



**STAFF REPORT
ACTION REQUIRED
with Confidential Attachment**

**North York City Centre Service Road Acquisition
30 Churchill Avenue and 31 Churchill Avenue**

Date:	December 16, 2009
To:	Government Management Committee
From:	Chief Corporate Officer
Wards:	Ward 23 – Willowdale
Reason for Confidential Information:	This report is to authorize a pending land acquisition by the City (subsection 190(2)(c) City of Toronto Act). Purchase of properties known as 30 Churchill Avenue and 31 Churchill Avenue for the completion of the North York Service Road Project.
Reference Number:	P:\2010\F&re\Internal Services\Gm10011F&re – (AFS 10991)

SUMMARY

The purpose of this report is to seek authority for the City to acquire the properties municipally known as 30 Churchill Avenue from Phyllis Dagys and Arlene Dagys, and 31 Churchill Avenue from Timothy Winthrop Pellew and Margaret Richmond Pellew. These properties are required to expand and complete the North York Service Road (“NYSR”).

Negotiations with the Owners of these properties have been ongoing since January 2009. The owners have signed irrevocable Offers to Sell their properties to the City. Proposed terms of the offer are set out in Appendices “A” and “C”, and confidential Attachments “1” and “2”. The terms are considered to be fair and reasonable.

RECOMMENDATIONS

The Chief Corporate Officer recommends that:

1. City Council authorize the City to accept the Offer to Sell from the owners of 30 Churchill Avenue, Phyllis Dagys and Arlene Dagys (the “Owners”), on the terms outlined in Appendix “A” and confidential Attachment 1 to this report.

2. City Council authorize the City to accept the Offer to Sell from the owners of 31 Churchill Avenue, Timothy Winthrop Pellew and Margaret Richmond Pellew (the "Owners"), on the terms outlined in Appendix "C" and confidential Attachment 2 to this report.
3. City Council authorize severally each of the Chief Corporate Officer and the Director of Real Estate Services to execute the Offers to Sell on behalf of the City.
4. City Council authorize the public release of the confidential information in Attachments 1 and 2 once these transactions have closed.
5. City Council authorize the City Solicitor 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 she considers reasonable.
6. City Council authorize and direct the appropriate City officials to take the necessary action to give effect thereto.

Financial Impact

The proposed acquisition of these properties will result in expenditures for the purchase price of the properties as well as disturbance, interest, and land transfer tax costs, all detailed in confidential Attachments 1 and 2. Closing and demolition costs are set out in Appendices "A" and "C". These expenditures 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 properties known municipally as 30 Churchill Avenue and 31 Churchill 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 properties municipally identified as 30 Churchill Avenue and 31 Churchill Avenue, are 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 to the owners of 30 Churchill Avenue. It is no longer necessary to continue the expropriation proceeding as negotiations with the owner have resulted in an offer to sell described in 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

Appendix “A” – Terms (30 Churchill)

Appendix “B” - Location Map 30 Churchill Avenue

Appendix “C” – Terms (31 Churchill)

Appendix “D” - Location Map 31 Churchill Avenue

Attachment 1 – 30 Churchill Avenue, Confidential Information

Attachment 2 – 31 Churchill Avenue, Confidential Information

Appendix “A” – Terms
Arlene Dagys and Phyllis Dagys Offer to Sell to City of Toronto

30 Churchill Avenue, Toronto

Terms	
(1) Owner:	Arlene Dagys and Phyllis Dagys
(2) Location:	30 Churchill Avenue, Toronto, as shown in Appendix "B"
(3) Legal description:	Part of Lot 46, Plan 3163, City of Toronto (formerly City of North York), PIN 10143-0066
(4) Demolition and base condition costs:	\$25,000.00
(5) Closing registration costs:	\$100.00
(6) GST/HST	The City will pay applicable GST/HST
(7) Irrevocable date:	75 days after owner's execution of Offer to Sell
(8) Due diligence period:	90 days (with possible extension of 30 days) following City's acceptance of Offer to Sell
(9) Closing date:	June 30, 2010 (with Vendor option to advance upon providing 30 days notice)
(10) Deposit:	\$10.00
(11) Conditions:	Satisfactory results of due diligence inquiries

Appendix “C” – Terms
Timothy Winthrop Pellew and Margaret Richmond Pellew
Offer to Sell to City of Toronto

31 Churchill Avenue, Toronto

Terms	
(1) Owner:	Timothy Winthrop Pellew and Margaret Richmond Pellew
(2) Location:	31 Churchill Avenue, Toronto, as shown in Appendix "D"
(3) Legal description:	Part of Lot 46, Plan 3163, City of Toronto (formerly City of North York), PIN 10143-0081
(4) Demolition and base condition costs:	\$25,000.00
(5) Closing registration costs:	\$100.00
(6) GST/HST	The City will pay applicable GST/HST
(7) Irrevocable date:	75 days after owner's execution of Offer to Sell
(8) Due diligence period:	90 days (with possible extension of 30 days) following City's acceptance of Offer to Sell
(9) Closing date:	June 30, 2010 (with Vendor option to advance upon providing 30 days notice)
(10) Deposit:	\$10.00
(11) Conditions:	Satisfactory results of due diligence inquiries