

COMMITTEE OF THE WHOLE JUNE 18, 2001

**SALE OF CITY SURPLUS LANDS
CLOSED SYLVAN BROOK 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 Sylvan Brook Avenue shown as Part 1 and 2 on Attachment 1, 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 sale of the surplus lands to the abutting owners in accordance with Section 315 of the Municipal Act, subject to:
 - a) the abutting owners paying market value for the surplus lands as supported by an appraisal report;
 - b) the abutting owners complying with all the provisions of Section 315 of the Municipal Act;
 - c) the City retaining an easement interest in the easterly approximately 9m (29.53 feet) to protect the existing City services, a public sidewalk and an Enbridge Consumers Gas service.
- 4) That the Mayor and Clerk be authorized to execute all documentation necessary to complete the transaction.

Purpose

The purpose of this report is to seek authorization for a real estate disposition.

Background - Analysis and Options

The lands comprise the south part of Sylvan Brook Avenue, on the north side of Highway #7 between Pine Valley Drive and Islington Avenue as shown on the attached sketch. On November 27, 1997 Council recommended draft approval of Plan of Subdivision 19T-91011 and red-lined the subdivision plan to retain a least the northern 32 and 33 metres of Sylvan Brook Avenue to be developed as a residential lot in conjunction with the plan of subdivision and to create a 9 metre walkway on the said Sylvan Brook Avenue, east of the lot.

Council, at its meeting of July 10, 2000, resolved that the necessary steps be taken to stop-up, close and convey those lands, being part of Sylvan Brook Avenue between Ravine Court and Highway #7, to the abutting owners. Notice of the proposed road closure was advertised as per the provisions of the Municipal Act and the appropriate agencies have been notified and have no objections to the closure subject to the retention of an easement to protect an existing Enbridge Consumers Gas NPS 2 gas main. A By-law to stop up, close and convey will be brought to a future Council meeting once a reference plan is prepared.

The various City Departments were circulated for comments with respect to the proposed sale. The Engineering Department has no objections to the closure and disposition of the lands to the abutting owners provided the City retain easement rights to protect City services that include a 200mm sanitary sewer, a 250mm watermain and a 600mm storm sewer. As such, the

Engineering Department has requested retaining a 9 m wide easement from the easterly boundary of Sylvan Brook Avenue road allowance.

The Parks Department does not object to the proposed closure and disposition of the lands, but has requested that the easterly 9m be retained to maintain an existing public sidewalk. The sidewalk is located on the easterly portion of Sylvan Brook road allowance and runs northerly from Highway #7 to Ravine Court and is an important access to the community and park. Should the sidewalk be moved slightly, the purchaser will bear all costs. All other City Departments have indicated no objections to the road closure and disposition to the abutting owners.

With the City retaining an easement over the easterly 9m (29.53 feet) there is only the one property owner (250623 Property Limited) to the west that abuts the west side of Sylvan Brook Avenue closed road allowance. This property owner had expressed an interest in acquiring the westerly half of the Sylvan Brook Avenue road allowance, and has agreed to the City appraised value, being \$60,000.00 subject to area calculation.

The owner abutting the east side has expressed interest in purchasing the east half, which will be subject to servicing easements. They are also agreeable to City values, however more detailed analysis is required of the easements in order to calculate the final figures. We are seeking authorization now to complete the deal during the summer hiatus so as to not delay the westerly abutting owners site plan completion.

Valuation of Lands:

An appraisal report will be completed for the City to estimate the value of the closed portion of the road allowance in contribution to the adjacent properties. It is estimated that the total value is about \$100,000 for the 0.42 ac total subject to easements and area calculations.

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 subject to the retention of the easterly 9m (29.53 feet) to protect for an existing watermain, sanitary sewer, storm sewer, public sidewalk and Enbridge Consumers Gas NPS2 gas main. All requirements noted in the Disposal of Property By-law have been adhered to.

Conclusion

Stall support the disposition at fair market value supported by an appraisal. A further report regarding the remaining middle section of Sylvan Brook Avenue will come forward later this year.

Attachments

Attachment #1

Report prepared by:

Liana Haughton

Respectfully submitted,

Liana Haughton
Manager of Real Estate

ATTACHMENT #1

