

November 13, 2007

To: Executive Committee

From: Budget Committee

Subject: North York City Centre Service Road Acquisition  
(Ward 23 Willowdale and Ward 24 Willowdale)  
Confidential Attachment – A proposed or pending acquisition or sale of land for  
municipal or local board purposes

**Recommendations:**

**The Budget Committee recommended to the Executive Committee that:**

- 1. City Council adopt the confidential recommendations to staff in Attachment 1 to the report (October 19, 2007) from the Chief Corporate Officer.**
- 2. City Council authorize the public release of the confidential information in Attachment 1, upon City Council's adoption of the recommendations in this report.**
- 3. The Offer to Sell from the Owners of the properties known as 49 Pemberton Avenue and 72 Ellerslie Ave be accepted substantially on the terms outlined in Confidential Attachment 1 and Appendix "A" to this report, and that each of the Chief Corporate Officer or the Director of Real Estate Services be authorized severally to accept the Offer on behalf of the City.**
- 4. The City Solicitor be authorized to complete the transactions on behalf of the City, including making payment of any necessary expenses and amending the closing date and other dates to such earlier or later date(s) and on such terms and conditions as she may from time to time consider reasonable.**
- 5. The General Manager, Transportation Services, defer and accelerate cash flow commensurate with confidential recommendations contained in Attachment 1, which will have no net impact on the approved 2007 approved Transportation Services debt target.**

- 6. Funding be drawn from Transportation Services Account CTP800-08 as a result of reallocating funding from Transportation Services Account CTP407-01 in order to fund the purchase.**

Background:

The Budget Committee on November 13, 2007, considered a letter (November 8, 2007) from the Government Management Committee advising of the action taken by the Government Management Committee at its meeting on November 8, 2007.

for City Clerk

Merle MacDonald/acf  
Item BU20-15

November 8, 2007

To: Budget Committee

From: Government Management Committee

Subject: North York City Centre Service Road Acquisition  
(Confidential Attachment - A proposed or pending acquisition or sale of land for municipal or local board purposes (Attachment 1))

**Recommendations:**

**The Government Management Committee recommends that:**

- 1. City Council adopt the confidential recommendations to staff in Attachment 1 to the report (October 19, 2007) from the Chief Corporate Officer.**
- 2. City Council authorize the public release of the confidential information in attachment 1, upon City Council's adoption of the recommendations in this report.**
- 3. The Offer to Sell from the Owners of the properties known as 49 Pemberton Avenue and 72 Ellerslie Ave be accepted substantially on the terms outlined in Confidential Attachment 1 and Appendix "A" to this report, and that each of the Chief Corporate Officer or the Director of Real Estate Services be authorized severally to accept the Offer on behalf of the City.**
- 4. The City Solicitor be authorized to complete the transactions on behalf of the City, including making payment of any necessary expenses and amending the closing date and other dates to such earlier or later date(s) and on such terms and conditions as she may from time to time consider reasonable.**
- 5. The General Manager, Transportation Services defer and accelerate cash flow commensurate with confidential recommendations contained in Attachment 1, which will have no net impact on the approved 2007 approved Transportation Services debt target.**
- 6. Funding be drawn from Transportation Services Account CTP800-08 as a result of reallocating funding from Transportation Services Account CTP407-01 in order to fund the purchase.**
- 7. The appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.**

The Government Management Committee approved the following recommendation No. 7 contained in the report (October 19, 2007) from the Chief Corporate Officer:

“7. This report be forwarded to the Budget Committee for consideration.”

Background:

The Government Management Committee, at its meeting on November 8, 2007, considered a report, with confidential attachment (October 19, 2007) from Chief Corporate Officer regarding the acquisition of the North York City Centre Service Road.

