

COMMITTEE OF THE WHOLE - NOVEMBER 29, 2004

SHADY VALE LANE CLOSURE AT TESTON ROAD

Recommendation

The Commissioner of Engineering and Public Works, in consultation with the Commissioner of Legal and Administrative Services and the Commissioner of Finance & Corporate Services, recommends:

1. That the City proceed with plans to close Shady Vale Lane in accordance with the preliminary design as presented to Rimwood Estates Homeowners' Association on September 15, 2004, at no cost to the residents;
2. That the City Clerk be directed to enact a By-law to stop up, close and convey part of Shady Vale Lane;
3. That the closure be constructed in conjunction with the Region of York's reconstruction of Teston Road project planned for 2005/2006; and
4. That the Regional Municipality of York and the Rimwood Estates Homeowners' Association be advised by the City Clerk of Council's direction on this matter.

Purpose

To seek Council approval with respect to the enactment of the by-law for the closure of Shady Vale Lane and to include the proposed works on Shady Vale Lane in the Region of York project for the reconstruction of Teston Road planned for 2005/2006.

Background - Analysis and Options

At its meeting of June 23, 2003, Council directed staff on the following:

- 1) That Shady Vale Lane be closed and that the Clerk be directed to proceed pursuant to the provisions of the Municipal Act;
- 2) That the retaining walls be demolished and the area be re-graded and restored with grass by a Property Standards Order, if necessary;
- 3) That the responsible residents pay for the cost of the work;
- 4) That staff proceed with Tax Sale procedures on the property; and
- 5) That the confidential report of the Commissioners of Engineering and Public works, Finance & Corporate Services and Legal & Administrative Services, dated June 16, 2003, be received.

At its meeting of December 15, 2003, Council referred the Shady Vale Lane closure to a future Committee of the Whole meeting in order to allow further discussions with the Rimwood Estates Homeowners' Association (REHA).

A number of meetings and discussions have taken place with the Rimwood Estates Homeowners' Association since, to discuss the closure of Shady Vale Lane and the retaining wall issues. It was subsequently agreed at a meeting on September 15, 2004, that the planned works for the closure of Shady Vale Lane are acceptable, and was confirmed by a letter dated October 4, 2004 from

the Rimwood Estates Homeowners' Association and that the proposed works be included in the overall design of the reconstruction of Teston Road under the Region of York contract at no cost to the Rimwood Estates ratepayers.

With respect to the failing retaining walls on Shady Vale Lane, the City as part of the closure will remove the top portion of the walls and regrade the existing road allowance in accordance with the approved preliminary design as presented on September 15, 2004 (See Attachment No. 2) and provide additional landscaping as requested by the ratepayers group. Consequently, a Property Standard Order would not be necessary.

The Region of York has reviewed the proposed closure of Shady Vale Lane in conjunction with the Teston Road reconstruction and found that if the City were to proceed with the closure, the reconstruction of Teston Road would result in a better profile and would be more cost effective. Due to the cost saving realized by the Region of York not to reconstruct the Teston Road and Shady Vale Lane intersection, the Region will be responsible for the construction costs associated with the closure of Shady Vale Lane including the removal of the top portion of the failing retaining walls, regrading within the road allowance and additional landscaping. Therefore, the mentioned works would be at no additional cost to the City nor the residents of Rimwood Estates. The Rimwood Estates Homeowners' Association is aware of this and concur with this plan of action and the proposed works.

Further, it should be noted that when the by-law to stop up and close Shady Vale Lane from Teston Road to Nesver Court has been enacted, provision will be made to retain part of the lands as permanent easements for existing and future servicing needs. Should the balance of the road allowance be declared surplus lands, they may be available for sale to abutting homeowners.

At its meeting of June 23, 2003, Council directed staff to prepare a preliminary design and cost estimate and advise the residents accordingly regarding water and wastewater servicing, upon receiving a formal request from the Rimwood Estates Homeowners' Association. To date, no formal request has been received.

In addition the land that currently abuts the road allowance that is owned by the Rimwood Homeowners' Association could become land locked once the "stop-up" order has been enacted. However Engineering has indicated that access to these lands may be permitted by the permanent easement referred to above. Finance will be providing a report in the new-year advising Council prior to any property tax sale. This determination will not potentially affect the outcome related directly to the closure of Shady Vale Lane.

Relationship to Vaughan Vision 2007

This report is consistent with the priorities previously set by Council and the necessary resources have been allocated and approved.

