

**Proposed Closure of Part of Longview Drive
and Parts of Woodward Avenue
(Ward 6 - North York Humber & Ward 27 - York Humber)**

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

The Planning and Transportation Committee recommends the adoption of the following report (October 25, 1999) from the Commissioner, Works and Emergency Services:

Purpose:

To report on the proposed closure of the southerly 15.3 metres of Longview Drive, the stub-end of Woodward Avenue west of Uphill Avenue and the stub-end of Woodward Avenue east of Pine Street, more particularly described in the body of this report (the “Highways”) and as shown in Appendices A and B.

Financial Implications and Impact Statement:

Advertising costs are to be initially borne by Transportation Services but in the event that the Highways are sold, the advertising costs are to be recovered from the purchaser.

Recommendations:

Subject to City Council declaring the Highways to be surplus and approving the sale of the Highways, it is recommended that:

- (1) notice be given to the public of a proposed by-law to stop up and close the Highways, in accordance with the requirements of the *Municipal Act*;
- (2) funds for the cost of publishing public notices referred to in Recommendation (1) above be initially borne by Transportation Services but in the event that the Highways are sold, the advertising costs be recovered from the purchaser and credited back to Transportation Services;
- (3) the Planning and Transportation Committee hold a public hearing concerning the proposed by-law, in accordance with the requirements of the *Municipal Act*;
- (4) subject to compliance with the requirements of the Municipal Act, the Highways be stopped up and closed as public highways;
- (5) easements be granted over the Highways or any portion thereof to the appropriate utility companies as may be necessary to permit the continued use and operation of the respective utility companies’ existing facilities within the Highways;
- (6) in the event that the Highways are sold and any existing municipal services or utilities require adjustment, that the purchaser be required to pay the cost of adjusting, relocating

or abandoning such services and/or utilities, with the costs to be determined by the Commissioner or Works and Emergency Services and the appropriate utility companies;

- (7) the Hospital be required to enter into an agreement with the City, satisfactory in form and content to the City Solicitor, including the posting of appropriate security, wherein the Hospital agrees that within one (1) year of the closure and sale to it of the Highways, it shall either construct a turning circle at the south end of the open portion of Longview Drive, at its sole cost and expense, to the satisfaction of the Commissioner of Works and Emergency Services, or it shall apply for the closure and sale to it of the remaining portion of Longview Drive south of Pelmo Crescent and, if City Council approves such closure and sale, complete the sale transaction. In the event that City Council does not approve the closure and sale of the remaining portion of Longview Drive, the Hospital shall be required to construct the said turning circle; and
- (8) the appropriate City officials be authorized and directed to take the necessary action to give effect to the foregoing.

Background:

The Humber River Regional Hospital (the "Hospital") has submitted a rezoning application to the City to permit the northerly expansion of its existing building at 200 Church Street, which is being considered by the Planning and Transportation Committee because the Hospital site straddles the boundary between the former City of North York and the former City of York. In order to accommodate the new addition, the Hospital has also submitted an application to the City to stop up, close and sell to the Hospital the southerly 15.3 metres (approximately) of Longview Drive.

The two stub-end portions of Woodward Avenue have been used by the Hospital for access and parking for several years. Although these portions of Woodward Avenue are not required in connection with the Hospital's rezoning application, the Hospital is prepared to purchase these lands from the City at the same time that it purchases the southerly portion of Longview Drive. The former City of York previously closed the southerly half of the Woodward Avenue road allowance and sold it to the Hospital.

The Acting Commissioner of Corporate Services is concurrently submitting a report to the North York Community Council on the proposed sale of the Highways.

Longview Drive south of Pelmo Crescent functions as an access to the Hospital and provides a secondary means of access to the rear of the property known municipally as 67 Pelmo Crescent.

Comments:

All municipal services and public utilities within this road allowance serve only the Hospital site. Accordingly, the portion of Longview Drive that would remain if the southerly 15.3 metres were closed and sold to the Hospital would serve no real municipal purpose. Also, if only the southerly portion of Longview Drive was closed, a turning circle would be required to enable municipal and public utility vehicles to turn around within the open portion of Longview Drive. It would be in the City's best interests, therefore, to stop up and close the entire section of Longview Drive, south of Pelmo Crescent. The Hospital, however, is only interested in acquiring the southerly 15.3 metres of Longview Drive at this time.

