

Clause embodied in Report No. 3 of the North York Community Council, as adopted by the Council of the City of Toronto at its meeting held on April 16, 17 and 18, 2002.

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**Draft By-law to Stop Up and Close the Road Allowance Known as Sovereign Avenue and to Authorize the Sale Thereof - Ward 9 - York Centre**

*(City Council on April 16, 17 and 18, 2002, adopted this Clause, without amendment.)*

**The North York Community Council recommends that a by-law in the form of the following draft by-law be enacted, and that the necessary Bill be introduced in Council to give effect thereto.**

The North York Community Council reports for the information of Council, having held a public hearing on February 26, 2002, and that a notice with respect to the proposed enactment of the draft by-law was advertised in The Toronto Sun newspaper on February 1, 8, 15 and 22, 2002; all in accordance with the Municipal Act; and no one addressed the North York Community Council with respect to the draft by-law.

**The North York Community Council submits the following Draft By-law from the City Solicitor:**

Authority: North York Community Council Report No. \_\_\_\_, Clause \_\_\_\_, as adopted by City of Toronto City Council on \_\_\_\_\_

Enacted by Council:

CITY OF TORONTO

Bill No.

BY-LAW No. -2002

To stop up and close the road allowance known as Sovereign Avenue and to authorize the sale thereof.

WHEREAS it is recommended that the road allowance known as Sovereign Avenue be stopped up and closed as a public highway and be sold on the terms and conditions set out in Clause 9 of North York Community Council Report No. 9, as adopted by Council at its meeting held on December 4, 5 and 6, 2001; and

WHEREAS notice of the proposed by-law to stop up and close the said highway and to authorize the sale thereof was published in \_\_\_\_\_ on \_\_\_\_\_, 2002 and on \_\_\_\_\_, the North York Community Council heard any person who claimed that the person's land would be prejudicially affected by the said by-law applied to be heard (or no one who claimed that the person's land would be prejudicially affected by the said by-law applied to be heard);

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

1. The road allowance known as Sovereign Avenue, described as follows:

PIN 10267-0203 (R)

Part of the Public Highway Sovereign Avenue on Plan 3633,  
designated as Parts 1 and 2 on Plan 64R-8000

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

City of Toronto (formerly the City of North York) and Province of Ontario

is hereby stopped up and closed as a public highway.

2. The soil and freehold of the public highway stopped up and closed by Section 1 of this By-law shall be sold on the terms and conditions set out in Clause 9 of North York Community Council Report No. 9, as adopted by Council at its meeting held on December 4, 5 and 6, 2001.

ENACTED AND PASSED this day of A.D. 2002.

MEL LASTMAN  
Mayor

ULLI S. WATKISS  
City Clerk

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**The North York Community Council also submits the following Clause No. 9 of the North York Community Council Report No. 9, titled "Surplus Land Declaration and Sale of the Road Allowance known as Sovereign Avenue, which was adopted, without amendment by the Council of the City of Toronto at its meeting held on December 4, 5 and 6, 2001:**

“(City Council on December 4, 5 and 6, 2001, adopted this Clause, without amendment.)

**The North York Community Council recommends the adoption of the following report (November 6, 2001) from the Commissioner of Corporate Services:**

Purpose:

To recommend that the road allowance to be closed, laid out as Sovereign Avenue on Plan 3633 and shown as Parts 1, 2, 3, 4 & 5 on the attached sketch No. PMC-2000-008 (the "Highway"), be declared surplus and offered for sale to the abutting owners in accordance with the requirements of the Municipal Act.

Financial Implications and Impact Statement:

Revenue in the amount of \$80,000.00, subject to final adjustments, will be realized from the eventual sale of the Highway.

Recommendations:

It is recommended that:

- (1) the Highway be declared surplus to the City's requirements and notice of the proposed sale be given to the public in accordance with the requirements of Chapter 213 of the City of Toronto Municipal Code;
- (2) the sale price for the portion of the Highway shown as Parts 2 and 3 on Sketch No. PMC-2000-008 (the "West Highway"), be set at \$40,000.00, plus GST and the purchaser's proportionate share of:
  - (i) the cost of the reference plan to be prepared by the City; and
  - (ii) the out-of-pocket expenses incurred by the City to close and sell the Highway, and the West Highway be offered for sale to the abutting owner of the property known municipally as 1326 Wilson Avenue, in accordance with the requirements of the *Municipal Act*, on the terms and conditions set out in the body of this report;
- (3) the sale price for the portion of the Highway shown as Parts 1, 4 and 5 on Sketch No. PMC-2000-008 (the "East Highway") be set at \$40,000.00, plus GST and the purchaser's proportionate share of:
  - (i) the cost of the reference plan to be prepared by the City; and
  - (ii) the out-of-pocket expenses incurred by the City to close and sell the Highway, and the East Highway be offered for sale to the abutting owner of the property known municipally as 1308 Wilson Avenue, in accordance with the requirements of the *Municipal Act*, on the terms and conditions set out in the body of this report;
- (4) if within 30 days of the City delivering its offers to the abutting owners of 1308 Wilson Avenue and 1326 Wilson Avenue, an abutting owner does not accept the City's offer, the subject portion of the Highway be offered for sale on the same terms and

conditions to the other abutting owner, and if neither abutting owner accepts the City's offer, the Highway be listed for sale on the open market, subject to the abutting owner of the property known municipally as 15 Canton Avenue executing a release of its right of first refusal in respect of the portion of the Highway shown as Part 5 on Sketch No. PMC-2000-008;