City Clerk

Yvonne Davies/tk  
Item GM9.21



**STAFF REPORT  
ACTION REQUIRED  
with Confidential Attachment**

**North York City Centre Service Road Acquisition**

<b>Date:</b>	October 19 <sup>th</sup> , 2007
<b>To:</b>	Government Management Committee
<b>From:</b>	Bruce Bowes, Chief Corporate Officer
<b>Wards:</b>	<b>Wards 23 and 24 – Willowdale</b>
<b>Reason for Confidential Information</b>	This report is about a proposed or pending land acquisition by the City
<b>Reference Number:</b>	P:\2007\Internal Services\F&re\Gm07110F&re – (AFS 66187)

**SUMMARY**

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Real Estate Services seeks authority for the City to acquire the properties municipally known as 49 Pemberton Ave and 72 Ellerslie Avenue. These properties are required to expand and complete the North York City Centre Service Road.

Negotiations with the owners of these properties have been ongoing since May 2007. The owners have signed an irrevocable Offer to Sell their properties to the City. Appendix “A” and “B” to this report describes the salient terms of this proposed acquisitions, which are considered fair and reasonable.

**RECOMMENDATIONS**

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**The Chief Corporate Officer recommends that:**

- (1) City Council adopt the confidential recommendations to staff in Attachment 1.
- (2) City Council authorize the public release of the confidential information in attachment 1, upon City Council’s adoption of the recommendations in this report.
- (3) the Offer to Sell from the Owners of the properties known as 49 Pemberton Avenue and 72 Ellerslie Ave be accepted substantially on the terms outlined in Confidential Attachment 1 and Appendix “A” to this report, and that each of the Chief Corporate Officer or the

Director of Real Estate Services be authorized severally to accept the Offer on behalf of the City.

- (4) the City Solicitor be authorized to complete the transactions on behalf of the City, including making payment of any necessary expenses and amending the closing date and other dates to such earlier or later date(s) and on such terms and conditions as she may from time to time consider reasonable.
- (5) the General Manager, Transportation Services defer and accelerate cash flow commensurate with confidential recommendations contained in Attachment 1, which will have no net impact on the approved 2007 approved Transportation Services debt target.
- (6) funding be drawn from Transportation Services Account CTP800-08 as a result of reallocating funding from Transportation Services Account CTP407-01 in order to fund the purchase.
- (7) this report be forwarded to Budget Committee for consideration.
- (8) the appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.

## **Financial Impact**

The total cost of these acquisitions will be funded from Transportation Services Account CTP800-8 by reallocating the funding required for the purchase from Transportation Services Account CTP407-01.

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

## **DECISION HISTORY**

On July 29, 30 and 31, 1998, City Council approved North York Community Council Report No. 8, Clause No. 20, being a joint report (July 10, 1998) from the Commissioner of Works and Emergency Services and the Commissioner of Urban Planning and Development Services entitled "Strategy for the Implementation of the North York Centre Plan Service Road-North York Centre". The Report included the following recommendations:

"a property acquisition strategy and reporting mechanism be developed to ensure a continuance of a program to initiate the construction of the Service Road in stages and that the matter be referred to the Property Division of the Corporate Services Department for implementation;" and

"the property acquisition strategy include the powers granted to the City under the Expropriations Act to ensure that contiguous land assemblies are successfully

acquired in a reasonable time frame to enable the annual road construction program to be implemented.”

With this acquisition strategy in place the City has acquired a number of properties to construct a service road in the former City of North York (the “NYSR”). The proposed acquisition of the properties known municipally as 49 Pemberton Avenue and 72 Ellerslie Avenue will continue the implementation of this acquisition strategy.

## **ISSUE BACKGROUND**

A plan to construct the “NYSR” was established to facilitate new development and to provide new opportunities for development in the North York Centre area. The service road is required to accommodate traffic generated by this development.

An environmental assessment (the “ESR”) was completed in May of 1993 which addressed the alignment for the service road in the uptown area. The ESR was approved by the Ministry of Environment & Energy on December 14, 1993.

## **COMMENTS**

The properties municipally identified as 49 Pemberton Avenue and 72 Ellerslie Avenue, are required for the purpose of the “NYSR”. Negotiations with the owners of these properties have resulted in an Offer to Sell substantially on the terms and conditions outlined in Confidential Attachment 1 and Appendix “A” of this report.

