

Jul 18



**STAFF REPORT  
ACTION REQUIRED**  
with Confidential Attachment

**West Queen West Triangle - Status of Land Acquisitions  
and Request to Initiate Expropriation Proceedings for 90  
Lisgar Street**

<b>Date:</b>	July 18, 2007
<b>To:</b>	City Council
<b>From:</b>	Chief Corporate Officer, General Manager, Parks, Forestry & Recreation and Chief Planner and Executive Director, City Planning Division
<b>Wards:</b>	Ward 18 – Davenport
<b>Reason for Confidential Information:</b>	This report is about a proposed or pending land acquisition by the City
<b>Reference Number:</b>	File No.: 2005 - 199764

**SUMMARY**

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The purpose of this report is to provide information on the status of negotiations for the purchase of lands required for park purposes and for the Sudbury Street extension and provide information on the report from the General Manager, Parks, Forestry and Recreation requested by City Council on July 25, 26 and 27, 2006. In addition, this report seeks approval to initiate the expropriation process for a portion of the property municipally known as 90 Lisgar Street, for the purpose of securing parkland in the West Queen West Triangle.

**RECOMMENDATIONS**

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**The Chief Corporate Officer, the General Manager, Parks, Forestry and Recreation and the Chief Planner and Executive Director, City Planning Division recommend that:**

Staff report on Status of WQW Land Acquisitions and Request to Initiate Expropriation of Park

1. City Council adopt the confidential instructions to staff in Attachment 1;
2. City Council authorize the public release of the confidential information and recommendations in Attachment 1, upon completion of the acquisition of the subject properties by the City;
3. City Council direct staff to continue negotiations for the acquisition of approximately 0.3 hectares of the property known municipally as 90 Lisgar Street, as shown on the attached Appendix "A" (the "Required Park Land"), for parkland purposes, and grant authority to initiate the expropriation process for the Required Park Land should negotiations for the acquisition of the Required Park Land not be successful;
4. City Council approve the Abell Street extension with a modified right-of-way width to meet the intent of the Development Infrastructure Policy and Standards, based on a commitment from Parks, Forestry and Recreation to allow easements in favour of private utility companies should such easements be necessary in the future;
5. City Council grant authority to serve and publish Notices of Application for Approval to Expropriate the Required Park Land, to forward to the Chief Inquiry Officer any requests for a hearing that may be 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; and
6. City Council authorize the Executive Director of Facilities and Real Estate or the Director of Real Estate Services to sign the Notices of Expropriation and Notices of Possession on behalf of the City.

## **Financial Impact**

### Parks Acquisition

The specific amount of funding for the parkland acquisition is discussed in Attachment 1 to this report. Funding will be provided from the Parkland Acquisition – Toronto Local Land Reserve Fund (XR2053) and the Parkland - South District Local Land Reserve Fund (XR2208).

In addition to acquisition costs noted above, there will be capital and operating costs associated with parkland development and respective on-going maintenance costs. Any additional costs will be submitted as part of the Parks, Forestry and Recreation's 2008 Capital Budget and 10-Year Capital Works Program for parkland development and future years' Operating Budgets for maintenance of the parkland, once developed.

### Abell Street Extension

The City will pay for a portion of the road design and construction costs, including storm sewers, for a portion of the Abell Street Extension adjacent to the newly acquired parkland. The estimated costs (in the confidential attachment) are based on preliminary requirements. These costs will be included in the Transportation Services 2008-2012 5-Year Capital Plan. On-going maintenance costs will be identified in Transportation Services' future years' operating budgets.

### Sudbury Street Extension

The specific amount of funding for the Sudbury Street extension is discussed in Attachment 1 to this report. Funding will be reallocated from within the Transportation Division's 2007 Approved Capital Budget.

Any additional costs for the design and construction of the Sudbury Street extension will be included in the Transportation Services' 2008-2012 5-Year Capital Plan. On-going maintenance costs will be identified in Transportation Services' future years' operating budgets.

