

Permanent Closure of Portions of Inez Court for Incorporation into a Proposed Development and a Future Park

Date: March 31, 2022
To: North York Community Council
From: Director, Transportation Planning and Capital Program
Transportation Services
Wards: Ward 18, Willowdale

SUMMARY

As this report proposes to permanently close a portion of the public highway, City Council approval of this report is required.

Transportation Services recommends that portions of Inez Court, designated as Part 10 and Part 20 on Plan 66R-32549 and shown in Attachment 1 (the "Highway"), be permanently closed.

Once closed, it is intended that Part 10 on the Plan will be sold to the adjacent property owner of 20-28 Inez Court (the "Adjacent Owner") for incorporation into a proposed development, on terms and conditions acceptable to the City, including a requirement that Parts 1-6, 8, 9, 13-19 and 21 on the Plan (the "New City Lands") be transferred to the City as a precondition to the conveyance of Part 10. Part 20 on the Plan will be retained by the City with jurisdiction and operational management of the public highway transferred to Parks, Forestry & Recreation in the future, once the Beecroft Extension has been constructed and opened to the public. Part 7 on the Plan will be retained as public highway for the future Beecroft Extension/access road to the proposed development.

RECOMMENDATIONS

The Director, Transportation Planning and Capital Program, Transportation Services recommends that:

1. City Council authorize the permanent closure of portions of Inez Court, shown as Parts 10 and 20 on the Plan 66R-32549 set out as Attachment 1 to the report dated Permanent Closure of Portions of Inez Court for Incorporation into a Proposed Development and a Future Park

March 31, 2022, from the Director, Transportation Planning and Capital Program, Transportation Services, subject to first ensuring temporary arrangements, satisfactory to the General Manager, Transportation Services, for public access and vehicular turn-around; and

2. City Council enact two by-laws substantially in the form of the draft by-laws attached as Attachment 2 and Attachment 3 to the report dated March 31, 2022, from the Director, Transportation Planning and Capital Program, Transportation Services.

FINANCIAL IMPACT

The permanent closure of Part 10 on the Plan of Inez Court will not result in any costs to the City as the Adjacent Owner as purchaser will be responsible for all costs associated with the closure.

The permanent closure and future jurisdictional transfer to Parks, Forestry and Recreation of Part 20 on the Plan of Inez Court will result in costs which will be funded through the Parks Forestry and Recreation capital and operating budgets.

The 2022-2031 Council Approved Capital Budget and Plan for Parks, Forestry and Recreation includes \$900,000 for due diligence costs, including environmental investigations and any required risk management measures or remediation of the site. Funds for park development of the site will be determined through the 2023 Capital Budget process.

Once transferred, the operating cost for this property is estimated to be approximately \$5,000 annually and will be accommodated within Parks, Forestry and Recreation's Council Approved Annual Operating Budget. Any incremental cost will be included in future budget submissions for Parks, Forestry and Recreation through the annual budget process.

The Chief Financial Officer and Treasurer has reviewed this report and agrees with the financial impact information.

DECISION HISTORY

In accordance with the City's Real Estate Disposal By-law, Number 814-2007 (Municipal Code Chapter 213), the public highway was declared surplus by way of Delegated Approval Form ("DAF") No. 2022-055, as authorized by the Deputy City Manager, Corporate Services on March 25, 2022, conditional upon City Council approving the permanent closure of the Highway. The intended manner of disposal is by way of an invitation of an offer to purchase from the Adjacent Owner.

By DAF 2022-069, the Director, Transaction Services on March 30, 2022, authorized the General Manager, Transportation Services to give notice to the public of a proposed

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by-law to close the Highway in accordance with the requirements of the City of Toronto Municipal Code Chapter 162, with North York Community Council to hear any member of the public who wishes to speak to the matter during consideration of the proposed by-law. The General Manager, Transportation Services, is further authorized to advise the public of the proposed closure of the Highway prior to implementation, in accordance with the requirements of the Municipal Class Environmental Assessment for Schedule A+ activities, by posting notice of the proposed closure on the notices page of the City's Website for at least five (5) working days prior to the North York Community Council meeting at which the proposed by-law to close the Highway will be considered.

COMMENTS

Transportation Services has reviewed the feasibility of closing Part 10 of the Plan and has determined that it can be closed and sold to the Adjacent Owner, subject to the relocation of any municipal services and public utilities located within the Highway at no cost to the City of Toronto (or subject to retention or grant of any public utility easements), and on terms and conditions acceptable to the City including the transfer of the New City Lands to the City and the satisfactory arrangements having been made for public access and vehicular turn-around.

Further authority for this transaction will be sought by way of delegated authority.

The Jurisdiction and Operational Management of Part 20 on the Plan is intended to be transferred from Transportation Services to Parks, Forestry & Recreation for future parkland purposes, conditional on City Council stopping-up and closing that portion of Inez Court. The transfer of Jurisdiction and Operational Management will be the subject of a future Delegated Approval Report.