- (5) either one of the Commissioner of Corporate Services or the Director of Real Estate Services be authorized to sign the Offers on behalf of the City;
- (6) the City Surveyor be requested to prepare the necessary reference plan if the City's offers are accepted;
- (7) the City Solicitor be authorized to complete the transactions referred to in Recommendation No. (2), (3) and (4) on behalf of the City, including payment of any necessary expenses and amending the closing date to such earlier or later date as he considers reasonable; and
- (8) the appropriate City officials be authorized and directed to take the necessary action to give effect to the foregoing.

Background:

On June 12, 1996, the former City of North York Council adopted Clause 8 of Transportation Committee Report No. 12, dated May 28, 1996, which recommended the closure of the Highway and authorized staff to enter into negotiations with the abutting owners for the sale of the Highway. Unfortunately, satisfactory terms for the sale of the Highway could not be negotiated with the abutting owners and, as a result, the closure and sale was never completed.

The Highway is 9.25 metres (33 feet) wide, extending northward from Wilson Avenue a distance of approximately 43 metres (142 feet). This road allowance is unimproved, does not provide access to any properties and is not required for present or future municipal purposes.

Comments:

The abutting owner at 1326 Wilson Avenue located on the west side of the Highway had contacted the City expressing interest in purchasing the entire Highway to incorporate the said Highway into his development site. Pursuant to the *Municipal Act*, when a municipality disposes a closed road allowance, the lands must first be offered to each of the abutting landowners. Staff contacted all abutting property owners to determine their interest in their portion of the Highway. The abutting owner at 1308 Wilson Avenue has not confirmed whether or not he would be interested in purchasing the 'East Highway'. The property owner at 1326 Wilson Avenue has agreed to purchase the 'West Highway' subject to the terms and conditions set out in this report. The other abutting owner at 15 Canton Avenue has verbally indicated that he is not interested in purchasing his portion of the Highway.

In order to comply with the requirements of the *Municipal Act* pertaining to the sale of closed highways, it is recommended that the Highway be offered for sale to the abutting owners and if either owner does not exercise its right to purchase its portion of the Highway, the other abutting owner be offered the opportunity to purchase the entire Highway, all on the following terms and conditions:

- (a) the Purchaser(s), together with such other persons as the City Solicitor may require, indemnifies the City against all loss, damage or action arising as a result of the closing and conveyancing of the portion of the Highway to be conveyed to it;
- (b) the Purchaser(s) of the portion of the Highway shown as Part 5 on Sketch No. PMC-2000-008 obtains the written consent to the closing and conveyance of this portion of the Highway from the owner of the property known municipally as 15 Canton Avenue, together with a release from such owner of all liability, including injurious affection, which might arise from the said conveyance, all in a form satisfactory to the City Solicitor;
- (c) the Purchaser(s) pays a sale price of \$40,000.00 for the portion of the Highway shown as Parts 1, 4 and 5 on Sketch No. PMC-2000-008 and a sale price of \$40,000.00 for the portion of the Highway shown as Parts 2 and 3 on Sketch No. PMC-2000-008;
- (d) the Purchaser(s) accepts the Highway in “as is” condition and on closing executes and delivers a release in favour of the City in respect of all loss, cost, damage, liability or actions relating to the environmental condition of the Highway, in form satisfactory to the City Solicitor;
- (e) the Purchaser(s) accepts the conveyance of the Highway subject to a restrictive covenant to be included in the deed(s) on closing to protect the existing watercourse, which will prohibit the owner(s) from erecting any structures or buildings on the portion of the Highway shown as Parts 3, 4 and 5 on Sketch No. PMC-2000-008 and from making any other alterations to these lands that would impede the free passage of water;
- (f) the Purchaser(s) pays its proportionate share of the cost of registering the authorizing by-law and any other documents necessary or incidental to the closing and conveyancing of the Highway;
- (g) the Purchaser(s) pays its proportionate share of the cost of publishing the public notices required pursuant to the provisions of the *Municipal Act*;
- (h) the Purchaser(s) pays its proportionate share of the cost of the reference plan to be prepared by the City Surveyor;
- (i) completion of the sale of each portion of the Highway is conditional upon completion of the sale of the remaining portion of the Highway;

- (j) the Purchaser(s) complies with any other terms and conditions related to the closing and conveyancing of the Highway as the City Solicitor may deem advisable to protect the City's interests.

Conclusions:

As the Highway is not required for municipal purposes, the Highway should be declared surplus and offered for sale to the abutting owners on the terms and conditions contained in this report, failing which the Highway should be listed for sale on the open market.

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(Attachment referred to in the foregoing report, was forwarded to all Members of the North York Community Council with the agenda for its meeting on November 21, 2001; and a copy thereof is on file in the office of the City Clerk, North York Civic Centre)."