

COMMITTEE OF THE WHOLE JANUARY 21, 2008

ROYAL GATE BOULEVARD, REGALCREST COURT, WOODBRIDGE

Recommendation

The Director of Legal Services in consultation with the Director of Engineering Services recommends that a by-law be enacted to rescind By-law 167-96, being a by-law to stop up and close Royal Gate Boulevard and Regalcrest Court.

Economic Impact

There is no economic impact as a result of this report.

Communications Plan

The owner will be advised of Council's decision.

Purpose

The purpose of this report is to seek Council authorization to rescind a road closure By-law.

Background - Analysis and Options

Royal Gate Boulevard and Regalcrest Court are the two streets in the Royal Corporate Business Park located at Highways #7 and #27 in Vaughan. They are the only two streets in the subdivision, registered as 65M-3033 on June 19, 1995, as shown on Attachment #1.

In January 1996, Royal Plastics Group requested the streets be removed from public ownership and reconveyed to Roybridge Investments Limited, the owner of all the lands in the plan citing safety, security and liability concerns. The Council Minutes of February 12, 1996 are Attachment #2. Council directed procedures be initiated to close the roads.

On June 27, 1996, Council enacted By-law 167-96 to stop up and close Royal Gate Boulevard and Regalcrest Court. The By-law provided it would not come into effect until any required minor variances or zoning by-law amendment was in full force and effect.

The developer applied for the necessary zoning by-law amendment, as the lots would no longer have frontage on a public road, and on December 18, 2001, Council enacted By-law 505-2001. A kiosk was erected at the entrance to the subdivision, with a gate arm across the road for security.

Prior to any conveyance, the City proceeded pursuant to the Municipal Act regarding disposal of real property. Circulation to various departments and agencies was undertaken. The developers continued snow plowing, road maintenance and garbage collection, and all underground services remained unassumed. In order to proceed easement agreements were required regarding various matters including watermains, sanitary and storm sewers and drains, streetlights, fire hydrants, Vaughan Hydro matters and Consumers Gas and Bell easements. The developers did not proceed further with plans and requirements to complete the agreements and the By-law was therefore not registered in the Land Registry Office. Registration of the By-law in the Land Registry Office is a Municipal Act requirement for the by-law to come into effect. The roads remained in the title of the City of Vaughan.

In November 2007, the solicitor for Royal Group Inc., successor corporation to the developer, advised that Royal Group no longer wishes to convert the two streets and wishes to proceed to complete the subdivision pursuant to the normal process, which provides for assumption of

municipal services. To avoid confusion by prospective purchasers of lots about the status of By-law 167-96 and the roads, they have requested that By-law 167-96 be rescinded. This is appropriate as the by-law did not come into effect.

Relationship to Vaughan Vision 2020

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

Regional Implications

None.

Conclusion

Royal Group Inc. is proceeding pursuant to the subdivision agreement to satisfy all requirements to have the municipal services assumed. It is appropriate to enact a by-law to rescind By-law 167-96 as it did not come into effect.