The closing process requires approval from City Council. The draft by-law is an Appendix to this report that recommends the closure of the Highway which will be tabled at the same North York Community Council meeting where the public will have the opportunity to speak to the matter if they wish to do so.

The requirements of the Municipal Class Environmental Assessment for Schedule "A+" activities will be met during the posting of the public notice on the notices page of the City's website for at least five (5) working days prior to the North York Community Council meeting at which the proposed by-law to close the Highway will be considered.

CONTACT

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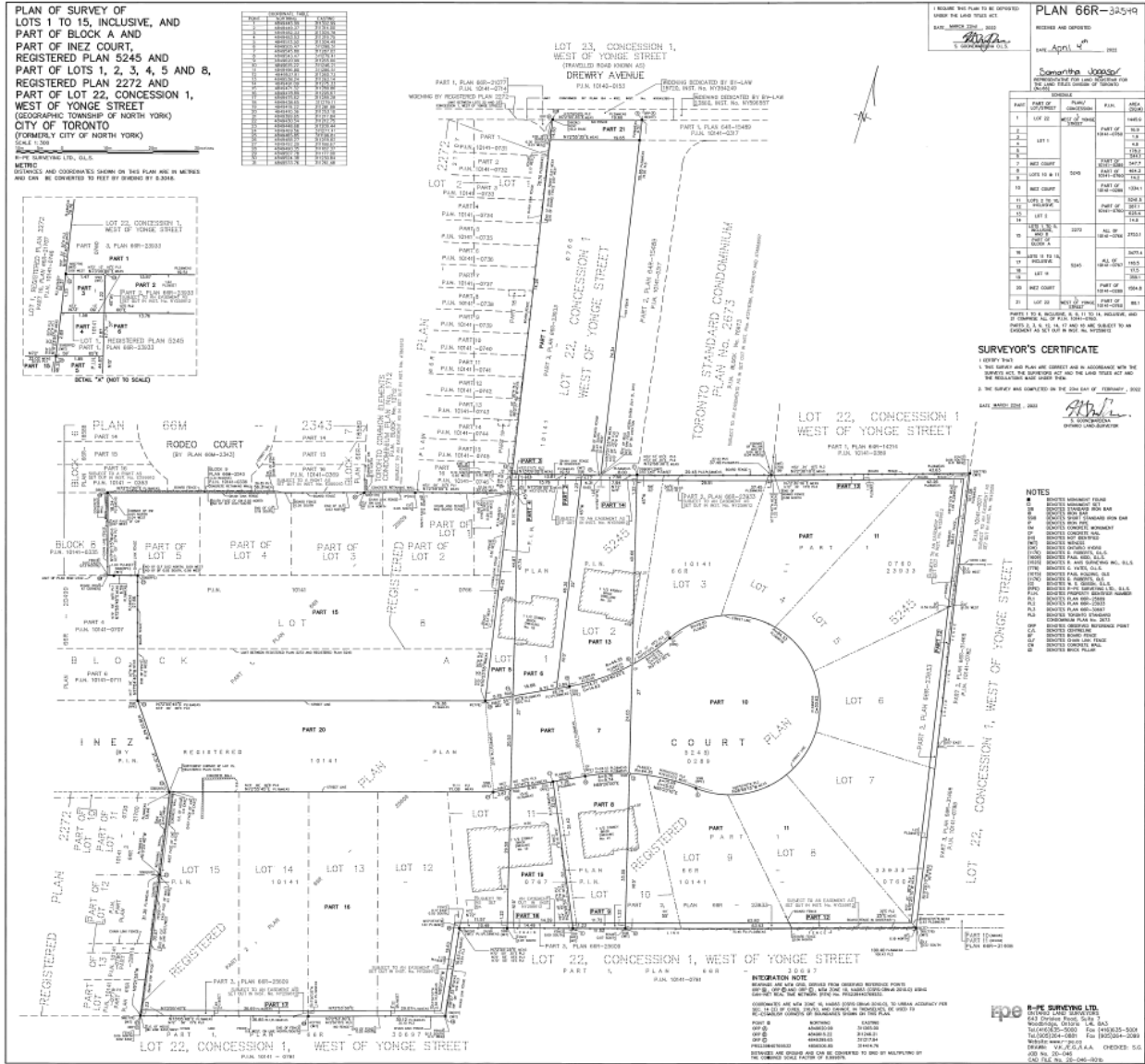
SIGNATURE

Ashley Curtis, Director
Transportation Planning and Capital Program
Transportation Services

ATTACHMENTS

Attachment 1 - Plan 66R-32549
Attachment 2 - Draft By-law Part 10
Attachment 3 - Draft By-law Part 20

Attachment 1– Plan 66R-32549



Attachment 2 – Draft By-law – Part 10

Authority: North York Community Council Item NY____, as adopted by City of Toronto Council on _____, 2022.

