

Permanent Closure of Weybourne Place

Date:	August 8, 2011
To:	Etobicoke York Community Council
From:	Acting Director, Transportation Services-Etobicoke York District
Wards:	Ward 4 Etobicoke Centre
Reference Number:	p:\2011\Cluster B\TRA\EtobicokeYork\eycc110113-tp

SUMMARY

The purpose of this report is to request City Council's approval to permanently close Weybourne Place. This public highway is surplus to municipal transportation requirements.

Notice advising the public of the City's intention to close Weybourne Place was given in accordance with the requirements of Chapter 162 of City of Toronto Municipal Code and the Municipal Class Environmental Assessment.

This matter is scheduled as a deputation item.

RECOMMENDATIONS

Transportation Services recommends that:

1. City Council permanently close Weybourne Place, shown as Part 1 on Sketch No. PS-2011- 071 in Attachment 1.
2. City Council enacts a by-law substantially in the form of the draft by-law attached as Appendix "A".

Financial Impact

There is no financial impact associated with closing Weybourne Place.

ISSUE BACKGROUND

Weybourne Place is an unopened public highway extending about 55 metres north from Ridgevalley Crescent, terminating at the St. George's Golf and Country Club. This highway was created by the registration of a plan of subdivision in 1947.

Transportation Services has been unable to find any historical records from this period suggesting why the former Township of Etobicoke considered this road to be necessary. But since that time, neither the Township/Borough/City of Etobicoke nor the City of Toronto has taken any measures nor spent any public monies to open, maintain or improve Weybourne Place for vehicular or pedestrian purposes. Since the City has no existing or future transportation requirement for Weybourne Place, it should be closed as a public highway.

Attachment 1 provides a sketch of Weybourne Place and Attachment 2 and 3 provide photographs of the subject property.

COMMENTS

An existing private driveway exists over Weybourne Place, providing vehicular access from Ridgevalley Crescent to a private garage located on 30 Ridgevalley Crescent, the adjoining easterly lot. The current owner of 30 Ridgevalley Crescent advises that the existing driveway was constructed in the early 1950's concurrent with the construction of the existing residential dwelling situated at 30 Ridgevalley Crescent.

No documentation or other evidence of any kind has been located to indicate that the Township of Etobicoke ever consented to the use of the highway for a private driveway or that the Township was even aware that a private driveway was to be located on municipally-owned property. It would have been quite unusual for the Municipality to have permitted a private driveway to be constructed over the unopened, unimproved Weybourne Place right-of-way, especially given that 30 Ridgevalley Crescent has legal frontage on Ridgevalley Crescent, an existing improved municipal street, such that a driveway could have been constructed directly from Ridgevalley Crescent.

The property at 30 Ridgevalley Crescent was sold about three years ago, and the new owner is seeking site plan control approval to construct a new dwelling on the property, using both the existing driveway access over Weybourne Place, as well as a new driveway to be constructed directly off Ridgevalley Crescent. Since Weybourne Place is surplus to municipal transportation requirements, Transportation Services advised the owner of 30 Ridgevalley Crescent that the City cannot approve a private driveway over Weybourne Place.

As there is no evidence that the Township of Etobicoke expressly agreed that the owner of 30 Ridgevalley Crescent could use Weybourne Place for a private driveway on an indefinite basis, particularly without any compensation to the City, the City Solicitor in Attachment 4, advises that the owner of 30 Ridgevalley Crescent does not have a legal right to maintain the existing driveway on Weybourne Place and that the City has statutory authority to close Weybourne Place as a public highway.

The owner has been advised that his site plan application must be revised to include only the lands that the applicant owns and that driveway access over Weybourne Place cannot be included as part of his application for site plan approval.

Real Estate Services has initiated the process to declare Weybourne Place surplus, which will include determining the intended method of disposal if the property is declared surplus, subject to Council approving the permanent closure.

Toronto Hydro advises that an existing below-grade plant and overhead guy wiring are situated within the Weybourne Place right-of-way. Should Real Estate Services declare this property surplus, any prospective purchaser will be responsible for all costs associated with the removal/relocation of the existing above-and below-grade hydro plant/wiring, including the provision of any easements, provided to the satisfaction of Toronto Hydro.

Public notice of this proposal to permanently close Weybourne Place, and inviting deputations on the matter, was posted on the City of Toronto's website according to the requirements of Chapter 162 of the City of Toronto Municipal Code and the Municipal Class Environmental Assessment for Schedule A+ projects.

CONTACT

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SIGNATURE

Steven Kodama, P.Eng.
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ATTACHMENTS

Appendix "A":	Draft By-law
Attachment 1:	PS-2011-071
Attachments 2 & 3:	Photographs
Attachment 4:	Legal Opinion