Given the foregoing, the Hospital should either be required to pay for the construction of a turning circle or it should be required to purchase the entire portion of Longview Drive south of Pelmo Crescent. To accommodate the Hospital, the closure of Longview Drive could be achieved in two stages. The closure of the southerly 15.3 metres could proceed in conjunction with the Hospital's rezoning application and the closure of the remaining portion of Longview Drive could proceed sometime thereafter. I recommend that a one (1) year time limit be imposed within which the Hospital must either construct a turning circle, at its sole cost and expense, to the satisfaction of the Commissioner of Works and Emergency Services, or the Hospital must apply for the closure and sale to it of the remaining portion of Longview Drive south of Pelmo Crescent and, if City Council approves such closure and sale, complete the sale transaction. In the event that City Council does not approve the closure and sale of the remaining portion of Longview Drive, the Hospital shall be required to construct the said turning circle.

Conclusions:

The Highways are not required for municipal transportation purposes and, subject to City Council approving the sale of the Highways, the Highways should be stopped up and closed as public highways.

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Insert Table/Map No. 1
Appendices A & B

Insert Table/Map No. 2
Appendices A & B

The Planning and Transportation Committee also submits the following report (November 23, 1999) from the City Clerk:

Recommendation:

The North York Community Council, on November 9, 1999, deferred consideration of the report (October 18, 1999) from the Acting Commissioner of Corporate Services to its next meeting scheduled for December 2, 1999 to allow deputations.

The North York Community Council reports, for the information of the Planning and Transportation Committee and Council, having requested the Acting Commissioner of Corporate Services to:

- (1) bring forward all relevant information regarding all offers submitted for the properties described as:
 - (a) southerly portion of Longview Drive;
 - (b) stub-end of Woodward Avenue, west of Uphill Avenue; and
 - (c) stub-end of Woodward Avenue, east of Pine Street; and
- (2) provide information on why the property described as the southerly portion of Longview Drive has not been offered for sale to Mr. Darvill, the abutting property owner.

Background:

The North York Community Council had before it a report (October 18, 1999) from the Acting Commissioner of Corporate Services, providing a report to declare as surplus the southerly portion of Longview Drive, the stub-end of Woodward Avenue west of Uphill Avenue and the stub-end of Woodward Avenue east of Pine Street, more particularly described as (“the Highway Lands”) and to authorize the sale of the Highway Lands to the abutting owner, Humber River Regional Hospital, at a sale price to be determined by City Council following the conclusion of negotiations with the Hospital; and recommending that subject to City Council approving the stopping up and closing of the Highway Lands as public highway, that:

- (1) the Highway Lands be declared surplus to municipal requirements and notice of the proposed sale be given to the public in accordance with the requirements of By-law No. 551-1998; (2) notice be given to the public of a proposed by-law to sell the Highway Lands in accordance with the requirements of the *Municipal Act*;
- (3) the Planning and Transportation Committee hold a public meeting concerning the proposed by-law, in accordance with the requirements of the *Municipal Act*;
- (4) subject to the Official Plan Amendment and the rezoning of the lands required for the expansion of the Hospital at 200 Church Street being approved and coming into full force and effect, the Highway Lands be closed and sold to the Hospital on terms and conditions to be determined by City Council;

- (5) recommendation (2), of the December 18, 1998 report from the Commissioner of Urban Planning and Development Services to the Urban Environment and Development Committee be amended as follows:

Change and replace the words “Prior to the enactment of the zoning by-law” to “Following the enactment of the zoning by-law”;

- (6) the Acting Commissioner of Corporate Services be directed to enter into negotiations with the Hospital for the sale of the Highway Lands at fair market value and to report back to the Community Council on the outcome of the negotiations; and
- (7) the appropriate City officials be authorized and directed to take the necessary action to give effect to the foregoing.

Mr. Darvill appeared before the North York Community Council in connection with the foregoing matter.