

COMMITTEE OF THE WHOLE, JUNE 17, 2002

VELLORE VILLAGE COMMUNITY COMPLEX

Recommendation

The Commissioner of Community Services in consultation with the Director of Legal Services recommends:

That the Co-Tenancy Agreement and the Development Agreement between the York Catholic District School Board and the City of Vaughan regarding the Vellore Village Community Complex be approved; and

That a By-Law be enacted to authorize the Mayor and Clerk execute the agreements.

Purpose

The purpose of this report is to obtain Council approval for the execution of two legal agreements pertaining to the Vellore Village Complex.

Background - Analysis and Options

The Vellore Village Community Complex is a joint project between the City of Vaughan and the York Catholic District School Board. The design process is now almost complete, and the architects have begun the preparation of working drawings, with a goal of going to tender in September. The acquisition of the community centre and district park lands is the subject of a Closed Session item on this agenda.

There are two legal agreements which are substantially complete, and require Council approval. They are the Co-Tenancy Agreement and the Development Agreement. A third agreement, the Shared Facilities Agreement is not yet complete, as it requires detailed information on the shared spaces within the building, projected operating costs etc. Once this information is available the agreement will be completed and brought to Council for approval.

The following is a summary description of the two agreements.

Co-Tenancy Agreement

Both the City and Board will be acquiring lands to be contributed to the joint complex. The area of the lands to be contributed by each party to the project will be equal. As the building to be constructed straddles both the City lands and the Board lands, it is necessary that the lands be consolidated. Title to the combined lands will be held by both the City and the Board, each as to an undivided 50% interest. In order to achieve this, a Co-Tenancy agreement must be entered into by the parties. A draft Co-Tenancy agreement has been negotiated by Staff, subject to Council's approval. The Co-Tenancy agreement sets out the parameters under which both parties will acquire, dispose and lease the combined lands. The Co-Tenancy agreement prevents either party from selling their interest in the lands without the prior written approval of the other. The Co-Tenancy agreement will also facilitate the consolidation and transfer of the two separate land parcels directly to the City and the Board as Co-Tenants. The Co-Tenancy Agreement also provides that if the joint complex is not developed for any reason, that the Co-Tenancy will be severed, and the respective lands will be transferred back to the original parties.

Development Agreement

In order to facilitate the construction of the joint facility, a Development Agreement must be entered into by the City and Board. A draft Development agreement has been negotiated by Staff, subject to Council's approval. The Development Agreement provides for construction matters, including:

1. The retention of an Architect;
2. Preparation of Plans;
3. Approval of a Budget;
4. Construction contracts and a Development Schedule;
5. The creation of a Development Committee charged with the authority to make design, development and construction decisions and consisting of 6 members, three each to be appointed by Council and the Board;
6. Project Costs.

The Development Agreement deals strictly with design and construction matters. The Plans, Schedules, Budgets, and Parties Respective Shares will be set out expressly in this agreement. Matters relating to the maintenance and day to day management of the joint facility will be set out in a further agreement, currently being negotiated by staff, and referred to as the Shared Facilities Agreement.

Conclusion

It is necessary for Council to approve the Co-tenancy and Development Agreements in order for this project to proceed.

Attachments

None

Report prepared by:

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Commissioner, Community Services

Respectfully submitted,

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Commissioner, Community Services