Staff considers these Offers to Sell to the City to be fair and reasonable and therefore, recommends the approval of these transactions.

## **CONTACT**

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Director, Transportation Services  
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## **SIGNATURE**

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Bruce Bowes, P. Eng.  
Chief Corporate Officer

## **ATTACHMENTS**

Attachment 1 – Confidential Information on monetary details of 49 Pemberton Ave and 72 Ellerslie Avenue (Publicly released on December 18, 2007)

Appendix “A” - Terms and Conditions for the purchase of 49 Pemberton Ave and 72 Ellerslie Avenue

Appendix “B” - Map of 72 Ellerslie Ave

Appendix “C” - Map of 49 Pemberton Ave



## **Attachment 1 – Publicly released on December 18, 2007**

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### **North York City Centre Service Road Acquisition**

<b>Date:</b>	October 19 <sup>th</sup> , 2007
<b>To:</b>	Government Management Committee
<b>From:</b>	Bruce Bowes, P. Eng., Chief Corporate Officer

### **CONFIDENTIAL RECOMMENDATIONS**

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This report is about a proposed purchase of the properties at 49 Pemberton Avenue and 72 Ellerslie Ave. These are key properties needed in order to aid in the completion of the ongoing North York Service road development.

#### **The Chief Corporate Officer Recommends that:**

1. the Offer to Sell from Yong-Hyuk Justin Kwon to sell to the City the property municipally known as 49 Pemberton Avenue in the amount of \$717,725.00 be accepted substantially on the terms outlined in this attachment and in Appendix “A” to this report, and that each of the Chief Corporate Officer or the Director of Real Estate Services be authorized severally to accept this Offer on behalf of the City.
2. the Offer to Sell from Carol Lynn Gold and Elizabeth Bonnie Gold to sell to the City the property municipally known as 72 Ellerslie Avenue in the amount of \$1,157,000.00 be accepted substantially on the terms outlined in this attachment and in Appendix “A” to this report, and that each of the Chief Corporate Officer or the Director of Real Estate Services be authorized severally to accept this Offer on behalf of the City.

#### **Financial Impact**

The total cost of this acquisition, in the amount of approximately \$2,010,645.00 including all taxes and charges, will be funded from Transportation Services Account CTP407-01 and accelerated funds be included in Transportation Services Account CTP800-8

Payments to Owner:	Total Purchase price	\$1,874,725.00
	Total Disturbance Damages	\$105,275.00
<b>Subtotal</b>		<b>\$1,980,000.00</b>
City’s Closing Costs:	Land Transfer Tax	\$30,445.00
	Registration Costs –approx.	\$200.00
<b>Subtotal</b>		<b>\$30,645.00</b>
<b>Cost to City</b>		<b>\$2,010,645.00</b>

## CONFIDENTIAL INFORMATION

### Terms and Conditions – 49 Pemberton Ave

Purchase Price: \$717,725.00

Additional Costs: The City will pay to the Owner an additional amount of \$42,275.00 in respect of all disturbance damages, moving costs, and legal fees (all GST inclusive)

Deposit: \$10.00

#### COSTS:

Payments to Owner:	Purchase price	\$717,725.00
	Disturbance Damages, legal fees and moving costs	\$42,275.00
<b>Subtotal</b>		<b>\$760,000.00</b>
City's Closing Costs:	Land Transfer Tax	\$10,830.00
	Registration Costs –approx.	\$100.00
<b>Subtotal</b>		<b>\$10,930.00</b>
<b>Cost to City</b>		<b>\$770,930.00</b>

## CONFIDENTIAL INFORMATION

### Terms and Conditions – 72 Ellerslie Ave

Purchase Price: \$1,157,000.00

Additional Costs: The City will pay to the Owner an additional amount of \$63,000.00 in respect of all disturbance damages, moving costs, legal and appraisal fees (all GST inclusive)

