



STAFF REPORT ACTION REQUIRED

Toronto-York Spadina Subway Extension - Property Transfers from Regional Municipality of York to TTC

Date:	October 28, 2015
To:	TTC Board
From:	Chief Executive Officer

Summary

In December 2008, City of Toronto and The Regional Municipality of York (York) entered into Memorandum of Understanding: Capital Cost Allocation (The “MOU”). The MOU places the responsibility of property acquisition for the Toronto-York Spadina Subway Extension (TYSSE) project on each municipality within its geographic jurisdiction and, further requires York to transfer the applicable permanent property interests to TTC for nominal consideration. Property interests acquired by York, for the TYSSE, include property interests required to support the construction, operation, maintenance and rehabilitation of components of Pioneer Village, Highway 407 and Vaughan Metropolitan Centre stations, and sections of subway tunnels including two Emergency Exits. Property interests within the City of Toronto will continue to be acquired in the name of the City of Toronto.

Subsequent to the execution of the MOU, York staff has worked with TYSSE project staff to define and acquire the required property interests. The majority of these interests are now held on title by York. TYSSE staff has arranged for City of Toronto Legal (Real Estate Division) to represent TTC on the transfer of property between York and TTC. In addition, there are some property interests to be transferred from the City of Vaughan (Vaughan) to TTC. Staff from TTC and City have put in place a process to transfer the property and are ready to begin the first of a series of transfers expected to take place over the next 18-24 months.

Recommendations

It is recommended that the Board:

1. Authorize staff to prepare all necessary documentation required to complete the transfer of permanent property interests from York, and as required from Vaughan, acquired for the TYSSE project to TTC, in a form satisfactory to TTC

- General Counsel, consistent with interests as shown on Attachments A2 to A5 (subject to minor adjustments); and
2. Authorize staff to prepare all documentation required to ensure that all necessary agreements and/or property interests (e.g. easements) are provided to York and Vaughan to permit York and Vaughan appropriate access to those portions of the project assets which they will be responsible to construct and/or maintain, in a form satisfactory to TTC General Counsel; and
 3. Delegate authority to the CEO (or his delegate) to execute the necessary documentation to enable all required property transfers as set out in Recommendations 1 and 2 above; and
 4. Transmit a copy of this report to the CAO, Regional Municipality of York and CAO of City of Vaughan for information.

Financial Summary

The property acquisition costs have been included in the TYSSE project budget including the costs for York to purchase the necessary property and the subsequent costs to transfer the required property interests to TTC.

There is no direct financial impact. The majority of costs for York to purchase the properties have already occurred and were included in the TYSSE Capital budget under the Property Acquisitions costs. The transfers of the property interests from York to TTC are based on nominal consideration. Further costs incurred to undertake the transfers are also included in TYSSE 2015-2024 Capital budget as approved by Council on March 10/11, 2015 under Property Acquisition costs.

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

Accessibility/Equity Matters

There are no accessibility or equity issues.

Decision History

Toronto Council Approval – Capital Cost Allocation MOU (EX21.8)

<http://www.toronto.ca/legdocs/mmis/2008/ex/reports/2008-06-03-ex21-cr.pdf>

Issue Background

The MOU places the responsibility of property acquisition for the Toronto-York Spadina Subway Extension (TYSSE) project on each municipality within its geographic jurisdiction and, further requires York to transfer the applicable permanent property interests to TTC for nominal consideration. Property interests acquired by York, for the TYSSE, include property interests required to support the construction, operation, maintenance and rehabilitation of components of Pioneer Village, Highway 407 and Vaughan Metropolitan Centre stations, and sections of subway tunnels including two

Emergency Exits. The City of Vaughan has agreed to transfer lands from a road right of way to TTC, where a new subway station and related structures are located. York has acquired lands to replace the road right of way, which will be transferred to Vaughan.

Property requirements for each type of subway component were identified in the Capital Cost Allocation MOU. These requirements were used to identify the extent of property takings for each subway component at the 30% stage of design. Once the property requirements were defined staff provided the necessary documentation to the respective municipalities to initiate negotiations or, where necessary, expropriations to ensure that the necessary property was available for start of construction of the subway facilities. In the case of properties acquired by York, the properties remain held on title with York until such time as the property is transferred to TTC. The general location and type of property interests are shown on Attachments A2 thru A5.

See attached drawings, which indicated, in general terms the locations and types of the property interests to be transferred to TTC.