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

## **DECISION HISTORY**

At its meeting of June 27, 28 and 29, 2006, City Council adopted the staff recommendations, as amended, contained in Toronto and East York Community Council Report 5, Clause 5, authorizing, among other matters, the Chief Corporate Officer to enter into negotiations for the purchase of all or part of the Sudbury Street Extension lands. Council also granted authority to initiate the expropriation process, if necessary, for all or part of the lands required for the Sudbury Street Extension.

City Council, at its meeting of July 25, 26 and 27, 2006, adopted the staff recommendations, as amended, contained in Administration Committee Report 5, Clause 27, authorizing, among other matters, Real Estate Services to initiate negotiations to acquire parkland in the West Queen West Triangle and to report back to the Administration Committee.

Council also requested the General Manager, Parks, Forestry and Recreation to report back on the costs to acquire and develop the parkland, including all funding sources and the operating impacts arising from the West Queen West Triangle project.

At its meeting of September 25, 26, 27, and 28, 2006, City Council adopted the staff recommendations, as amended, contained in Administration Committee Report 6, Clause 43. This Clause included a report (September 27, 2006) from the Chief Planner and

Staff report on Status of WQW Land Acquisitions and Request to Initiate Expropriation of Park

Executive Director, City Planning and the General Manager, Parks, Forestry and Recreation that was intended to deal with all outstanding report requests, provide a consolidated list of recommendations and clarify planning positions in advance of the Ontario Municipal Board hearing. As a condition of lifting the hold for residential uses south of the land south of Queen Street West, Council directed staff to secure a minimum of 0.4 hectares of parkland in the West Queen West Triangle to the satisfaction of the General Manager, Parks, Forestry and Recreation.

At its meeting on June 26, 2007, the Toronto and East York Community Council considered the report (June 11, 2007) from the Director, Community Planning, Toronto and East York District entitled "Final Report – Official Plan and Zoning By-Law Amendments – West Queen West Triangle", being Item TE7.8. An electronic copy of the report can be found at:

Staff Report

(<http://www.toronto.ca/legdocs/mmis/2007/te/bgrd/backgroundfile-4716.pdf>)

Attachment 6 (Revised)

(<http://www.toronto.ca/legdocs/mmis/2007/te/bgrd/backgroundfile-5333.pdf>)

The Toronto and East York Community Council recommended the adoption of the staff recommendations, as amended, contained in the report and requested, among other matters, the following reports be submitted to the July 16, 2007 meeting of City Council:

1. the General Manager, Parks, Forestry and Recreation and the Executive Director, Facilities and Real Estate report on the status of the negotiations for the parkland on Lisgar Street, and options for land acquisition if the land has not been secured by that time;
2. the General Manager, Parks, Forestry and Recreation submit the report requested by City Council on July 25, 26, and 27, 2006 in its adoption, as amended, of Clause 27 of Report 5 of the Administration Committee, namely that:  
  
"The General Manager, Parks, Forestry and Recreation report in the 2007 Capital and Operating Budget submissions on the costs to acquire and develop the parklands in the West Queen West Triangle area, including all funding sources and the operating impacts arising from this project, and the General Manager, Parks, Forestry and Recreation also provide a preliminary update report to the Administration Committee in September 2006, containing an update on the status of the negotiations and providing a preliminary cost estimate for this project"; and
3. the Executive Director, Facilities and Real Estate and the Director, Community Planning, Toronto and East York District report on the status of negotiations for the purchase, design and construction costs of the Sudbury Street extension and securing the phased extension of Abell Street.

## **ISSUE BACKGROUND**

Three applications for Official Plan Amendment and Zoning By-Law Amendment are currently before the Ontario Municipal Board (“OMB”). In decisions issued in January, 2007, the OMB allowed the owners’ appeals. The City subsequently requested that the OMB review its decisions, but this past week, the OMB denied the City’s request. In all three decisions, the OMB indicated it would withhold its Order pending a number of things, including adequate opportunity being given to the City to secure land for the public park within the West Queen West Triangle as authorized by City Council and adequate opportunity for the owners together with the City to resolve an agreement regarding the securing, financing and timing of the extension of Sudbury Street.

