

COMMITTEE OF THE WHOLE JUNE 18, 2001

SALE OF CITY SURPLUS LANDS CLOSED KIPLING AVENUE CITY OF VAUGHAN

Recommendation

The Manager of Real Estate in consultation with the Director of Legal Services recommends that a By-Law be enacted to:

- 1) Declare the lands known as Kipling Avenue shown as Parts E, F, H, I, J, and L on Attachment 2 surplus;
- 2) Pursuant to the Disposal of Property By-Law, notice of sale of the lands be the inclusion of the matter on the Council Agenda;
- 3) Authorize the offer of Parts A, D, E, F, H, I, J, and L on Attachment 2 to the abutting owner to the east being 972283 Ontario Limited at the sale price of \$42,980.00, subject to the City obtaining a full release from Parwest Construction Limited of their right of first refusal to purchase Parts A, D, E, and L on Attachment 2.
- 4) Authorize the offer of Parts B, C, G, K, and M on Attachment 2 to the abutting owner to the east being Parwest Construction Limited at the sale price of \$57,500.00, subject to the City obtaining a full release from 972283 Ontario Limited of their right of first refusal to purchase Parts G and K on Attachment 2.
- 5) That the Mayor and Clerk be authorized to execute all documentation necessary to complete the transaction.

Purpose

The purpose of this report is to obtain authorization to complete the real property conveyances.

Background – Analysis and Options

The construction of the Parwest development at the southwest quadrant of Langstaff Road and Kipling Avenue intersection necessitated the realignment of a portion of both Langstaff Road and Kipling Avenue. On December 14, 1995, Council enacted By-Law No. 366-95 to stop up and close that portion of Langstaff Road and Kipling Avenue no longer required after the realignment was completed. In July of 1997, Council approved the conveyance of the north half of the closed portion of Langstaff Road to the abutting owner at 5336 Langstaff Road and staff are currently working on the potential sale of the south half of the closed Langstaff Road to the abutting owners on Gate House Court.

The subject of this item refers to the closed portion of Kipling Avenue which is shown on the sketch attached hereto as Attachment 1. There are two abutting owners to this portion of closed Kipling Avenue. To the west is Parwest Construction Limited and to the east is 972283 Ontario Limited.

Staff has spent considerable time with both of these abutting property owners in order to arrive at suitable arrangement whereby both would agree as to the final disposition of this parcel of land. Several options were discussed last summer, however, the two abutting property owners could not reach a suitable agreement, both with the City, and each other.

Accordingly Council enacted By-Law No. 415-2000 on October 10, 2000 which declared Parts A, B, C, D, G, M, and K surplus, set the price of the said Parts at \$3,480.00, \$2,500.00, \$12,500.00, \$12,500.00, \$12,500.00, \$20,000.00, and \$10,000.00 respectively, and as well, fixed the time period for 972283 Ontario Limited to exercise the first right of refusal to purchase Part E by 4:30

p.m. on November 15, 2000 failing which the said lands would be offered to the other abutting owner, Parwest Construction Limited, on the basis of the same terms and conditions and, in accordance with Section 315 of the Municipal Act. As a result of this action by the City, the two abutting owners have since come to an agreement, in principal, as to the disposition by the City of the closed portion of Kipling Avenue as follows:

To Parwest Construction Limited:

Parts B, C, G, M and K, subject to 972283 Ontario Limited releasing its first right of refusal to purchase Parts G and K.

To 972283 Ontario Limited:

Parts A, D, E, F, H, I, J, and L, subject to Parwest Construction Limited releasing its first right of refusal to purchase Parts A, D, E, and L.

Valuation of Lands:

The various parts of the closed Kipling Avenue road allowance are of such size and shape as to have very limited or no value as separate entities. Given their location adjacent to vacant residential lands, their highest and best use is considered to be their value in contribution to adjoining lands to support future residential development or as additional land to an existing larger parcel.

Several of these parcels were previously appraised on the basis of their value in contribution to adjacent lands and the following values were approved under By-Law No. 415-2000:

Part A	-	\$ 3,480.00
Part B	-	\$ 2,500.00
Part C	-	\$12,500.00
Part D	-	\$12,500.00
Part G	-	\$12,500.00
Part K	-	\$10,000.00
Part M	-	\$20,000.00

Utilizing the same rationale to arrive at an estimated value in contribution of the aforementioned parcels the value, of the remaining parcels, in contribution to adjoining residential lands is estimated as follows:

Part E	-	\$ 2,500.00
Part F	-	\$ 2,500.00
Part H	-	\$ 9,500.00
Part I	-	\$ 9,500.00
Part J	-	\$ 1,500.00
Part L	-	\$ 1,500.00

The above listed parts vary in value in contribution to adjoining lands due to their utility, locations, size and shape. Some of these parcels abut hazard lands while others abut residential lots.

