the Ontario Line Project at Corktown Common Park, located at 155 Bayview Avenue, in the City of Toronto, Don River watershed, for the purpose of widening the Metrolinx right-of-way for track alignment, embankment, wet well, fencing, drainage and temporary long-term interest for access and construction. Metrolinx has also requested TRCA-owned lands to construct early works for the Ontario Line Project at the Don Landing, located southeast of Corktown Common Park, City of Toronto, Don River watershed, for the purpose of constructing bridge structure(s), portal grounding arrestor, third party utilities including watermain and hydro, and for long term temporary construction laydown and access for construction. Metrolinx has applied for approval for the expropriation of these land requirements.

An amicable agreement provides TRCA with the best opportunity to protect TRCA's interests. However, the Don Landing and Corktown Common Park are complex parcels with numerous operational requirements and variety of interests. Therefore, it is recommended that voluntary disposition of these lands be approved subject to compensation being based on fair market value; the form of disposal being acceptable to TRCA; satisfactory provision for third party works; satisfactory provision for City of Toronto operations; satisfactory provision for the flood protection landform; and satisfactory provision for TRCA's flood protection operations.

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

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

Strategy 3 – Rethink greenspace to maximize its value

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

FINANCIAL DETAILS

Metrolinx will be required to assume all legal, survey and other costs involved in completing this transaction and will be required to compensate TRCA for the land at fair market value based on an appraisal.

Revenue from land interests will be deposited into the Provincial Land Sale Reserve or as unrestricted revenue, dependent upon the funding source of the original land acquisition.

Report prepared by: Alexander Schuler, extension 6452

Emails: alexander.schuler@trca.ca

For Information contact: Alexander Schuler, extension 6452

Emails: alexander.schuler@trca.ca

Date: March 23, 2022

Attachments: 2

Attachment 1: Site Plan

Attachment 2: Orthophoto