Attachments

Attachment #1 Location Map
Attachment #2 Minutes

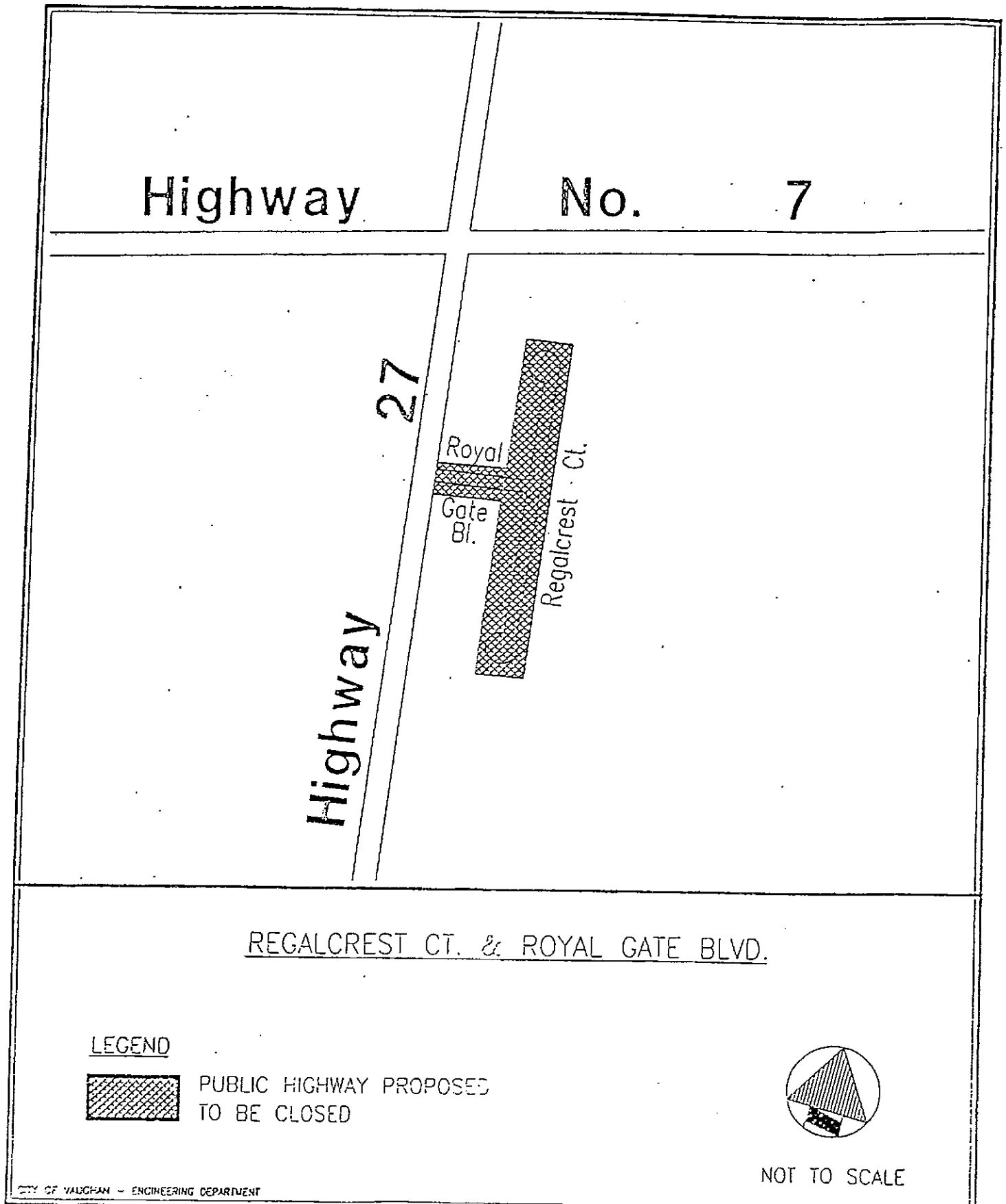
Report prepared by:

Heather A. Wilson

Respectfully submitted,

Heather A. Wilson
Director of Legal Services

ATTACHMENT No. 1



Item 6, Report No. 3 of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on February 12, 1996.

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**PROPOSED ROAD CLOSURE
ROYAL GATE BOULEVARD, WOODBRIDGE
REGALCREST COURT, WOODBRIDGE**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Director of Engineering and the Solicitor/Development Review dated January 22, 1996:

Recommendation

That the City Clerk be directed to commence road closure procedures pursuant to the Municipal Act and place the necessary notices in the newspapers to stop up, close, and convey Royal Gate Boulevard and Regalcrest Court; and

That Staff report to Council regarding the proposed closure and conveyance after the public hearing in accordance with the Municipal Act, and after circulation to City departments and various external agencies is completed.

