

## **COMMITTEE OF THE WHOLE - APRIL 4, 2005**

### **PINE VALLEY DRIVE ROAD ALLOWANCE**

#### **Recommendation**

Mayor Michael Di Biase in consultation with the Commissioner of Legal and Administrative Services recommends that this report be received.

#### **Purpose**

To provide information regarding the City-owned lands comprising the unopened Pine Valley Drive Road allowance south of Rutherford Road.

#### **Background - Analysis and Options**

On March 7, 2005 Elizabeth Bottos, an area resident and lawyer wrote a letter stating the following:

“It may be wise to fence off the road allowance and widening to prevent any possibility of the TRCA advancing a possessory or adverse claim to the unopened road allowance based on use.”

She went on to note her concern that the TRCA and their sub-group the Humber Alliance might assume the road allowance to be a part of the Boyd Park.

The Legal Services Department advises as follows:

1. The lands are in Land Titles and possessory title cannot generally be claimed against lands in Land Titles.
2. TRCA has clearly recognized and acknowledged the City's ownership of the road allowance through the OMB hearing and the Environmental Assessment process.

The Engineering Department has estimated the cost to install a farm type fence along both sides of the unopened road allowance to be in the order of \$60,000 to \$80,000. The estimate is based on installing approximately 1800 linear metres of fence along the right of way limits staked following a survey layout. Given the treed and uneven nature of the terrain, the fence materials would have to be carried in mainly by hand and installed through labour intensive means. With an appropriate estimating allowance prior to receiving detailed quotes, a cost estimate of \$80,000 should be carried.

An alternative to fencing the right of way could be to send a letter to TRCA indicating that they are aware of the City's ownership and are fully participating in the EA process. The letter would clarify that the allowance is not part of the park and advise that the City will be surveying and staking the allowance so that the TRCA does not mistakenly include it in any trail plans. They could also be sent a copy of Council's resolution sent to the province.

#### **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**

Although the ownership of the unopened Pine Valley Drive Road allowance is clearly the City's, it would be appropriate to confirm to the Toronto Region Conservation Authority that the land is the City's and is not part of Boyd Park. This would preclude the TRCA mistakenly including the road allowance in any trail plans. In order to fence the limits of the unopened road allowance, funding in the order of \$80,000 would be required.

## **Attachments**

1. Location Map

## **Report prepared by**

Mayor Michael Di Biase

Respectfully submitted,

Mayor Michael Di Biase

ATTACHMENT NO. 1

