

**Proposed Sale of City-Owned Road Allowance -  
Northeast Corner of Wilson Heights Boulevard and  
Sheppard Avenue West, Designated as Part 3,  
Plan RS-1060 - North York Spadina**

*(City Council on December 14, 15 and 16, 1999, adopted this Clause, without amendment.)*

**The North York Community Council recommends the adoption of the following report  
(November 16, 1999) from the Acting Commissioner of Corporate Services:**

Purpose:

To declare surplus to municipal requirements the portion of Wilson Heights Boulevard to be closed, designated as Part 3 on Plan RS-1060 (the "Highway Lands") and to authorize the sale thereof to the adjoining property owner.

Financial Implications and Impact Statement:

The City will receive revenue in the amount of \$150,000.00, less the road closing advertising costs and the costs of relocating municipal services and public utilities (estimated costs to be \$62,000.00), from the proceeds of the sale.

Recommendations:

Subject to City Council enacting a by-law to stop-up and close and authorize the sale of the Highway Lands, it is recommended that:

- (1) the Highway Lands, be declared surplus to the City's requirements and notice of the proposed sale to the adjoining property owner 1261075 Ontario Inc. be given to the public in accordance with the requirements of By-law No. 551-1998;
- (2) the Highway Lands be sold to the adjoining owner, 1261075 Ontario Inc. on the following terms and conditions:
  - (a) 1261075 Ontario Inc. shall pay to the City the sum of \$150,000.00 for the fee in the Highway Lands;
  - (b) the City shall relocate any municipal services and public utilities that may be located within the Highway Lands, at the City's expense with the work being done either prior to or within 90 days after the closing of the transaction and the City and the public utilities shall have access to the Highway Lands at all times for these purposes;
  - (c) each party shall pay all of its own costs associated with the transaction; and
  - (d) 1261075 Ontario Inc. shall comply with such other terms and conditions as the City Solicitor may deem necessary or advisable to protect the City's interests;
- (3) authority be granted for the City to execute an agreement of purchase and sale with 1261075 Ontario Inc. incorporating the terms and conditions set out in the body of this report and such other terms and conditions as the City Solicitor and the Executive Director of Facilities and Real Estate deem necessary or appropriate;

- (4) the City Solicitor, in consultation with the Executive Director of Facilities and Real Estate, be authorized to complete this transaction on behalf of the City, including making payment of any necessary expenses and amending the closing date to such other earlier or later date as he considers reasonable; and
- (5) the appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.

Background:

The former North York City Council, at its meeting held on June 12, 1991, adopted Clause No. 8 of Report No. 12 of the Transportation Committee, thereby authorizing the stop up and closure for conveyance to the abutting owners of a portion of Wilson Heights Boulevard, identified as Parts 3 & 4 on Plan RS-1060, located at the northeast corner of Wilson Heights Boulevard and Sheppard Avenue West. However, only recently has interest been expressed by the owner of 906 Sheppard Avenue West for the acquisition of the portion of road allowance being, Part 3 on Plan RS-1060, adjoining its property limits. Public notice of the proposed by-law to stop-up, close and sell the Highway Lands is in the process of being published in accordance with the requirements of the Municipal Act. At its meeting to be held on December 14, 1999, City Council will hear any person who claims that their land will be prejudicially affected by the proposed by-law and will decide whether or not to enact the by-law. At this time, there does not appear to be any interest from the owners of 900 Sheppard Avenue West for the acquisition of Part 4.

Comments:

In 1998, 1261075 Ontario Inc. submitted a zoning amendment application for the lands known municipally as 906 Sheppard Avenue West. The zoning amendment application was before the Ontario Municipal Board on October 8, 1999, where a settlement has been achieved between the residents of Cocksfield Avenue, Torbel Developments (1261075 Ontario Inc.) and the City for a seven and five-storey mixed use building and five single family houses fronting onto Cocksfield Avenue. As part of the settlement, it was agreed that the City and 1261075 Ontario Inc. would execute an agreement of purchase and sale for the Highway Lands by January 15, 2000.

Staff have reached agreement with 1261075 Ontario Inc. as to the following:

- (1) **The Purchaser shall pay the sum of \$150,000.00 for the fee in the Highway Lands;**
- (2) The agreement of purchase and sale shall be conditional until January 15, 2000, upon the official plan amendment and zoning by-law for the Purchaser's proposed development becoming final and binding and the appropriate site plan agreement being entered into;
- (3) The date of closing shall be on the 120<sup>th</sup> day following satisfaction or waiver by the Purchaser of the said land use condition;

- (4) The City shall relocate municipal services and public utilities (total costs estimated at \$62,000.00) located within the Highway Lands either prior to or within 90 days after closing of the transaction, and for every such purpose, the City and the public utilities shall have access to the lands at all times for such purposes; and
- (5) Each party shall pay all of its own costs associated with the transaction.

Conclusions:

The Highway Lands are surplus to municipal requirements and the sale to the adjoining owner, 1261075 Ontario Inc. is acceptable. City Council should declare these lands surplus and authorize the sale to the adjoining owner.

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(A copy of the map attachment is on file in the office of the City Clerk, North York Civic Centre.)

