

COUNCIL – DECEMBER 15, 2003

ROAD CLOSURE – SHADY VALE LANE

Recommendation

The City Clerk recommends:

- 1) That any deputations on the matter be received; and
- 2) That Council provide staff with direction on how to proceed by approving one of the following:
 - i) That a By-law be enacted to stop up, close and convey part of Shady Vale Lane or;
 - ii) That this matter be referred to a future Committee of the Whole meeting to allow further discussions with the Rimwood Homeowners Association.

Purpose

To seek Council's direction with respect to the enactment of a by-law to stop up, close and convey part of Shady Vale Lane.

Background – Analysis and Options

At its meeting of June 23, 2003, Council directed staff to commence procedures as required by the Municipal Act to advertise and schedule a Public Hearing to stop up, close and convey a part of Shady Vale Lane.

The notice (Attachment 1) was advertised for two (2) consecutive weeks in the City Page of the Vaughan Citizen and the Liberal (Thursday edition only). An objection has been received by the Rimwood Estates Homeowner's Association (Attachment 2), requesting that a by-law not be brought forward until further discussions regarding this closure, take place. The appropriate agencies have been notified of the proposed by-law. Hydro Vaughan Distribution Inc. and the City of Vaughan Engineering Department have indicated that they will require easements for their underground services.

Conclusion

In order to complete the road closure process, Council's direction with respect to this matter is requested. It should be noted that a reference plan has to be completed prior to the by-law being forwarded to a future Council meeting for enactment.

Attachments

1. Notice
2. Letter of objection

Report Prepared by:

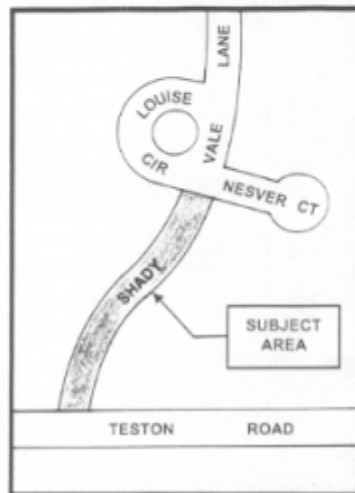
Brenda Macdonald
Administrative Co-ordinator

Respectfully submitted

J.D. Leach, City Clerk

**NOTICE OF THE STOPPING-UP, CLOSING
AND CONVEYING
OF A ROAD**

TAKE NOTICE THAT the Council of the Corporation of the City of Vaughan at its meeting to be held on Monday December 15, 2003 at 1:00 p.m., in the Council Chamber of the Municipal Offices, proposes to consider a by-law to stop up, close and convey the road allowance being that part of Shady Vale Lane from Teston Road to Louise Circle.



The Council will hear, in person, or by his/her Counsel, Solicitor or Agent, any person who claims that his/her land will be prejudicially affected by the proposed by-law and applies to be heard.

Dated at the City of Vaughan this 20th day of November, 2003.

J.D. Leach
City Clerk
City of Vaughan

Attachment 2

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

December 4, 2003

City of Vaughan
2141 Major Mackenzie Drive
J.D. Leach, City Clerk

RE: CLOSURE OF SHADY VALE LANE

Due to the fact that Rimwood Estates has not received notice other than the advertisement, which appeared in the Vaughan Weekly, please consider this a formal request to withdraw the consideration of the proposed by-law from the agenda at the council meeting scheduled for December 15, 2003.

Previous discussion with Mr. Bill Robinson, Mayor Di Biase, Councillor Mario Ferri and former Councillor Gino Rosati was preliminary in nature and was based on the acceptance of certain conditions (please see copy of letter of June 16, 2003 attached).

Rimwood Estates proposed that its membership would consent to the closure of Shady Vale if it would facilitate the reconstruction of Teston Road and if it provided a better solution to resolve the outstanding issue with the retaining walls on Shady Vale **at no cost to the residents**. It further required that the asphalt on Shady Vale be removed and restored with proper landscaping material. It was indicated by the Engineering Department that a service easement be required in order to facilitate future servicing to this area and the lands to the north. If the above was not satisfactory to the City of Vaughan, Rimwood requested that Shady Vale be made a one way (out) road in order to address our concerns about traffic infiltration and safety.