Conclusion

Based on staff discussion with the Rimwood Estates Homeowners' Association and the Region of York and in order to address the issues or concerns of the residents, it is recommended that the road closure process of Shady Vale Lane be completed and also that the proposed works on Shady Vale Lane at Teston Road be constructed in conjunction with the Region of York project for the reconstruction of Teston Road from Weston Road to Jane Street.

Attachments

1. Location Plan
2. Landscaping Plan
3. Residents Letter of Acceptance
4. Letter to Rimwood Estates Homeowners' Association

Report prepared by:

Pat Marcantonio, C.E.T. – Senior Engineering Assistant, ext. 3111
Tom Ungar, P. Eng. – Design Engineer, ext. 3110

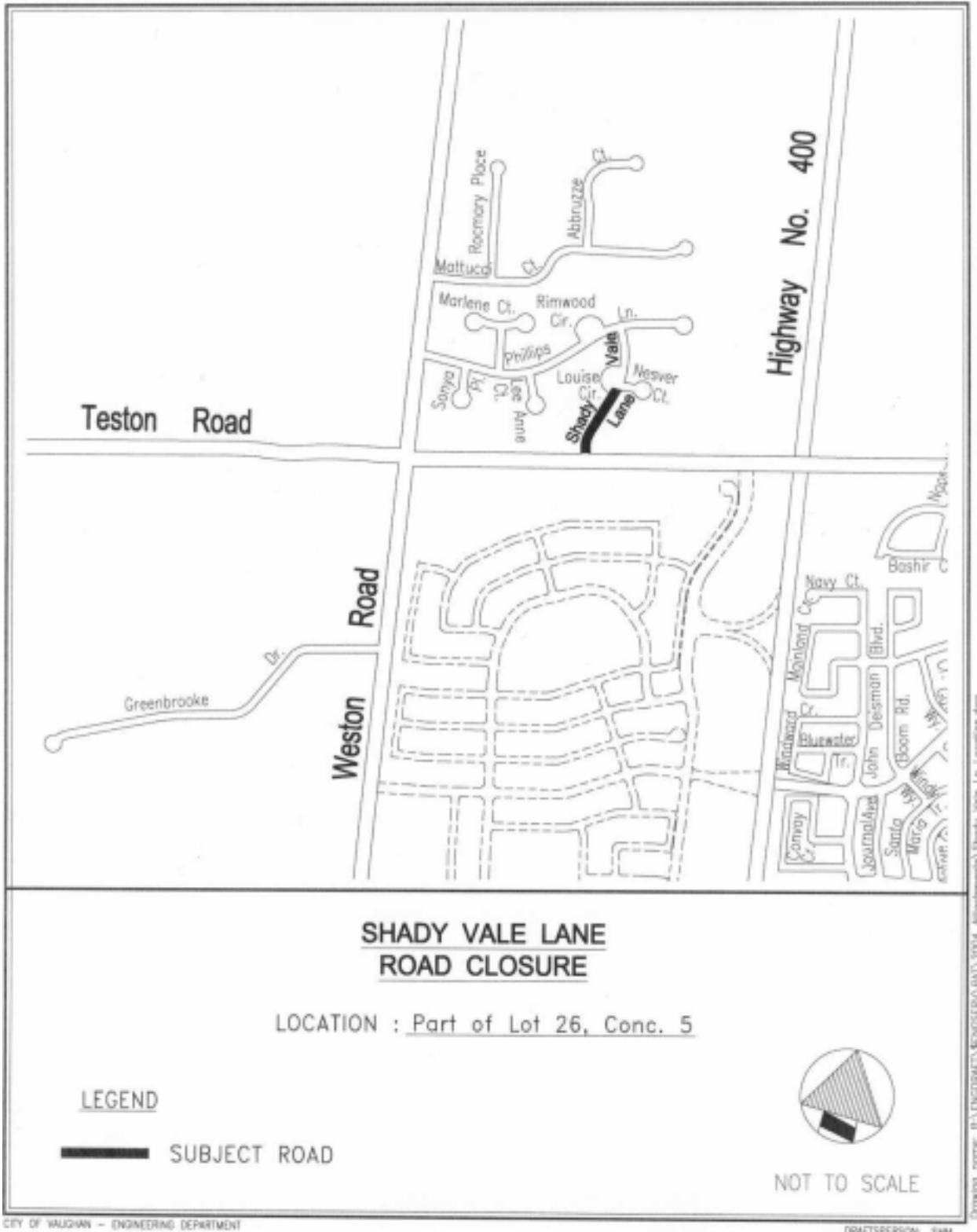
Respectfully submitted,

Bill Robinson, P. Eng.
Commissioner of Engineering and Public Works

Gary Carroll, P. Eng.
Director of Engineering Services

PM:mc

ATTACHMENT No. 1

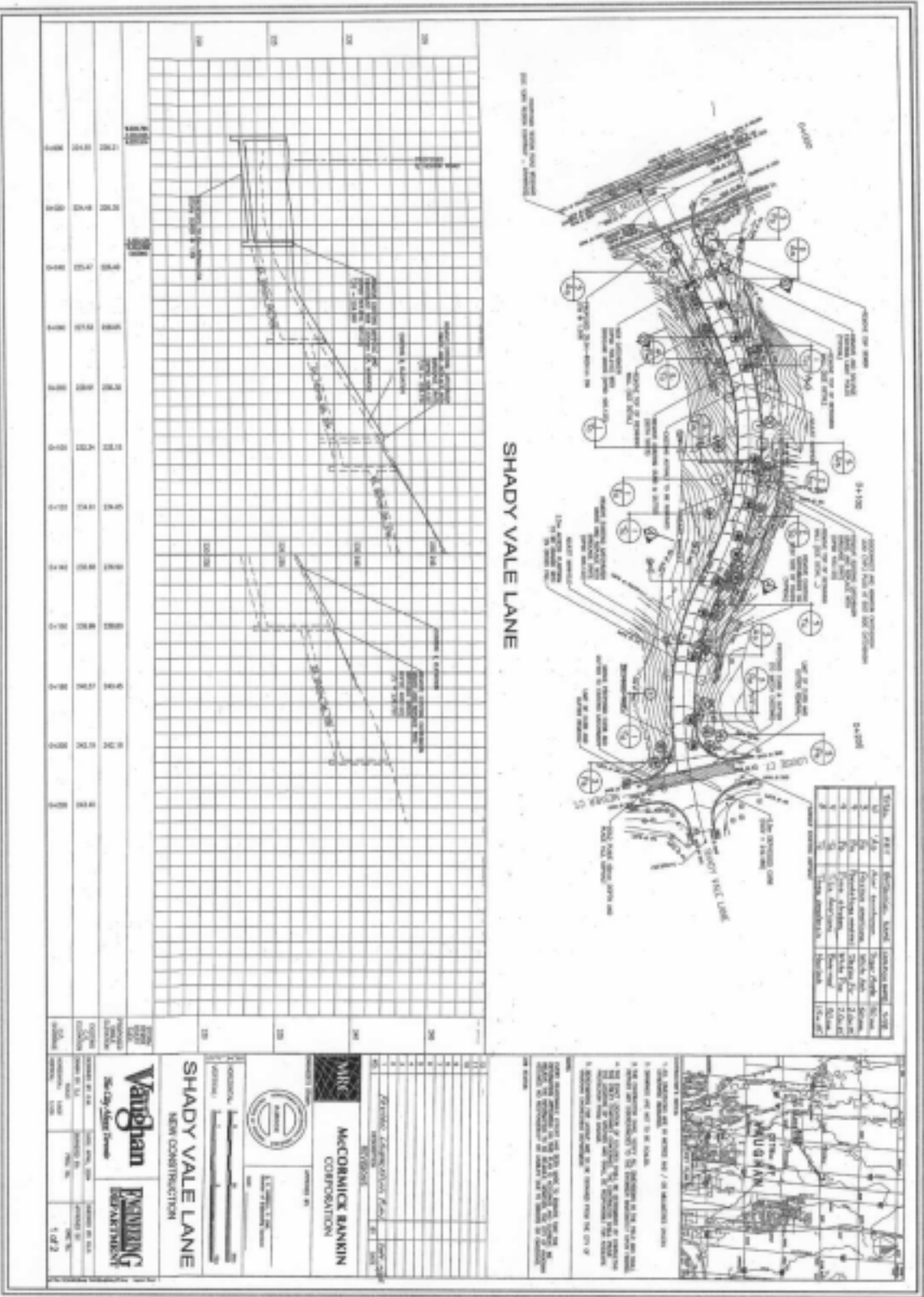


CITY OF WALDHAM - ENGINEERING DEPARTMENT

DRAFTSPERSON: smm

Drawing name: R:\DNDRAFT\BONSERV\AVT\2004 Attachments\Shady Vale Ln Location.dwg

ATTACHMENT No. 2



CITY OF WALSHAM - ENGINEERING DEPARTMENT

DRAFTSPERSON: E.K.