Deposit: \$10.00

#### COSTS:

Payments to Owner:	Purchase price	\$1,157,000.00
	Disturbance Damages, legal fees, appraisal fees and moving costs	\$63,000.00
<b>Subtotal</b>		<b>\$1,220,000.00</b>
City's Closing Costs:	Land Transfer Tax	\$19,615.00
	Registration Costs –approx.	\$100.00
<b>Subtotal</b>		<b>\$19,715.00</b>
<b>Cost to City</b>		<b>\$1,239,715.00</b>

**Appendix "A"**

**Terms and Conditions – 49 Pemberton Avenue**

Owner: Yong – Hyuk Justin Kwon

Location: 49 Pemberton Ave, Toronto (as shown on Appendix B)

Legal Description: Lot 55, Plan 2233, Township of York, City of Toronto (formerly City of North York)

2007 Property Taxes: \$3,564.89 (Vendor responsible to Closing Date)

Irrevocable Date: January 12<sup>th</sup>, 2007

Due Diligence Period: 45 days following acceptance by the City of Toronto

Closing Date: 30 days following the expiry or waiver of the Due Diligence Condition

Conditions: City to satisfy itself that the Property is suitable for the City's purposes

**Terms and Conditions – 72 Ellerslie Avenue**

Owner: Carol Lynn Gold and Elizabeth Bonnie Gold

Location: 72 Ellerslie Ave, Toronto (as shown on Appendix B)

Legal Description: Part of Block 2, Plan 2097, Township of York, City of Toronto (formerly City of North York)

2007 Property Taxes: \$3,479.60 (Vendor responsible to Closing Date)

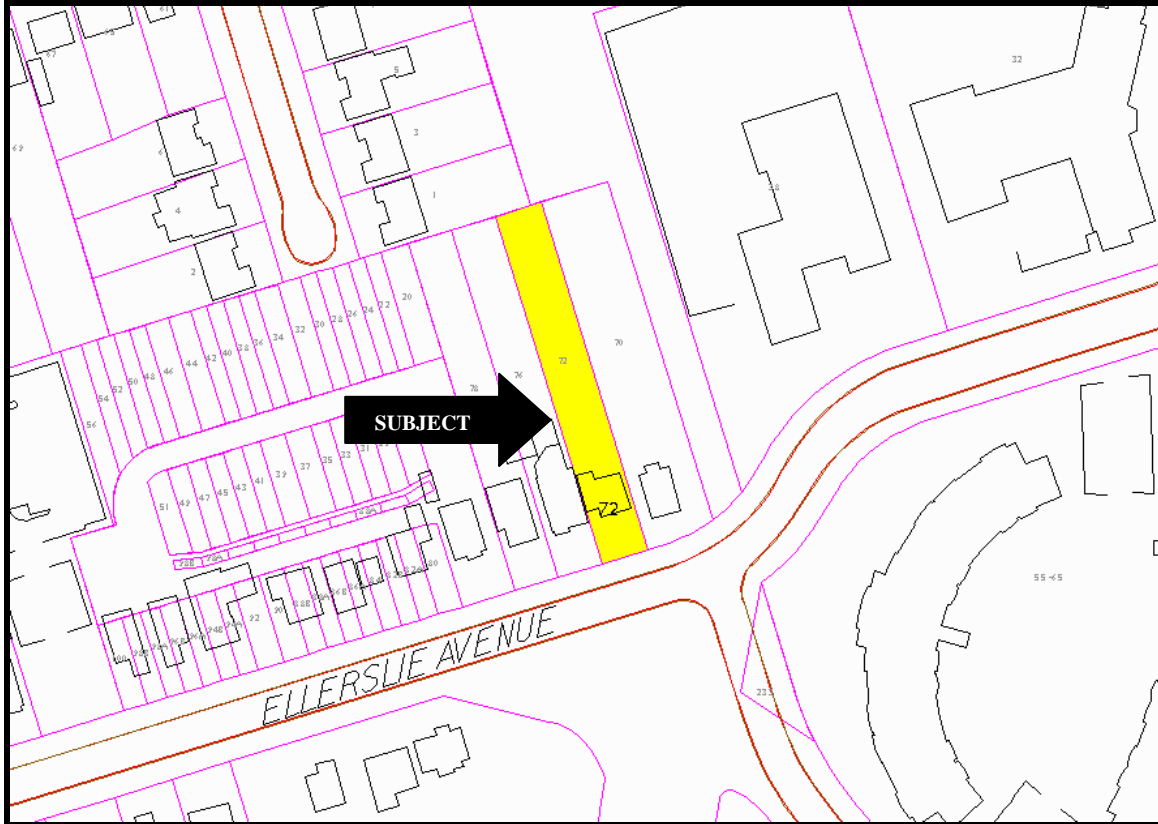
Irrevocable Date: January 15<sup>th</sup>, 2007