Comments

In December 2008, City of Toronto and The Regional Municipality of York (York) entered into Memorandum of Understanding: Capital Cost Allocation (The "MOU"). TTC Legal and TYSSE staff has made arrangements with City of Toronto, Legal Division (Real Estate) to undertake the necessary legal work on behalf of TTC to complete the property transfers from York to TTC. TTC and City staff has been working with York staff over the past 6 months to establish the necessary processes and due diligence to undertake the transfers. The transfers will be completed over the next 18-24 months, with the objective of completing all transfers prior to opening of the subway project for revenue service. All of the costs of the transfers are being covered under the property acquisition budget for the project.

The properties transferred to TTC will continue to be managed by TYSSE project staff until such time as the subway project becomes operational. At that time, the majority of the properties will fall under the management of the appropriate operating groups, as is currently the practise.

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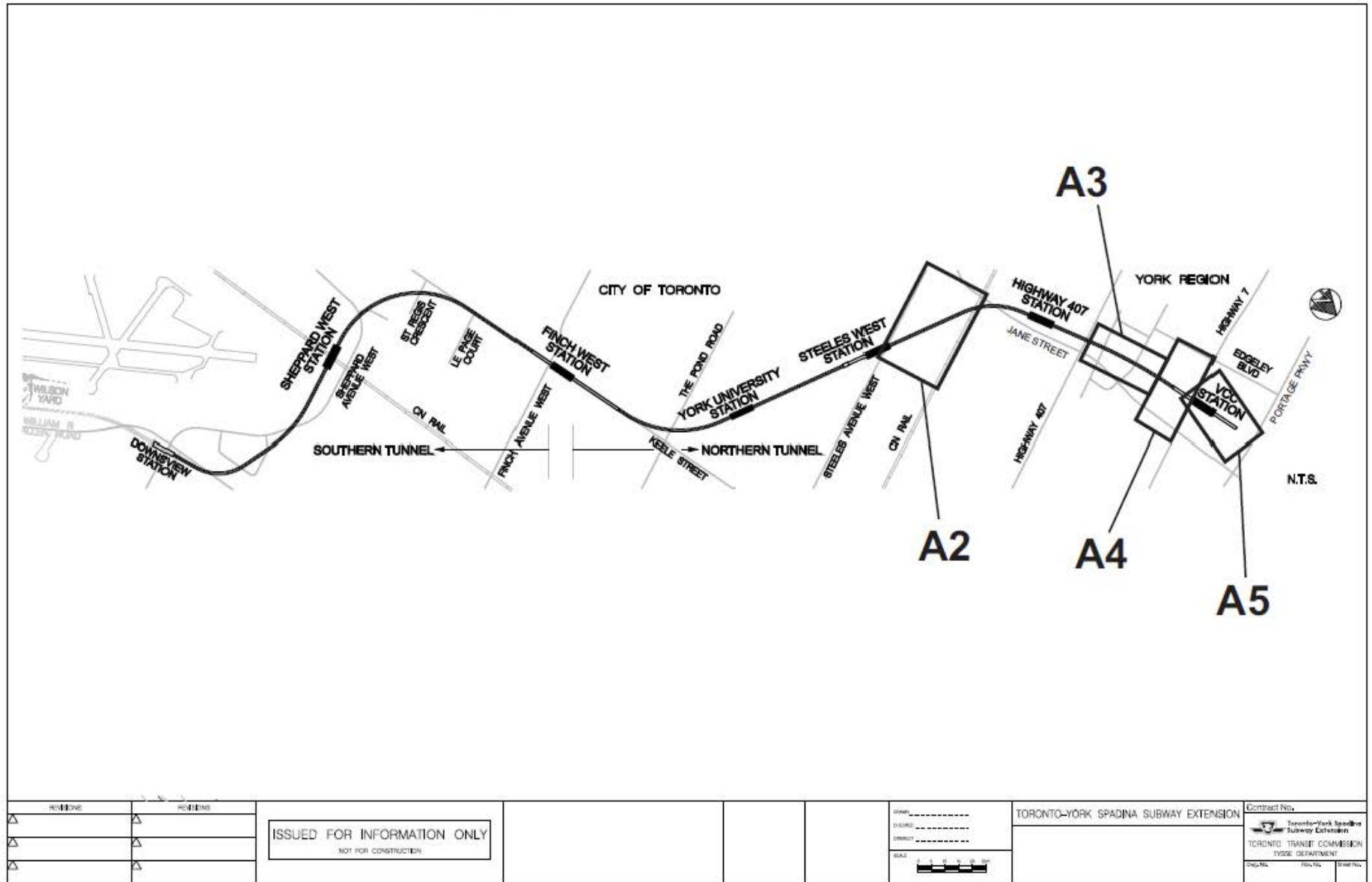
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Attachments