## **COMMENTS**

### **Parkland Acquisition**

The preferred location for the 0.4 hectares of parkland includes a portion of the Abell Street road allowance which is currently being operated by the Toronto Parking Authority as a parking lot, a portion of the public lane south of 1117 Queen Street West, which would have to be closed by by-law, and the Required Park Land (0.3 ha).

The Required Park Land forms a part of the property at 2-90 Lisgar Street. The entire property is in the process of being sold, with closing currently scheduled to take place in April, 2008. Negotiations with the purchaser of the property are on-going and staff is hopeful that the City can acquire the Required Park Land as a result of these negotiations.

However, in order to ensure that the Required Park Land can be obtained in a timely fashion, staff is seeking authority to initiate the expropriation process if a negotiated acquisition cannot be achieved.

### **Parkland Development**

The report (September 27, 2006) from the Chief Planner and Executive Director, City Planning and the General Manager, Parks, Forestry and Recreation that forms part of Administration Committee Report 6, Clause 43, adopted as amended by City Council at its meeting of September 25, 26, 27, and 28, 2006, responded to the request for information and financial implications of the proposed parkland acquisition. The report, at page 24, identified options for funding parkland development. That report went on to say that it was premature to determine park development costs in advance of a site being acquired.

Staff Report

(<http://www.toronto.ca/legdocs/2006/agendas/council/cc060925/adm6rpt/cl043.pdf>)

Because the three options for park site have been reduced to one site, and City staff is hopeful of success in its negotiations with the purchasers for the acquisition of part of 90 Lisgar Street, failing which expropriation proceedings will be initiated, the cost to develop the park will be included in the Parks, Forestry and Recreation's submission for the 2008 Capital Budget and 10-Year Capital Works Program. The final costs to develop the park will be determined following a community consultation process and the development of a landscape plan for the park. Any additional maintenance costs will be included in the future years' Parks, Forestry and Recreation's Operating Budget, once the land is developed.

### **Abell Street Extension**

Abell Street is to be extended from its current terminus south of the lane south of Queen Street West to the future Sudbury Street extension. Staff from Community Planning has indicated that the owners of the lands adjacent Abell Street will convey the necessary lands to the City, at nominal cost for Abell Street.

### **Abell Street Right-of-Way Width**

Abell Street will meet the intent and performance criteria of the 16.5 m right-of-way in the Development Infrastructure Policy Standards. For the portion of Abell Street adjacent to public park, this will be achieved through the provision of a 12.5 metre right-of-way conveyed to the City from the property at 48 Abell Street in conjunction with a 4 metre easement over the adjacent public parkland. Parks, Forestry and Recreation and Technical Services have agreed that, should future easements for private utility companies be necessary along this portion of Abell Street, that Parks, Forestry and Recreation would allow for the creation of these easements.

The Abell Street right-of-way south of the park will be 16.5 metres.

### **Design and Construction Costs**

Each land owner will be responsible for conveying for nominal consideration the land adjacent to their development parcel which forms part of their property. Design and construction of the road is the responsibility of the adjacent owners.

### **Sudbury Street Extension**

#### **Status of Negotiations**

Staff is continuing to negotiate with the owner for the purchase of 1199 Queen Street West. However, if consensus cannot be reached on terms and conditions of a recommendable Offer to Sell, staff may have to initiate expropriation proceedings, as previously authorized by City Council.

## Design & Construction Costs

The owners of 150 Sudbury Street, 1171 Queen Street West and 48 Abell have submitted preliminary design drawings to the City and a preliminary cost estimate and cost-sharing proposal for the extension of Sudbury Street from its current terminus east of Abell Street to the intersection of Queen Street West and Gladstone Avenue. The drawings and cost estimate, along with environmental issues, are currently being reviewed by Technical Services staff.

## **CONTACT**

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## **SIGNATURE**

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Brenda Librecz, General Manager  
Parks, Recreation and Forestry

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Bruce Bowes, P. Eng.  
Chief Corporate Officer

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Ted Tyndorf, Chief Planner  
City Planning

## **ATTACHMENTS**

Attachment 1 – Confidential Recommendations and Information  
Appendix “A” - Location and Detail Map