



**STAFF REPORT
ACTION REQUIRED**

Closing a portion of Judge Road south of Six Point Road

Date:	July 27, 2012
To:	Etobicoke York Community Council
From:	Director, Transportation Services – Etobicoke York District
Wards:	Ward 5 - Etobicoke-Lakeshore
Reference Number:	p:\2012\Cluster B\TRA\EtobicokeYork\eycc120094-tp

SUMMARY

The purpose of this report is to request City Council’s approval to permanently stop up and close Judge Road, south of Six Point Road. This public highway is surplus to municipal requirements.

The owner of the adjoining property (Dimpflmeier Holdings Limited) consisting of 126 to 128 Judge Road and 24 to 38 Advance Road proposes to acquire the property to consolidate with their current holdings. The owner presently uses this section of Judge Road for vehicular access, parking and storage purposes in conjunction with their existing bakery operation.

Notice advising the public of the City’s intention to close this section of road allowance was published according to the requirements of Chapter 162 of the Toronto Municipal Code and the Municipal Class Environmental Assessment.

This matter is scheduled as a deputation item.

RECOMMENDATIONS

Transportation Services recommends that City Council Approves:

1. Permanently closing that part of the public highway known as Judge Road, shown as Part 1 on Sketch No. PS-2011-057, and enact a by-law substantially in the form of the draft by-law attached as Appendix “A” subject to City Council authorizing the sale of this property to the owner of the land at 126 to 128 Judge Road and 24 to 38 Advance Road; subject to the following conditions:

- A. Prior to the conveyance of the closed highway, the owner, at their expense, shall relocate the existing hydro pole and anchor situated within the closed section of highway to the satisfaction of the Toronto Hydro Electric Commission. In the interim, the owner may be required to grant an easement to the Toronto Hydro Electric Commission pending the relocation of the existing hydro pole and anchor.
- B. Prior to the conveyance of the closed highway, the owner shall grant the City an easement for the existing water main, sanitary and storm sewers situated within the section of highway to be closed to the satisfaction of Toronto Water.

Financial Impact

There is no financial impact associated with closing this section of public highway, as the purchaser is required to pay all costs associated with closing this portion of Judge Road.

DECISION HISTORY

Real Estate Services advises that:

- 1) in accordance with the City's Real Estate Disposal By-law No. 814-2007, the section of Judge Road shown as Part 1 on the attached sketch, Attachment 1, was declared surplus on July 7, 2011(DAF No. 2011-180), with the intended manner of disposal to be a sale to the owner of the abutting property at 126 to 128 Judge Road and 24 to 38 Advance Road; and,
- 2) the Chief Corporate Officer authorized the General Manager of Transportation Services to give notice to the public of a proposed by-law to close this section of Judge Road, according to the requirements of City of Toronto Municipal Code Chapter 162 and the Municipal Class Environmental Assessment for Schedule A+ projects.

ISSUE BACKGROUND

In 1955, this section of public highway formerly known as Leicester Avenue, but subsequently renamed Judge Road, was acquired by the former Township of Etobicoke in conjunction with an approved plan of subdivision in the Kipling Avenue and Six Point Road area. In 1993, the south half of this turning basin was stopped up, closed, and subsequently sold to Dimpflmeier Bakery to accommodate additional truck manoeuvring into their loading facilities.

In 2008, the owner of the property at 126 to 128 Judge Road and 24 to 38 Advance Road (Dimpflmeier Holdings Limited) approached the Transportation Services Division asking if the remaining section of the Judge Road right-of-way, south of Six Point Road, is surplus to municipal requirements. They propose to add this surplus road allowance to their existing holdings. Attachment 2 provides a sketch of the Dimpflmeier Bakery site in context with Judge Road south of Six Point Road.

In February of 2009, the owner was granted a two-year interim surface licence agreement from Real Estate Services to use this portion of the Judge Road right-of-way for vehicle access, parking and storage purposes in conjunction with their existing bakery.

COMMENTS

Transportation Services staff reviewed that applicant's request and has determined that the section of the Judge Road right-of-way, shown as Part 1 on the attached sketch, Attachment 1, is surplus to municipal transportation requirements and can be sold to the adjoining owner without impact on existing or future traffic operations.

The municipality will retain sufficient property along the south side of Six Point Road, adjacent to the section of Judge Road to be closed, to maintain a minimum of three metre wide boulevard, which is consistent with the existing municipal boulevard width east and west of this location.

Real Estate Services advises that this section of the Judge Road right-of-way was formally declared surplus on July 7, 2011, with the intention of inviting an offer to purchase to the adjoining owner of 126 to 128 Judge Road and 24 to 38 Advance Road (Dimpflmeier Holdings Limited).

Currently, an existing hydro pole and anchor, as well as below-grade water main, sanitary and storm sewers are situated within this portion of highway to be closed. As a condition to the purchase and sale, the applicant must grant the City easements for the existing below-grade utilities. In addition, the applicant, at their expense, must relocate the existing hydro pole to the satisfaction of the Toronto Hydro Electric Commission. In the interim, the owner may be required to grant an easement to the Toronto Hydro Electric Commission pending the relocation of the existing hydro pole and anchor.

Public notice of this proposal to permanently close this section of Judge Road, 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
AFS16054

SIGNATURE

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

ATTACHMENTS

Appendix "A": Draft By-law
Attachment 1: PS-2011-057
Attachment 2: Area Map

Appendix "A"

Authority: Etobicoke York Community Council Item as adopted by Etobicoke York Community Council on September 11, 2012 under the delegated authority of Sections 27-149B and 27-152B(5) and (7) of Chapter 27, Council Procedures of the City of Toronto Municipal Code Enacted by Etobicoke York Community Council:

CITY OF TORONTO

Bill No.

BY-LAW No. -2012

To permanently close the public highway being part of Judge Road adjoining 126, 127 & 128 Judge Road.

WHEREAS it is recommended that the public highway that is a portion of Judge Road adjoining 126,127 and 128 Judge Road, be permanently closed as a public highway; and

WHEREAS notice of the proposed by-law to permanently close the said portion of the 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 2012.

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

1. The public highway being a portion of Judge Road adjoining 126, 127 and 128 Judge Road, described as follows, is hereby permanently closed as a public highway:

Part of PIN 07534-0120 (LT)
Part of Judge Road, South of Six Points Road
City of Toronto, designated as Parts 1 and 2 on Reference Plan 66R-25802

ENACTED AND PASSED this day of September, A.D. 2012.

MARK GRIMES,
Chair

ULLI S. WATKISS
City Clerk

(Corporate Seal)