CITY OF TORONTO

Bill

BY-LAW -2022

To permanently close the bulb-shaped portion of the public highway known as Inez Court, Toronto.

Whereas it is recommended that part of the public highway known as Inez Court, Toronto be permanently closed as a public highway; and

Whereas notice of the proposed by-law to permanently close part of the said 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 North York Community Council heard any person who wished to speak to the matter at its meeting held on _____;

The Council of the City of Toronto enacts:

1. Part of the public highway known as Inez Court, Toronto, and described as follows, is hereby permanently closed as a public highway:

Part of PIN 1014-0289 (LT)

Part of Inez Court Plan 5245, North York; Toronto (N York) City of Toronto; designated as Part 10 on Plan 66R-32549

2. Section 1 of this By-law does not take effect until:

a) the moment in time immediately prior to the registration in the appropriate land registry office of a Transfer by the City of Toronto as transferor, of the land described in Section 1 of this By-law; and

b) the City of Toronto is the registered owner of

i) Part of PIN 10141-0760(LT), being part of Lots 1 to 10 inclusive and Part of Lot 11, Plan 5245 designated as Parts 1 and 2 on Plan 66R-23933; Part of Lot 22 Concession 1 West of Yonge Street, Township of York designated as Part 3 on Plan 66R-23933; Subject to an Easement over Part 2 Plan 66R-23933 in favour of the Bell Telephone Company of Canada as in Instrument NY 259612; Drewry Avenue is confirmed by Boundaries Act Plan 64BA452 Registered Instrument No. NY645380; City of Toronto; designated as Parts 1-6, 8, 9, 13, 14 and 21 on Plan 66R-32549;

ii) Part of PIN 10141-0764(LT), being part of Consolidation of Various Properties Part of Lot 11 on Plan 5245, North York as in Instrument No. TR26444 and All of Lots 12, 13, 14, and 15 on Plan 5245 North York; subject to Instrument No. NY259612; Toronto (N York), City of Toronto; designated as Parts 16-19 on Plan 66R-32549; and

iii) Part of Part of PIN 10141-0763(LT), being part of Consolidation of Various Properties: Firstly; Part Lots 4-5 and 8 Plan 2272 and Part Block A Plan 5245 as in Instrument No. TB954465; Secondly; Part of Lots 4 and 8 Plan 2272 and Part of Block A Plan 5245 as in Instrument No. TB548457; Thirdly; Part of Lots 3-4 and 8 Plan 2272 and Part of Block A Plan 5245 as in Instrument No. NY690074; Fourthly; Part of Lots 2-3 and 8, Plan 2272 and Part of Block A Plan 5245 as in Instrument No. TR41765; Fifthly; Part of Lots 1-2 and 8 Plan 2272 and Part of Block A Plan 5245 as in Instrument No. NY347662; City of Toronto; designated as Part 15 on Plan 66R-32549.

Enacted and passed on _____, 2022.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)

Attachment 3 – Draft By-law – Part 20

Authority: North York Community Council Item NY____, as adopted by City of Toronto Council on _____, 2022.

CITY OF TORONTO

Bill

BY-LAW -2022

To permanently close an East-West portion of the public highway known as Inez Court, Toronto.

Whereas it is recommended that part of the public highway known as Inez Court, Toronto be permanently closed as a public highway; and

Whereas notice of the proposed by-law to permanently close part of the said 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 North York Community Council heard any person who wished to speak to the matter at its meeting held on _____;

The Council of the City of Toronto enacts:

1. Part of the public highway known as Inez Court, Toronto, and described as follows, is hereby permanently closed as a public highway:

Part of PIN 1014-0289 (LT)

Part of Inez Court Plan 5245, North York; Toronto (N York) City of Toronto; designated as Part 20 on Plan 66R-32549, City of Toronto,

2. Section 1 of this By-law does not take effect until the lands designated as follows have been acquired by the City of Toronto and dedicated by by-law for public highway purposes:

i) Part of PIN 10141-0760, being part of Lots 1 to 10 inclusive and Part of Lot 11, Plan 5245 designated as Parts 1 and 2 on Plan 66R-23933; Part of Lot 22 Concession 1 West of Yonge Street, Township of York designated as Part 3 on Plan 66R-23933; Subject to an Easement over Part 2 Plan 66R-23933 in favour of the Bell Telephone Company of Canada as in Instrument NY 259612; Drewry Avenue is confirmed by Boundaries Act Plan 64BA452 Registered Instrument No. NY645380; City of Toronto; designated as Parts 1, 2, 6, 8, 9, 13, 14 and 21 on Plan 66R-32549; and

ii) Part of PIN 10141-0764, being part of Consolidation of Various Properties Part of Lot 11 on Plan 5245, North York as in Instrument No. TR26444 and All of Lots 12, 13, 14, and 15 on Plan 5245 North York; subject to Instrument No. NY259612; Toronto (N York), City of Toronto; designated as Parts 18 and 19 on Plan 66R-32549; and

Enacted and passed on _____, 2022.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)