

Partial Assumption of Services, Core Servicing Agreement, Tapscott Industrial Landowners Group Inc.

Date: June 8, 2018

To: Scarborough Community Council

From: City Solicitor

Wards: Ward 41 - Scarborough Rouge River

SUMMARY

This report requests Council's authority for the City to partially assume services installed by the Tapscott Industrial Landowners Group Inc. pursuant to a Core Servicing Agreement dated July 27, 2006.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council assume the services installed under the Core Servicing Agreement with the Tapscott Landowners Group Inc., dated July 27, 2006, save and except the Outstanding Works attached as Appendix "A" to this Report.
2. City Council authorize the Legal Services Division to release the portion of the performance guarantee held with respect to those services being assumed at this time.
3. City Council direct that an Assumption By-law be prepared to assume the public highway (Select Avenue) and municipal services installed pursuant to the Core Servicing Agreement except for those services attached as Appendix "A".
4. City Council authorize and direct the City Solicitor to register the Assumption By-law in the Land Registry Office at the expense of the Owner.
5. City Council authorize the City Clerk and Treasurer to sign any release or other documentation necessary to give effect thereto.
6. City Council authorize the appropriate City officials to transfer ownership of the street lighting system constructed within part of Select Avenue.

FINANCIAL IMPACT

The Recommendations have no financial impact beyond what has already been approved in the current year's budget.

DECISION HISTORY

In 2006, 2811 Development Corporation, Markham Steeles Realty Inc., Steeles Markham Developments Limited, Bradgate Investments Limited, Runnymede Development Corporation Limited and Tapscott Industrial Landowners Group Inc. ("Tapscott Owners") entered into a Core Servicing Agreement dated July 27, 2006 with the City of Toronto, wherein the Owners agreed to install certain core services on their lands within the Tapscott Employment District.

Under the Core Servicing Agreement, the Tapscott Owners agreed to construct roads, sanitary sewer and stormwater management infrastructure within the Tapscott Employment District. This core municipal infrastructure was estimated to cost approximately \$16.5 million, comprised of \$10.8 million non local and \$5.7 million of local works. The municipal infrastructure improvements included the completion of a fully serviced road network to service the industrial area and allow for the commercial and industrial development of the Tapscott Employment District. The proposed roads included the extension of Select Avenue to Tapscott Road, the extension of State Crown Boulevard to Steeles Avenue East, the urbanization of Passmore Avenue and improvements to Tapscott Road. Certain intersection improvements and extensions to the sanitary sewer along Passmore Avenue, Tapscott Road and Select Avenue were also required to service the lands. The scope of work also included the construction of a storm sewer collection system to drain the subject area to a centrally located stormwater management facility.

The Tapscott Owners have completed all of the works set out in the Core Servicing Agreement, save and except the completion of State Crown Boulevard. This residual work (the "Outstanding Works") is a continuing obligation of the Owners under the agreement, and will be completed in due course on the same terms and conditions of the Core Servicing Agreement. The Owners have requested that the City assume those services that have been completed to date, and release a portion of the performance guarantees held by the City in respect of the completed servicing works.

Attached to this report as Appendix "B" is a site map of the Tapscott Industrial Area showing where the Core Services were installed.

COMMENTS

All obligations of the Core Servicing Agreement with respect to the services have been completed with the exception of State Crown Boulevard. All relevant City Divisions have signed the Development Acceptance form and it is now appropriate for the City to assume the completed services and for Legal Services to authorize the release of the performance guarantee in respect of all services constructed under the Core Servicing Agreement, except for those services relating to State Crown Boulevard.

Appropriate security will be retained until the Outstanding Works have been completed to the satisfaction of the Executive Director of Technical Services.

CONTACT

Robert A. Robinson, Solicitor, Planning and Administrative Tribunal Law, Legal Services, Tel: (416) 392-8367, Fax: 416-397-5624, Email: Robert.Robinson@toronto.ca

SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

1. Appendix "A" - Outstanding Works
2. Appendix "B" - Site Map

APPENDIX "A" - Outstanding Works

The completion of State Crown Boulevard including top asphalt, sidewalks, boulevards, road repairs, flushing and inspection of sewer infrastructure and all other related works.

Appendix "B" - Site Map