Discussion with Region of York staff indicates that the design of Teston Road based on the closure of Shady Vale is more cost effective and results in a better road profile and they would prefer this alternative.

Rimwood would be pleased to meet with City staff to further discuss and negotiate the closure of Shady Vale on the terms discussed in our previous conversations. Until such negotiations take place please be advised that all members of Rimwood Estates object to the closure of Shady Vale (please refer to the questionnaires).

Yours truly,


Rina Tiberini
Secretary/Treasurer, REHA

c.c. Mayor Michael Di Biase
Regional Councillor Mario Ferri
Regional Councillor Joyce Frustaglio
Regional Councillor Linda Jackson
Councillor Peter Meffe
Bill Robinson, Commissioner of Engineering and Public Works

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

June 16, 2003

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Mr. Bill Robinson
Commissioner of Engineering and Public Works
City of Vaughan

Thank you for the recent presentation made to the members of Rimwood Estates Homeowners' Association regarding the current status of the retaining walls on Shady Vale Lane and the proposed servicing for Rimwood Estates. The meeting was informative and enlightening.

We are pleased to enclosed 30 completed survey forms and have been advised that some surveys have been forwarded directly to your attention.

The surveys are quite general in nature and may not accurately reflect Rimwood Estates position with respect to the retaining walls and the proposed servicing. Therefore, we respectfully request that the survey forms not be reviewed in isolation but in conjunction with this letter in order to clearly understand Rimwood's position.

Retaining Walls on Shady Vale Lane

It is, and always has been Rimwood Estates Homeowners' Association's (REHA) position that the retaining wall was constructed under the works required by the subdivision agreement and was assumed by the City of Vaughan as were the other works scheduled in the subdivision agreement. It is understood that the current policy requires private landowners to be responsible for public works constructed on private property; however, this was not the policy in effect at the time that these walls were constructed.

Unfortunately, some segments of the walls were constructed on lands not deeded to Vaughan at the time (1971). These walls are in a very dangerous state of disrepair presenting a danger to the public and require immediate attention. REHA is prepared to cooperate with the City of Vaughan and will do whatever is required to repair or remove the walls with the provision that **all costs will be borne by the City of Vaughan.**

Proposed Servicing for Rimwood Estates

Although REHA is appreciative of the fact that the City of Vaughan has investigated the possibility of extending municipal services into Rimwood Estates to coincide with the construction of the water main for PD #7 along Teston Road, we currently have an

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adequate and safe supply of well water. We have, under separate cover, several letters from York Region as well as the City of Vaughan which ensure that should our water supply be affected by the construction of the proposed works that either the Region or the City will be responsible for providing a permanent solution.

Our members have responded in the affirmative to the question in the survey regarding "providing municipal water supply and waste collection to the Rimwood subdivision". However, these responses are **NOT** intended to be interpreted as a formal request to the City to provide services at this time. Until all projects related to the feeder water main, the widening of Teston Road and the construction of the PD #7 water main along Teston Road have been completed and the affect on the wells within our subdivision has been determined, it would be unwise for either the City or Rimwood to commit to the installation of services. Prior to making any formal request for these services, the costs associated with the services would have to be confirmed in writing and reviewed by our members.

Closing of Shady Vale Lane

At the REHA Annual and General Meeting following your presentation, a quorum of our members voted in favour of closing Shady Vale Lane under the second option "remove pavement and restore area with vegetation". The majority of the enclosed surveys also indicate that this is the preferred solution. We believe that this option is cost effective and essentially eliminates the need to deal with the retaining walls. This option would also address and solve the problems with noise, pollution and traffic infiltration and satisfy the concerns of the residents of Rimwood Estates.

It should also be understood that REHA will **NOT** assume any financial responsibility for the costs associated with this option.

Thank you for your continued assistance and hopefully these issues can finally be resolved.

Rina Tiberini
Secretary/Treasurer
REHA

c.c. Mayor Michael Di Biase
Regional Councillor Joyce Frustaglio
Regional Councillor Gino Rosati
Councillor Mario Ferri