Background

Royal Gate Boulevard and Regalcrest Court are the two streets in the Royal Corporate Business Park located at Highways #7 and #27 in Vaughan. They are the only two streets in the subdivision, registered as 65M-3033 on June 19, 1995, as shown on Attachment 1.

The general counsel for the Royal Plastics Group has forwarded a letter, Attachment 2, requesting that these streets be removed from public ownership and reconveyed to Roybridge Investments Limited, the owner of all the lands in the Plan. Staff will be requiring Roybridge to ensure that all affected parties within the Royal Plastics Group are consenting to the proposal.

The roads were dedicated by registration of the plan of subdivision, which vests the land on which the roads are built in the City. Once the roads are dedicated as public highway the City has no authority to grant exclusive access. Accordingly, should Roybridge wish the land reconveyed, it is necessary to follow the procedures in the Municipal Act and By-law 121-95 to stop up, close and convey the roads. Roybridge will be responsible for the costs related to the closure and conveyance.

These roads are completely contained within the Plan and are not necessary to complete a roadway network for the area. There are municipal services within the road allowances which service this plan, and staff will be reviewing any requirement for easements for these services and other utilities.

The watermain in the plan is part of the City's water distribution system and the large storm drain in the north end of the plan conveys flows from external lands. The City will be requiring easements.

An amendment to the subdivision agreement will be required, and Staff will be reviewing whether assumption of the above services will be required prior to closure and transfer.

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Staff are presently commencing a circulation to City departments for comments in accordance with By-law 121-95, governing disposal of real property. Given the time required to process the road closure, Roybridge has requested that the procedure be commenced now, and the circulation and any comments arising therefrom could be dealt with during the period prior to the Council Public Hearing.

This is the first such request to reconvey public streets in a new plan of subdivision.

The proposal requires an extensive review by Engineering, Legal, Real Estate, Operations and Building departments as well as review by Vaughan Hydro and other agencies to ensure compliance with the City's by-laws and other legislation. Given the amount of time involved, it is appropriate to require an administrative fee from the developer.

(A copy of the attachment referred to in the foregoing has been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)



Royal Plastics Group Limited

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January 16, 1996

City of Vaughan
Clerks Department
2141 Major Mackenzie Drive
Woodbridge, Ontario
L6A 1T1

COPY

Attention: Mr. John Leach, City Clerk

Dear Sirs:

Re: Royal Corporate Business Park
Highway Numbers 7 & 27 - Plan of Subdivision 19T-8704
Registered Plan 65M-3033, City of Vaughan

Please be advised that I am general counsel to the Royal Plastics Group of companies (the "Group"), within which Roybridge Investments Limited ("Roybridge") is a member.

I have been instructed to make request upon the City of Vaughan that the road allowance within the above-captioned plan of subdivision (the "Plan") be closed to the public and that ownership of these lands be returned to Roybridge.

As you are aware, the road allowances within the Plan have recently been conveyed to the City of Vaughan and dedicated as "public highway". As you are also aware, lands constituting the entire Plan are owned by Roybridge, and all buildings situate within the Plan are occupied by Group members.

Due to safety, liability and security concerns, Roybridge requests that the designation of "a public highway" be removed from the road allowances and that approval be granted for the transfer of the ownership of these lands back to Roybridge, or that Roybridge be granted approval for exclusive access and rights over these lands. Any concerns that the City of Vaughan may have regarding access to the underground servicing installations can be accommodated through the dedication of easements back to the City.

I would be pleased to meet with you and your staff to discuss the mechanism and process for the transfer of the road allowance lands and/or right of access over these lands back to Roybridge.



Your earliest consideration to this matter would be most appreciated.

Yours very truly,

Douglas N. Dunsmuir

DND:jaj

- cc. Roybridge Investments Limited
Attention: Mr. Vic De Zen
- cc. Jovien Associates Limited
Attention: Mr. Sam Speranza
- cc. City of Vaughan, Engineering Department
Attention: Mr. Bill Robinson, Director of Development
- cc. City of Vaughan, Legal Department
Attention: Ms. Terry Caron, Town Solicitor