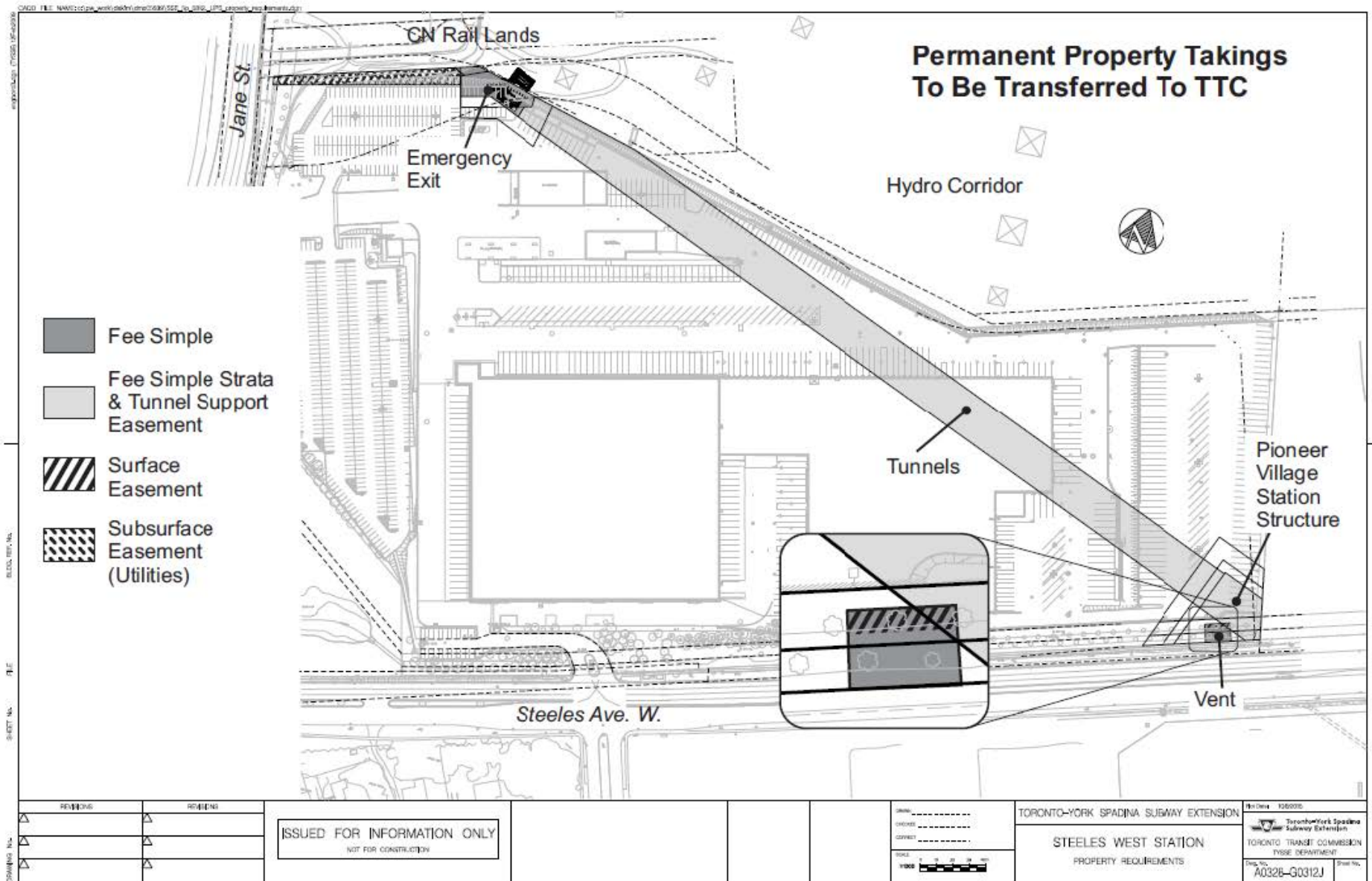
General property location drawings:

- A1 – Key Plan - Toronto-York Spadina Subway Extension Property Transfers from York
- A2 – Pioneer Village Station, Tunnels and EEB
- A3 – Subway Tunnels and EEB from Highway 407 to VMC Station at Interchange Way
- A4 – Subway Tunnels, Crossover, VMC Station, EEB and Power Substation
- A5 – VMC Station (including station and tailtrack)

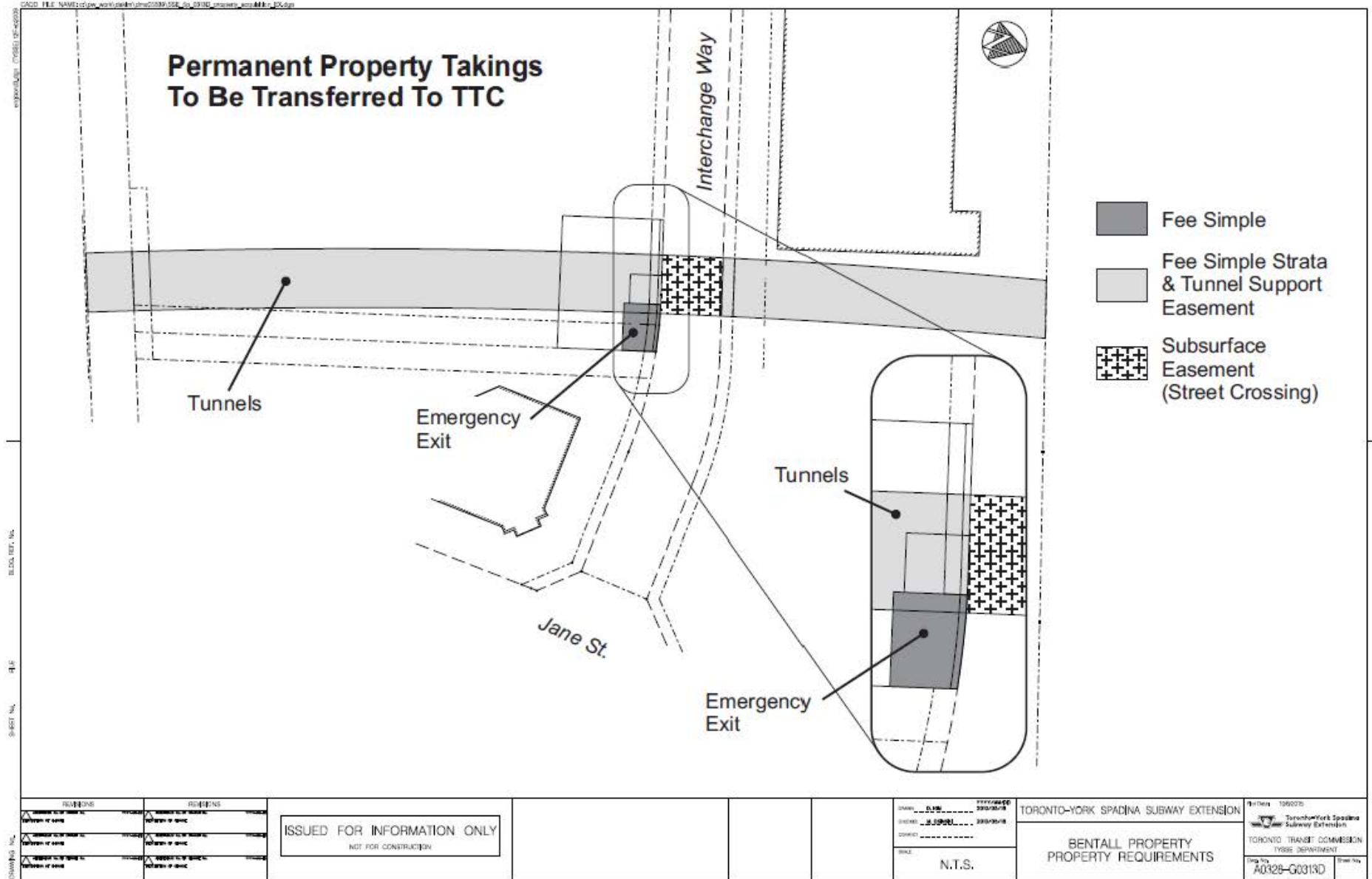
A1 - Key Plan - Toronto-York Spadina Subway Extension Property Transfers from York