Drawing name: R:\ENGDRAFT\ENGSERV\PAT\2004 Attachments\Shady Vale Lane.dwg

ATTACHMENT NO. 3

RIMWOOD ESTATES HOMEOWNERS' ASSOCIATION
C/O 8050 ISLINGTON AVENUE, UNIT 19
WOODBRIIDGE, ONTARIO L4L 1W5
(905) 850-0232

October 4, 2004

City of Vaughan
2141 Major Mackenzie Drive
Vaughan, Ontario

Attention Pat Marcantonio
Senior Engineering Assistant

RE: SHADY VALE LANE CLOSURE AND RETAINING WALL

Dear Pat,

Further to our meeting on September 15, 2004 and your letter of September 17, 2004, please be advised as follows:

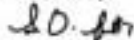
We are in agreement with items 1 and 2 in your letter and the final design, as presented at the meeting of September 15, 2004, is acceptable to our association.

Item 3, which deals with Blocks 10, B and C, will hopefully be resolved in the near future. We trust that our concerns will be adequately addressed and that an agreement can be reached.

Please proceed with the plans to close Shady Vale Lane according to the design presented at the meeting of September 15, 2004.

Should you require any further clarification, please contact us.

Yours truly,



Rina Tiberini
Secretary/Treasurer, REHA

CC Bill Robinson Commissioner of Engineering and Public Works

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| Comments: | |



ATTACHMENT NO. 4

City of Vaughan
141 Major Mackenzie Drive
Vaughan, Ontario
Canada L6A 1T1
Tel (905) 832-2281

September 17, 2004

Rimwood Estates Homeowners' Association
C/O 8050 Islington Avenue
Unit 19
Woodbridge, Ontario
L4L 1W5

ATTENTION: Ms. Susan Okorn – Administrator

RE: SHADY VALE LANE

Dear Ms. Okorn:

I would like to thank you and your association for meeting with us on July 22, 2004, and on September 15, 2004, to discuss the closure of Shady Vale Lane.

Further to our meetings and your letter of July 7, 2004, please be advised of the following:

- 1) The proposed works required for the closure of Shady Vale will be included in the Region of York reconstruction of Teston Road contract, at no cost to the Rimwood Estates Ratepayers.
- 2) The City has prepared the final preliminary design for the closure of Shady Vale which was presented to your association at our meeting of September 15, 2004. This preliminary design plan shows the proposed works including grading, wall demolition, regrading and additional landscaping as requested by your group.
- 3) With respect to the development or public access to Teston Road from the Rimwood common lands in Blocks 10, B and C, the City and the Region will investigate to determine what can be done to ensure that the development and or access to these lands will not be permitted.

As discussed with you, the construction of the Shady Vale Closure is planned to be done in conjunction with the reconstruction of Teston Road which is scheduled for 2005, in order to minimize the inconvenience of the residents of Rimwood Estates.

Our Public Works Department is aware of the condition of the failing retaining wall on Shady Vale Lane and has been asked to monitor its condition to ensure public safety.

Also mentioned in your letter was the timing of the resurfacing of the internal roads in your subdivision. The City has a five year road resurfacing program and the roads in your subdivision are scheduled for resurfacing in 2007, subject to Council approval.

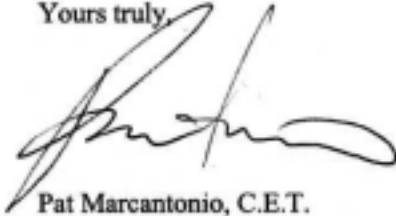
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I trust that the above addresses your concerns and kindly request that you provide us with your confirmation to proceed as agreed to at our meeting with respect to the Shady Vale road closure and inclusion of the works in the Region road reconstruction project of Teston Road.

Should you require further information and/or clarification, do not hesitate to contact me.

Yours truly,



Pat Marcantonio, C.E.T.
Senior Engineering Assistant

PM:mc

Copy to: Bill Robinson, P. Eng. – Commissioner of Engineering and Public Works
Gary Carroll, P. Eng. – Director of Engineering Services
Tom Ungar, P. Eng. – Design Engineer
Steve Collins – Region of York