
City Council

Motion without Notice

MM52.49	ACTION			Ward: 23
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Re-Opening of Item NY34.26 – Final Report - OPA, Rezoning and Site Plan Control Approval Applications – 4726-4750 Yonge Street, 9-31 Bogert Avenue, 2-28 Poyntz Avenue and 49 Bogert Avenue - by Councillor Filion, seconded by Councillor Mihevc

** This Motion has been deemed urgent by the Chair. Council has added this Motion to the agenda for debate.*

** This Motion is subject to a re-opening of Item NY34.26 A two-thirds vote is required to re-open that Item.*

Recommendations

Councillor Filion, seconded by Councillor Mihevc, recommends that:

1. City Council delete Recommendations 4.f.ii and 4.f.iii of Item NY34.26, adopted by City Council on June 8 and 9, 2010, which requires the Owner to post a letter of credit for all costs related to the acquisition of properties to satisfy the required off-site parkland dedication requirements and authorizes City staff to initiate expropriation proceedings in respect of such properties, and instead adopt the following new Recommendation 4.f.ii and the following new Recommendation 5A:
 - 4.f.ii. The applicant shall agree, as part of the Section 37 Agreement, that should the applicant have used reasonable efforts and not been successful in acquiring the parkland properties through negotiation, the applicant shall cover the City's costs, to a maximum of \$3,800,000, to acquire the parkland properties, by Section 30 agreement or expropriation, to be secured by delivery to the City of an irrevocable letter of credit in the amount of \$3,800,000.
 - 5A. City staff be authorized to initiate the expropriation process to acquire the parkland properties, conditional on the applicant executing the Section 37 agreement and delivering an irrevocable letter of credit in the amount of \$3,800,000 to fund the payment of the acquisition or expropriation costs, including serving and publishing Notices of Application for Approval to Expropriate, forwarding to the Chief Inquiry Officer any requests for hearing received, attending at the hearing to present the City's position, and reporting the Inquiry Officer's recommendation to Council for its consideration.
2. City Council delete Recommendation 4.f.iv of Item NY34.26, adopted by City Council

on June 8 and 9, 2010, which requires the General Manager of Parks, Forestry and Recreation, to report to North York Community Council, once the acquisition of necessary properties has been secured by way of agreement, prior to enactment of the by-laws for the Rezoning and Official Plan amendment, as this Recommendation is no longer required because this requirement will be secured through the Section 37 Agreement with the applicant.

Summary

In adopting Item NY34.26, City Council at its meeting held on June 8 and 9, 2010 authorized an amendment to the Official Plan and Zoning By-law in connection with the proposed comprehensive development of a block of land bounded by Yonge Street, Poyntz Avenue, Beecroft Road and Bogert Avenue. City Council imposed Section 37 benefits. Emerald Park Inc. (“the Owner”) has agreed to all the Section 37 conditions except for the following:

The Owner is to satisfy the required off-site parkland dedication requirements to the satisfaction of the General Manager, Parks, Forestry and Recreation, from a short list of properties identified by Parks staff. If the properties cannot be acquired through negotiations with the property owners, the City will assist in their acquisition, with funding (including all related costs) to be provided by the Owner and secured by a letter of credit posted in accordance with the terms of the Section 37 Agreement. The Owner has requested a modification to this condition and has agreed to provide an irrevocable letter of credit to fund the acquisition costs to a maximum of \$3,800,000.

The requirement for the General Manager, Parks, Forestry and Recreation to report prior to the by-laws being enacted is no longer required as the requirement will be secured through the Section 37 Agreement with the Owner.

The owner has requested modifications to Recommendation 4.f on NY34.26 to address the foregoing matters.

It is necessary to finalize and execute the Section 37 Agreement prior to the introduction of the necessary Bills at the December 2010 Council meeting.

REQUIRES RE-OPENING:

North York Community Council Item NY34.26, adopted by City Council on June 8 and 9, 2010, as it relates to Recommendation 4.f.ii, 4.f.iii and 4.f.iv.

(Submitted to City Council on August 25 and 26, 2010 as MM52.49)