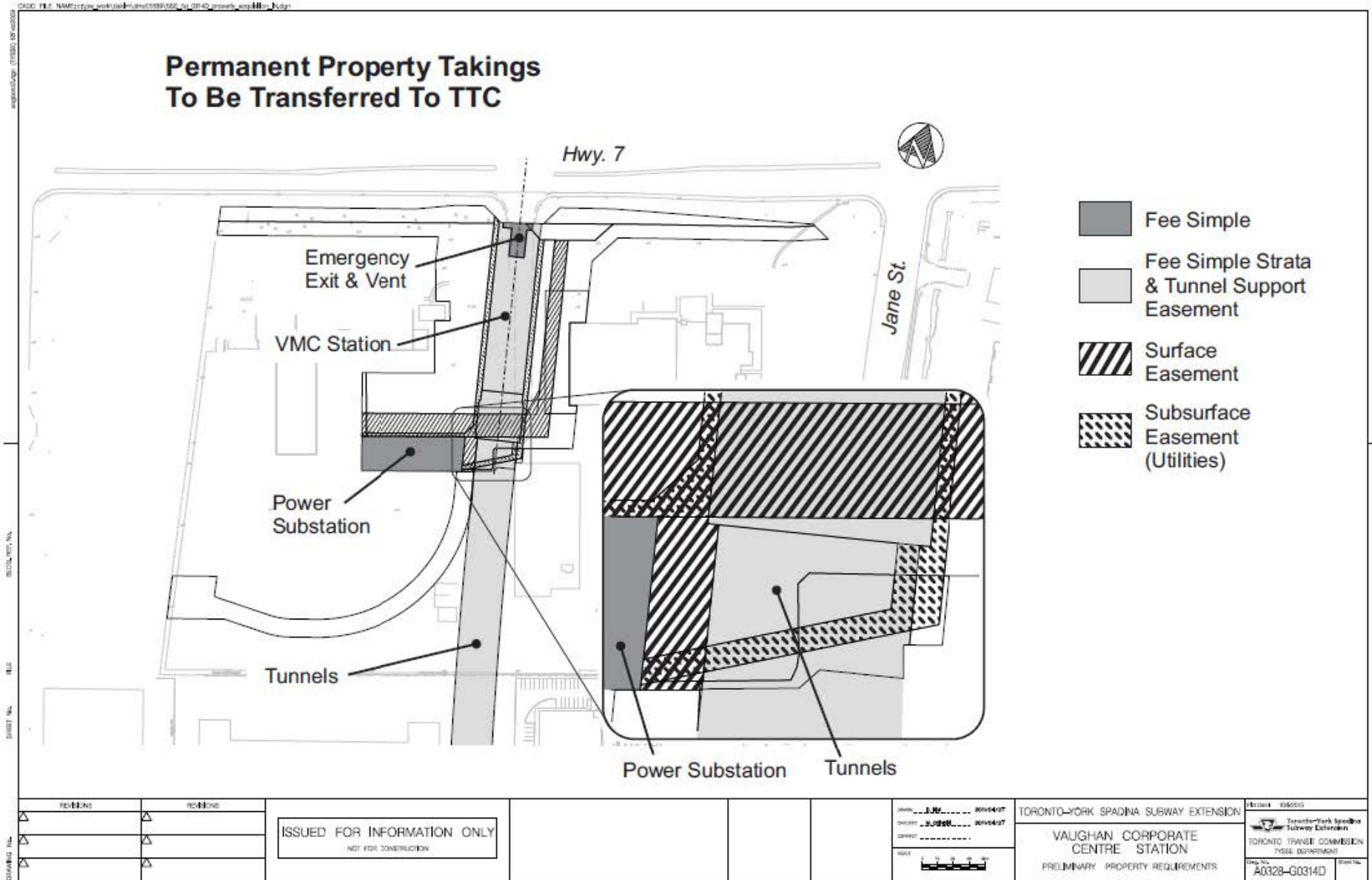
A2 - Pioneer Village Station, Tunnels, and EEB



A3 - Subway Tunnels and EEB from Highway 407 to VMC Station at Interchange Way



A4 - Subway Tunnels, Crossover, VMC Station, EEB and Power Substation



A5 - VMC Station (including station and tail track)