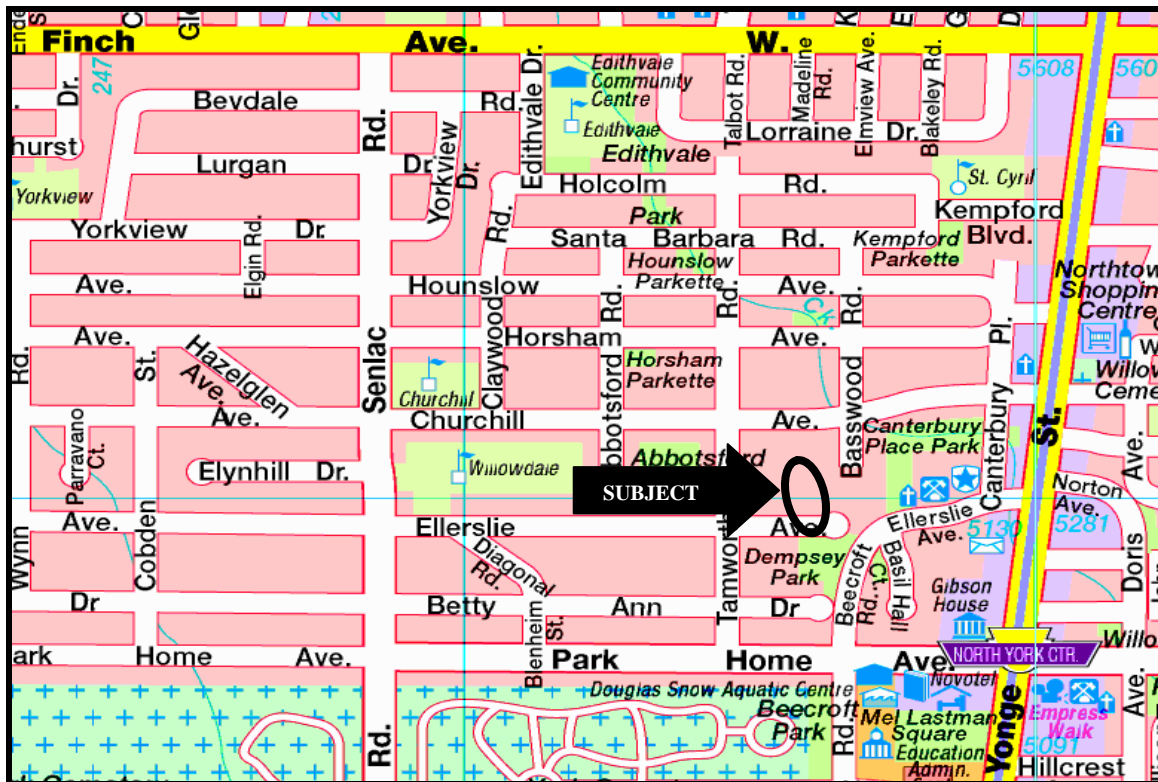
Due Diligence Period: 90 days following acceptance by the City of Toronto

Closing Date: 30 days following the expiry or waiver of the Due Diligence Condition

Conditions: City to satisfy itself that the Property is suitable for the City's purposes

**Appendix "B"**  
72 Ellerslie Avenue  
(Ward 23 – Willowdale)





**Appendix "C"**  
49 Pemberton Avenue  
(Ward 24 – Willowdale)

