



STAFF REPORT ACTION REQUIRED

Proposed Permanent Closure of a Portion of the Old Mill Drive Right-of-Way North of Bloor Street West

Date:	August 8, 2011
To:	Etobicoke York Community Council
From:	Acting Director, Transportation Services-Etobicoke York District
Wards:	Ward 13, Parkdale-High Park
Reference Number:	p:\2011\Cluster B\TRA\EtobicokeYork\eycc110114-tp

SUMMARY

The purpose of this report is to request City Council's approval to permanently close an untravelled section of the east side of the Old Mill Drive right-of-way, just north of Bloor Street West. This portion of public highway is surplus to municipal requirements.

Notice advising the public of the City's intention to close this portion of Old Mill Drive was given in accordance with the requirements of Chapter 162 of City of Toronto Municipal Code and the Municipal Class Environmental Assessment.

RECOMMENDATIONS

Transportation Services recommends that:

1. City Council permanently closed that part of the public highway known as Old Mill Drive, shown as Part 1 on Sketch No. PS-2011-065 (Attachment 1), and legally described as Part 2 on Plan 66R-25093(the "Highway"), and enact a by-law substantially in the form of the draft by-law attached as Appendix "A", conditional on the City entering into an agreement with Humberview Auto Centre Limited, the owner of 1 Old Mill Drive (the "Owner") wherein the Owner agrees to purchase the Highway on terms satisfactory to the City.
2. Following the closing of the Highway, the Owner, at its sole cost and expense, shall relocate the existing 150mm watermain along this section of the Old Mill Drive municipal boulevard in conjunction with the proposed re-alignment of Old Mill Drive north of Bloor Street West provided to the satisfaction of Toronto Water.

3. Following the closing of the Highway, the Owner, at its sole cost and expense, shall make arrangements with Enbridge Gas Distribution to remove and relocate the existing natural gas plant along this section of the Old Mill Drive municipal boulevard provided to the satisfaction of Enbridge Gas Distribution.
4. 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 the City Solicitor considers reasonable.

Financial Impact

The closing of the Highway will not result in any costs to the City, because the purchaser of the Highway will be financially responsible for all costs associated with closing the Highway.

DECISION HISTORY

In accordance with the City's Real Estate Disposal By-law No. 814-2007, the Highway was declared surplus on August 3, 2011 (DAF-2011-235), conditional upon the Highway being permanently closed with the intended manner of disposal to be inviting an offer to purchase the Highway from the Owner, which may include an exchange of land.

The Chief Corporate Officer authorized the General Manager of Transportation Services to give notice to the public of a proposed by-law to close the Highway in accordance with the requirements of City of Toronto Municipal Code Chapter 162 and the Municipal Class Environmental Assessment for Schedule A+ activities (DAF No. 2011-256).

ISSUE BACKGROUND

The Owner has submitted a formal request to acquire the Highway to add to its current holdings for purposes of accommodating sufficient lot area to construct a proposed twelve storey apartment condominium building.

In conjunction with this development, the Owner also proposes to realign the southerly 35 metres of Old Mill Drive from its current 60 degree skew angle to provide a perpendicular intersection approach with Bloor Street West. This will shift the intersection centre line approximately 20 metres to the west. The proposed road improvement is intended to improve sight distance and safety for drivers on Old Mill Drive at this intersection approach with Bloor Street West.

A minimum 4.5 metre wide municipal boulevard will remain along this section (east side) of Old Mill Drive for municipal sidewalk, streetscape, and utility placement purposes.

Attachment 2 illustrates the proposed Old Mill Drive re-alignment and the portion of the Old Mill Drive right-of-way to be stopped up and closed.

COMMENTS

Transportation Services staff reviewed the Owner's request and has determined that the Highway is surplus to municipal requirements and can be sold to the Owner without impact on existing or future traffic operations.

Details of the Highway are as follows:

Description:	Shown as Part 1 on Sketch No. PS-2011-065
1. Approximate Size:	Irregular shape – east limit - 35.7 m (117.1 ft)
2. Approximate Area:	232.0 m ² (2,497.3 ft ²)
3. Current Status:	Public highway

Toronto Water advises that an existing watermain extends along the portion of the Old Mill Drive municipal boulevard that the Owner intends to acquire; however, the Owner proposes to relocate this watermain in conjunction with the proposed re-alignment of Old Mill drive north of Bloor Street West. The relocation of this watermain shall be provided to the satisfaction of Toronto Water, and at no cost to the City.

As a condition to Site Plan Control Approval, the Owner is required to enter into a Municipal Infrastructure Agreement with the City to construct the proposed road improvements, including the watermain relocation, at the Old Mill Drive and Bloor Street West intersection.

Enbridge Gas Distribution advises that an existing natural gas plant is situated within this portion of the Old Mill Drive municipal boulevard, which shall be removed and relocated in accordance with Enbridge Gas Distribution requirements, and at the Owner's expense.

The Municipality will retain an adequate road allowance along this section of Old Mill Drive to achieve the proposed westerly re-alignment of Old Mill Drive north of Bloor Street West and maintain a minimum 4.5 metre wide boulevard along both sides of this road, more than sufficient to accommodate pedestrian, streetscape and utility requirements.

The recommendations specified in this report are conditional upon the City and Humberview Auto Centre Limited (the "Owner") entering into an agreement, which may include an exchange of lands, wherein the Owner agrees to purchase the Highway along the west side of 1 Old Mill Drive on terms satisfactory to the City.

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

CONTACT

Joe Mariconda, Transportation Engineering Co-ordinator
Traffic Planning/Right-of-Way Management - Etobicoke York District
Phone: (416) 394-8417; Fax: (416) 394-8942
Email: jmarico@toronto.ca
AFS14396

SIGNATURE

Steven Kodama, P.Eng.
Acting Director, Transportation Services-Etobicoke York District

ATTACHMENTS

Appendix "A":	Draft By-law
Attachment 1:	PS-2011-065
Attachment 2:	Aerial Photograph

APPENDIX "A"

Draft By-Law

Authority: Etobicoke York Community Council Item ____, as adopted by City of Toronto Council on September 26 & 27, 2011

Enacted by Council:

CITY OF TORONTO

Bill No.

BY-LAW No. -2011

To permanently close the public highway on the East side of Old Mill Drive Right-of-Way, North of Bloor Street West

WHEREAS it is recommended that the public highway on the East side of Old Mill Drive Right-of-Way, North of Bloor Street West be permanently closed as a public highway; and

WHEREAS notice of the proposed by-law to permanently close the said highway was posted on the notices page of the City's web site in accordance with the requirements of City of Toronto Municipal Code, Chapter 162 and the Etobicoke York Community Council heard any person who wished to speak to the matter at its meeting held on September 12, 2011.

The Council of the City of Toronto HEREBY ENACTS as follows:

1. The public highway on the East side of Old Mill Drive Right-of-Way, North of Bloor Street West, described as follows, is hereby permanently closed as a public highway:

Part of PIN 10524-0016 (LT)

Part of Pcl 3933 Sec West Township of York

Part of Mossom Road on Plan M-443 designated as PART 2
on Plan 66R-25093

City of Toronto and Province of Ontario

Land Titles Division of the Toronto Registry Office (No. 66)

ENACTED AND PASSED this ____ day of September, A.D. 2011.

ROB FORD,
Mayor

ULLI S. WATKISS,
City Clerk