



**STAFF REPORT
ACTION REQUIRED
with Confidential Attachment**

**North York City Centre Service Road Acquisition
50 Horsham Avenue**

Date:	October 15, 2009
To:	Government Management Committee
From:	Chief Corporate Officer
Wards:	Ward 23 - Willowdale
Reason for Confidential Information:	This report is about a proposed land acquisition by the City. Purchase of property known as 50 Horsham Avenue for the completion of the North York Service Road
Reference Number:	P:\2009\Internal Services\F&re\Gm09088F&re – (AFS 10677)

SUMMARY

The purpose of this report is to seek authority for the City to acquire the property municipally known as 50 Horsham Avenue from 1402335 Ontario Limited (the “Owner”). This property is required to expand and complete the North York City Centre Service Road (“NYSR”).

Negotiations with the Owner of this property have been ongoing since January 2009. The Owner has signed an irrevocable Offer to Sell its property to the City. Attachment 1 to this report describes the salient terms of this proposed acquisition, 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 and recommendations in Attachment 1, once the transaction has closed.

3. The Offer to Sell from the Owners of the property known as 50 Horsham Avenue be accepted substantially on the terms outlined in Attachment 1 to this report and that either 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 transaction on behalf of the City, including paying any necessary expenses, amending the closing, due diligence and other dates, and amending and waiving terms and conditions, on such terms as he or she may consider reasonable.

Financial Impact

The total cost of this acquisition will be funded from the 2009 Approved Capital Budget for Transportation Services, Capital Account CTP800-8-67 (North York Service Road).

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

DECISION HISTORY

The “Strategy for the Implementation of the North York Centre Plan Service Road-North York Centre”, 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 was approved by City Council on July 29, 30 and 31, 1998. 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.”

In accordance with this property acquisition strategy, the City has acquired a number of properties to construct the NYSR. The proposed acquisition of the property known municipally as 50 Horsham Avenue is in accordance with this property acquisition strategy.

ISSUE BACKGROUND

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

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

COMMENTS

The property municipally identified as 50 Horsham Avenue, is required for the purpose of the NYSR. A stage one expropriation report was approved by Council in February, 2005 and a Notice of Application for approval to expropriate was published and served. It is no longer necessary to continue the expropriation proceeding as negotiations with the owner have resulted in an Offer to Sell substantially on the terms and conditions outlined in Attachment 1 of this report.

Staff considers this Offer to Sell to the City to be fair and reasonable and therefore, recommends the approval of this transaction.

CONTACT

Joe Casali
Director, Real Estate Services
Tel: (416) 392-7202
Fax: (416) 392-1880
jcasali@toronto.ca

Myles Currie
Director, Transportation Services
Tel: (416) 392-5372
Fax: (416) 397-5011
mcurrie@toronto.ca

SIGNATURE

Bruce Bowes, P. Eng.
Chief Corporate Officer

ATTACHMENTS

Attachment 1 – Confidential Information
Appendix “A” – Location Map 50 Horsham Avenue