

Proposed Permanent Closure of a Portion of the Markham Avenue Right-of-Way East of Laird Drive

Date:	December 7, 2011
To:	North York Community Council
From:	Director, Transportation Services, North York District
Wards:	Ward 26 – Don Valley West
Reference Number:	<i>ny12020</i>

SUMMARY

The purpose of this report is to request City Council's approval to permanently close a portion of the Markham Avenue right-of-way east of Laird Drive. This portion of public highway is surplus to municipal requirements.

Notice advising the public of the City's intention to close this portion of public highway 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 City Council:

1. Permanently close the portion of public highway shown as Part 1 on Sketch No. PS-2011-058 on Attachment 1 (the "Highway"), and enact a by-law substantially in the form of a draft by-law on Attachment 2, conditional on the City entering into an agreement with J.K.C. Estates Limited, the owner of 129 and 131 Laird Drive (the "Owner") wherein the Owner agrees to purchase the Highway on terms satisfactory to the City.
2. 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 is 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 September 20, 2011 (DAF No. 2011-237) conditional upon the Highway being permanently closed with the intended manner of disposal to be inviting an offer from the Owner to purchase the Highway.

The Chief Corporate Officer authorized, on November 23, 2011, 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 the City of Toronto Municipal Code Chapter 162 and the Municipal Class Environmental Assessment for Schedule A+ activities (DAF No. 2011-301).

ISSUE BACKGROUND

The Owner submitted a formal request to acquire the Highway to add to its current holdings for purposes of accommodating sufficient lot area to construct a car dealership.

A 3.44 m wide widening on Laird Drive is not part of this proposed property acquisition and will be retained by the City.

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 Laneway are as follows:

Description:		Shown as Part 1 on Sketch No. PS-2011-058
1.	Approximate Size	27 m long x 20 m wide (rectangular)
2.	Approximate Area	544 m ² (5,855 ft ²)
3.	Current Status	Public highway

Enbridge Gas Distribution Inc. advises that they have gas facilities within the proposed property closure and an easement will be required.

Bell Canada advises that there is a buried conduit crossing Laird Drive and an easement is required.

The City might require a sewer easement along the whole municipal sewer if the sewer connection/relocation of 143 Laird Drive service cannot be agreed upon between 127 Laird Drive and 143 Laird Drive. If a sewer easement is required, it will be secured at the site plan stage.

The recommendations specified in this report are conditional upon the City and the Owner entering into an agreement on terms satisfactory to the City.

Public notice of this proposal to permanently close this section of Highway and involving 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

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SIGNATURE

Myles Currie
Director

ATTACHMENTS

Attachment 1: Sketch No. PS-2011-058
Attachment 2: Draft By-law