It is noted that these parcels of land are currently non-productive. The sale of these remnant portions of the closed Kipling Avenue road allowance is of benefit to the City, not only in terms of the revenue generated by their sale and increased taxation, but also in terms of improving the area aesthetically due to the proposed residential development.

Notice and Declaration:

Pursuant to the Disposal of Property By-Law, the disposal of the closed road was circulated to other City Departments and there are no objections to declaring the lands surplus. All requirements noted in the Disposal of Property By-Law have been adhered to.

Conclusion

On the basis of the agreement in principle, between Parwest Construction Limited and 972283 Ontario Limited, the following is a summary of the lands to be acquired by each of the said abutting owners and corresponding purchase price:

Parwest Construction Limited:

Part B	-	\$ 2,500.00
Part C	-	\$12,500.00
Part G	-	\$12,500.00
Part K	-	\$10,000.00
Part M	-	<u>\$20,000.00</u>
Total		\$57,500.00

972283 Ontario Limited:

Part A	-	\$ 3,480.00
Part D	-	\$12,500.00
Part E	-	\$ 2,500.00
Part F	-	\$ 2,500.00
Part H	-	\$ 9,500.00
Part I	-	\$ 9,500.00
Part J	-	\$ 1,500.00
Part L	-	<u>\$ 1,500.00</u>
Total		\$42,980.00

Attachments

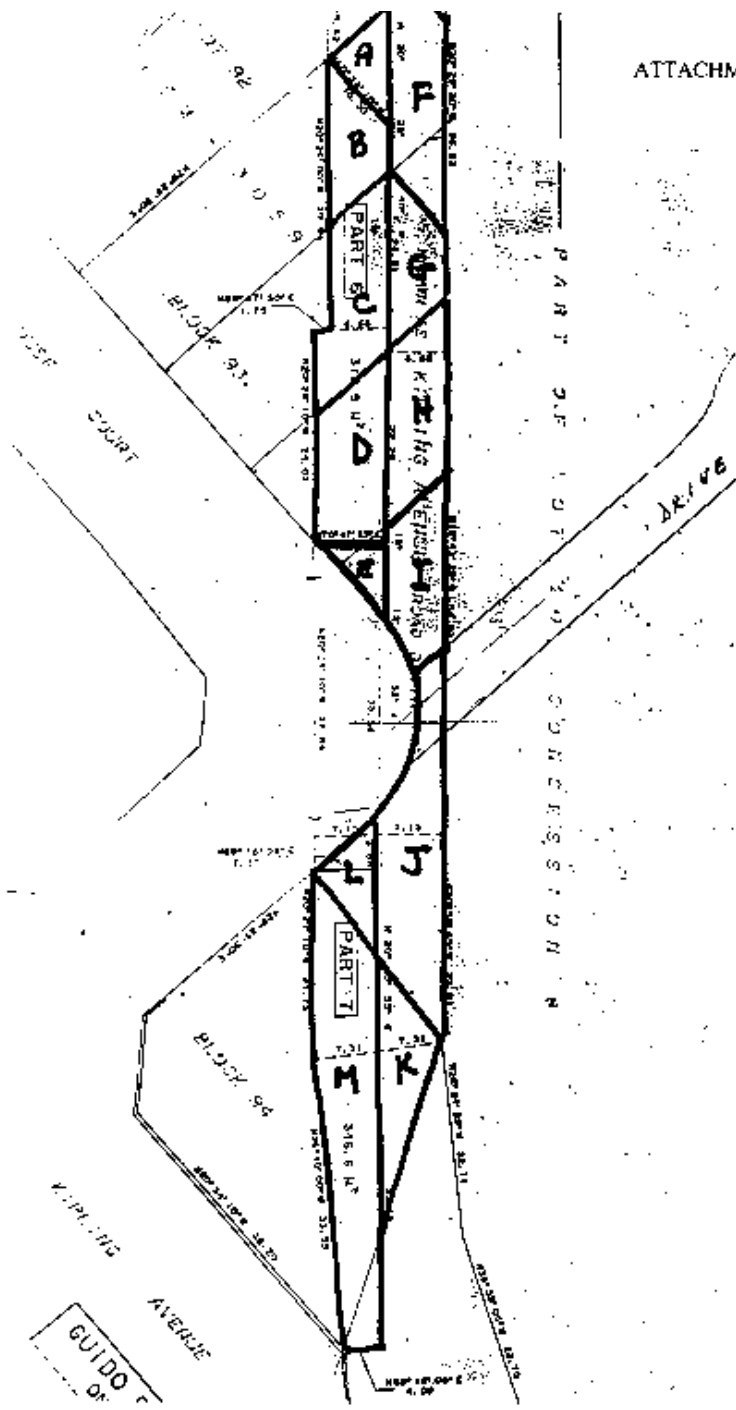
Attachment 1 and 2

Report prepared by:

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Respectfully submitted

Liana Haughton
Manager of Real Estate



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