

To Permanently Close and Declare Surplus a Portion of Oakburn Crescent, South of Avondale Avenue and the whole of Oakburn Place, branching off southerly from south side of Oakburn Crescent

Date:	May 14, 2007
To:	North York Community Council and Government Management Committee
From:	General Manager, Transportation Services & Chief Corporate Officer
Wards:	Ward 23 – Willowdale
Reference Number:	P:\2007\Internal Services\F&re\Ny07041F&re – (AFS 5124)

SUMMARY

The purpose of this report is to permanently close and declare a portion of Oakburn Crescent, south of Avondale Avenue and the whole of Oakburn Place surplus to municipal requirements, and to authorize the Chief Corporate Officer to invite an offer(s) to purchase from the abutting landowners, K&G Oakburn Apartments I Limited and K&G Oakburn Apartments II Limited.

RECOMMENDATIONS

The General Manager of Transportation Services and the Chief Corporate Officer recommend that:

1. The North York Community Council recommend to City Council, conditional upon the Government Management Committee recommending Recommendation 2 of this report, that City Council:
 - a. Permanently close as public highways, on a phased basis, that portion of Oakburn Crescent, south of Avondale Avenue, shown as Part 1 on Sketch No. PS-2007-145b and the whole of Oakburn Place, branching off southerly from the south side of Oakburn Crescent, shown as Parts 2, 3 & 4 on Sketch No. PS-2007-145b (collectively “the Highways”), subject to

compliance with the requirements of City of Toronto Municipal Code Chapter 162, and provided that City Council subsequently approves a sale of the Highways.

- b. If City Council approves a sale of the Highways, direct Transportation Services staff to give notice to the public of a proposed by-law to permanently close the Highways in accordance with the requirements of Chapter 162 of the City of Toronto Municipal Code, with the North York Community Council hearing any member of the public who wishes to speak to this matter during consideration of the proposed by-law.
 - c. Following the closure of the Highways, easements be reserved by the City and/or granted to any affected utility companies, as may be necessary to protect the existing services and utilities in the Highways, or with the consent of the City and the said utility companies, the services and utilities be removed from the Highways and/or relocated, at the sole cost of the purchaser of the Highways.
2. The Government Management Committee recommend to City Council, conditional upon the North York Community Council recommending Recommendation 1 of this report, that:
- a. City Council declare the Highways surplus to the City's requirements and direct the Chief Corporate Officer to take all steps necessary to comply with Chapter 213 of the City of Toronto Municipal Code.
 - b. Authorize the Chief Corporate Officer to invite an offer(s) to purchase the Highways from the abutting landowners, K&G Oakburn Apartments I Limited and K&G Oakburn Apartments II Limited (collectively, "Oakburn"), on a phased basis.
3. City Council authorize and direct the appropriate City officials to take the necessary action to give effect to the above recommendations, including the introduction in City Council of any necessary bills.

Financial Impact

There are no financial implications associated with the adoption of this report.

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

DECISION HISTORY

The portion of Oakburn Crescent, and the whole of Oakburn Place, which are to be declared surplus, currently provide access only to lands owned by K & G Oakburn Apartments I Limited and K & G Oakburn Apartments II Limited (the developer, “Oakburn”). These lands are subject to a development application for townhouses and tower buildings to be developed in accordance with the density limits of the North York Centre Secondary Plan, and to replace the existing rental units on the site.

Oakburn had appealed their planning applications to the Ontario Municipal Board. At its meeting of February 5, 6, 7 & 8, 2007, City Council endorsed a settlement to the planning applications, which included Council’s supporting in principle the declaration as surplus the Oakburn Crescent and Oakburn Place lands described on the attached sketch, and inviting an offer to purchase those lands from the adjacent owner (Oakburn), on a phased basis. A new road pattern, a connection with Harrison Garden Boulevard, and a large, centralized public park space are to be introduced within the development site, on a phased basis.

At the Ontario Municipal Board hearing event of February 20, 2007, the Board was advised by legal representatives of the City and by those of the developer that City Council had endorsed a potential settlement for the development. In its Decision/Order dated February 28, 2007, the Ontario Municipal Board approved the proposed site-specific Official Plan Amendment in relation to the Oakburn proposal, approved in principle the proposed zoning amendment, and set a further hearing date of October, 2, 2007, at which time the final form of the related zoning by-law and draft plan of subdivision are to be brought forward.

The proposed surplus declaration and subsequent phased sale of the Highways are consistent with and assist in achieving the settlement concept City Council has endorsed for the subject lands.

COMMENTS

To satisfy one of the conditions of the OMB decision, staff of Transportation Services has received a request from Oakburn to permanently close the Highways, on a phased basis, for incorporation into Oakburn’s development site. Transportation Services staff has advised that, in this context, the Highways are surplus to its requirements and can be permanently closed and sold, as new replacement highways will be conveyed to the City pursuant to the subdivision approval process.

Details of the Highways are as follows:

Subject Property	Oakburn Crescent & Oakburn Place
Legal Description:	Oakburn Crescent and Oakburn Place on Plan 4460; also shown as Parts 1, 2, 3 & 4 on Sketch PS-2007-145b
Approximate Size:	Irregular shape
Approximate Area:	Oakburn Crescent 4,926m ² ± (53,025 ft ² ±) Oakburn Place 4,677 ± (50,344 ft ² ±)
Zoning:	Multiple-Family Dwellings Fourth Density Zone (RM4)
Official Plan:	Downtown Residential (DR-1)
Current Status:	Public road allowance

Closing Process:

In order to proceed with the disposal of the Highways, the City must comply with its procedures governing disposal of property. Before disposing of any property (including a lease of 21 years or longer), Council must declare the property to be surplus by by-law or resolution, notice of the proposed disposal and the manner of disposition must be given to the public, and at least one appraisal of the market value of the property must be obtained.

The closing process requires three separate approvals from Council. The first approval declares the subject lands surplus and initiates the process to close the highway, the second approval authorizes the terms and conditions of the sale of the subject lands and the third and final Council approval authorizes the closing By-law. In addition, the public has the opportunity to speak to the matter if they wish to do so at Community Council during consideration of the draft by-law.

Transportation Services advises that the Municipal Class Environmental Assessment requirements will be satisfied concurrently through the Plan of Subdivision process. Through the subdivision process Part 1 will be rededicated as a public highway. Parts 2 and 3 will be permanently closed and sold to Oakburn for inclusion in the development proposal. The east-west section of Part 4 will be rededicated as public highway, whereas the north-south section of Part 4 will be permanently closed and sold to Oakburn, then in-turn will be dedicated back to the City for park use. A new north-south public road will be constructed and dedicated to the City and Harrison Garden Blvd will be extended to ensure connectivity in the transportation network.

To facilitate Oakburn’s development proposal, the Highways should be permanently closed on the terms set out herein and declared surplus, and the Chief Corporate Officer be authorized to invite an offer(s) to purchase from K&G Oakburn Apartments I Limited and K&G Oakburn Apartments II Limited.

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SIGNATURE

Gary Welsh, P. Eng.
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ATTACHMENTS

Appendix “A” – Site Map