



**STAFF REPORT
ACTION REQUIRED
with Confidential Attachment**

North York City Centre Service Road Acquisition

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

SUMMARY

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

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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SIGNATURE

Bruce Bowes, P. Eng.
Chief Corporate Officer

ATTACHMENTS

Attachment 1 – Confidential Information on monetary details of 49 Pemberton Ave and 72 Ellerslie Avenue

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

Appendix “A”

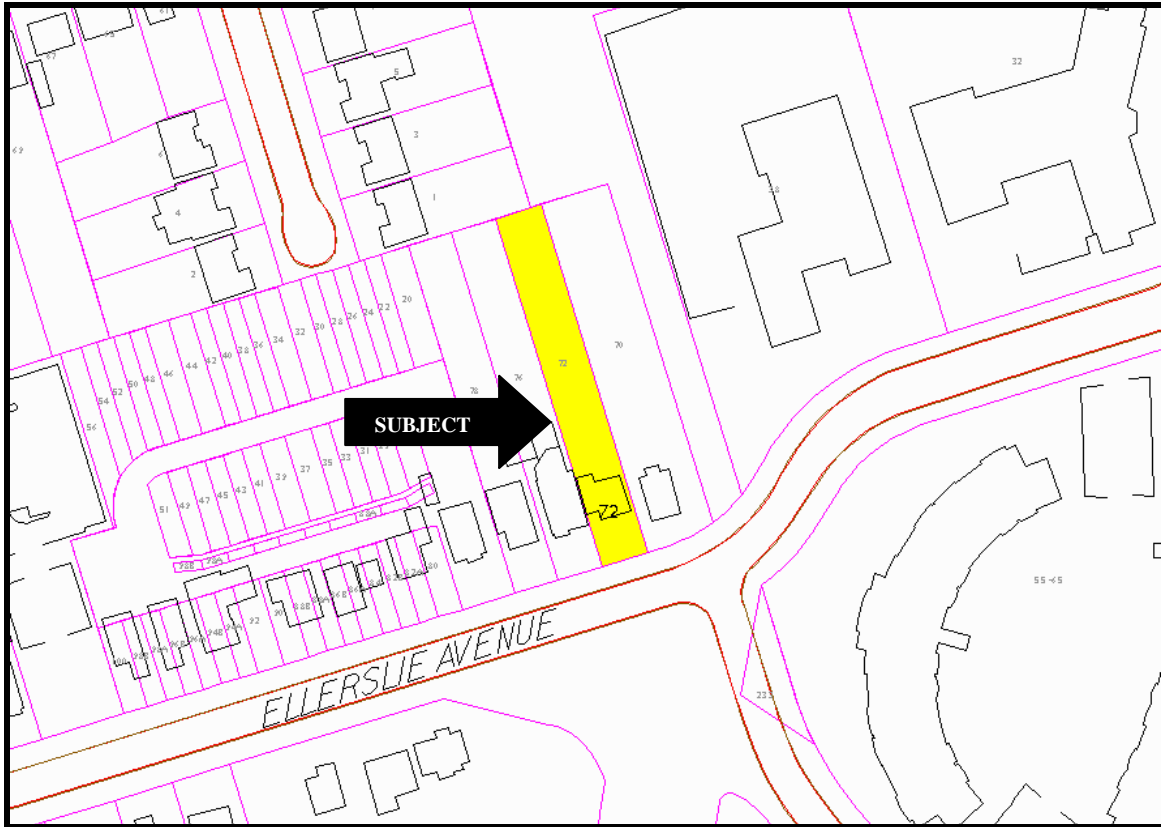
Terms and Conditions – 49 Pemberton Avenue

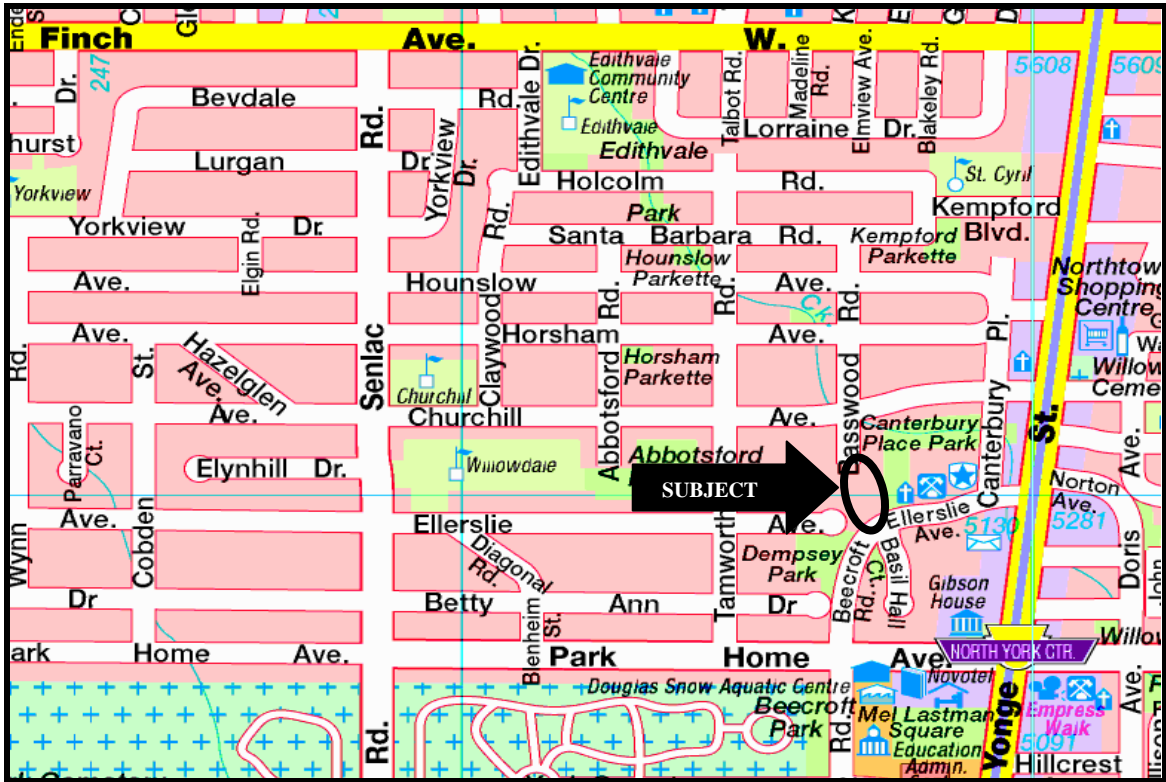
Owner:	Yong – Hyuk Justin Kwon
Location:	49 Pemberton Ave, Toronto (as shown on Appendix B)
Legal Description:	Lot 55, Plan 2233, Township of York, City of Toronto (formerly City of North York)
2007 Property Taxes:	\$3,564.89 (Vendor responsible to Closing Date)
Irrevocable Date:	January 12 th , 2007
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 Eglerslie Avenue

Owner:	Carol Lynn Gold and Elizabeth Bonnie Gold
Location:	72 Eglerslie 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 th , 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)

