



STAFF REPORT ACTION REQUIRED

Expropriation of 111 and 113 Finch Avenue West for the expansion of Edithvale Park and 46 Parkview Avenue for the expansion of McKenzie Parkette

Date:	June 10, 2011
To:	City Council
From:	Chief Corporate Officer
Wards:	Ward 23 – Willowdale
Reference Number:	P:\2011\Internal Services\RE\Cc11026re (AFS#14133)

SUMMARY

This report seeks authority to commence expropriation proceedings for 111 and 113 Finch Avenue West required for the expansion of Edithvale Park and for 46 Parkview Avenue for the expansion of McKenzie Parkette.

RECOMMENDATIONS

The Chief Corporate Officer recommends that:

1. City Council grant authority to initiate the expropriation process for the property interests listed in Appendix "A" (the "Lands") and shown on the sketches attached as Appendices "B" and "C".
2. City Council grant authority to serve and publish Notices of Application for Approval to Expropriate the Lands, to forward to the Chief Inquiry Officer any requests for hearing that are received, to attend the hearing to present the City's position, and to report the Inquiry Officer's recommendations to Council for its consideration.

Financial Impact

There are no financial implications as a result of this report.

The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial impact statement.

DECISION HISTORY

At its meeting of August 25, 26 and 27, 2010, City Council adopted as amended Item MM52.49 "Re-Opening of Item – Final Report – OPA, Rezoning and Site Plan Control Approval Application – 4726-4750 Yonge Street, 9-31 Bogart Avenue, 2-28 Poyntz Avenue and 49 Bogert Avenue" which re-opened Item NY 34.26 "Final Report – OPA Rezoning and Site Plan Control Application – 4726 – 4750 Yonge Street, 9 – 31 Bogert Avenue, 2 – 28 Poyntz Avenue and 49 Bogert Avenue". Together, both items authorized City staff to initiate the expropriation process to acquire parkland properties in the North York City Centre Secondary Plan area subject to the developer, Emerald Developments, executing a Section 37 Agreement, required to proceed with its development of the block bounded by Yonge Street, Poyntz Avenue, Beecroft Road and Bogart Avenue, and providing the City with an irrevocable letter of credit in the amount of \$3,800,000.00 to fund the acquisition or expropriation of the parkland properties.

Below are links to the relevant reports:

Re-Opening of Item – Final Report – OPA, Rezoning and Site Plan Control Approval Application – 4726-4750 Yonge Street, 9-31 Bogert Avenue, 2-28 Poyntz Avenue and 49 Bogert Avenue

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2010.MM52.49>

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

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2010.NY34.26>

ISSUE BACKGROUND

At the time Item MM52.49 "Re-Opening of Item – Final Report – OPA, Rezoning and Site Plan Control Approval Application – 4726-4750 Yonge Street, 9-31 Bogert Avenue, 2-28 Poyntz Avenue and 49 Bogert Avenue" was before City Council, the developer Emerald Developments, was still independently negotiating with various property owners to acquire these properties in fulfillment of their parkland dedication required to proceed with its proposed development.

As part of their Section 37 Agreement for the above noted development, if the developer was unsuccessful in negotiating the acquisition of properties in fulfillment of their parkland dedication requirement, the developer was to provide the City with an irrevocable letter of credit for \$3.8 million to cover the City's costs of acquiring or expropriating the parkland properties in the North York City Centre Secondary Plan area. The developer was unsuccessful in acquiring parkland properties and provided the City with a certified cheque in the amount \$3.8 million.

Parks, Forestry and Recreation has identified the following three properties as being desirable to acquire for parkland purposes in the North York City Centre Secondary Plan area: 111 Finch Avenue West, 113 Avenue West and 46 Parkview Avenue. Real Estate Services will attempt to negotiate the purchase of these three properties directly from the owners. If the owners are unwilling to sell their properties, then the expropriation of these properties will be necessary.

COMMENTS

In order to expand and complete Edithvale Park and expand McKenzie Parkette it is necessary to acquire the required "Lands". The required "Lands" are listed in Appendix "A" and shown on the Property Sketch in Appendices "B" and "C".

CONTACT

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SIGNATURE

Bruce Bowes, P.Eng.,
Chief Corporate Officer

ATTACHMENTS

Appendix "A" – Table of Property Requirements
Appendix "B" – Location Map – 111 and 113 Finch Avenue West
Appendix "C" – Location Map – 46 Parkview Avenue