

COUNCIL – OCTOBER 17, 2005

ROAD CLOSURE – HUNTINGTON ROAD BETWEEN MCGILLIVRAY ROAD AND MAJOR MACKENZIE DRIVE

Recommendation

The City Clerk recommends:

- 1) That any deputations on the matter be received; and
- 2) That a By-law be enacted to stop up and close the portion of Huntington Road between McGillivray Road and Major Mackenzie Drive.

Purpose

To enact a by-law to stop up and close apportion of Huntington Road between McGillivray Road and Major Mackenzie Drive.

Background – Analysis and Options

At its meeting of September 12th, 2005, Council directed staff to commence procedures as required by the Municipal Act to advertise and schedule a Public Hearing to stop up and close a portion of Huntington Road between McGillivray Road and Major Mackenzie Drive (Attachment 1).

The notice (Attachment 2) was advertised for two (2) consecutive weeks in the City Page of the Vaughan Citizen and the Liberal (Thursday edition only). The appropriate agencies have been notified of the proposed by-law. Objections have been received by the affected landowner, and Vaughan Fire and Rescue services (Attachment 3).

Conclusion

In order to complete the road closure process, Council's approval of this recommendation is required. 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. Extract
2. Notice
3. Objections

Report Prepared by:

Brenda Macdonald
Administrative Co-ordinator

Respectfully submitted

J.D. Leach, City Clerk

3.2

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF SEPTEMBER 12, 2005

Item 8, Report No. 46, of the Committee of the Whole, which was adopted, as amended, by the Council of the City of Vaughan on September 12, 2005, as follows:

By approving Clauses 1 and 2 of the recommendation of the Commissioner of Engineering and Public Works, dated September 6, 2005; and

By approving the following contained in the memorandum from the Commissioner of Engineering and Public Works, dated September 9, 2005:

- "1. That Council direct the City Clerk to commence Municipal Act procedures to stop-up and close a portion of Huntington Road, between McGillivray Road and Major Mackenzie Drive;**
- 2. That a By-law be enacted authorizing the Mayor and Clerk to execute a development agreement and any other necessary agreements thereto between the City of Vaughan and Canadian Pacific Railway with respect to the construction and conveyance and reconveyance of an alternate road link east of Huntington Road, in a form satisfactory to the Commissioner of Engineering and Public Works and the City Solicitor;**
- 3. Council confirms that the stopping up and closing of the portion of Huntington Road and the construction, conveyance and reconveyance with the Canadian Pacific Railway of the alternate road link is an interim temporary solution and that the ultimate solution is anticipated to be established through the planning of the adjacent road network together with the determination of the ultimate alignment for the extension of Highway 427."**

8

**PUBLIC HIGHWAY STOP-UP AND CLOSE
HUNTINGTON ROAD**

**CLOSURE AND IMPLEMENTATION OF A TEMPORARY ALTERNATIVE ROAD LINK BETWEEN
MAJOR MACKENZIE DRIVE AND MCGILLIVRAY ROAD**

The Committee of the Whole recommends that this matter be referred to the Council meeting of September 12, 2005, and that staff report on revisions to Clause 2 of the recommendation that better identifies the closure as a temporary measure.

Recommendation

The Commissioner of Engineering and Public Works, in consultation with the Director of Legal Services, recommends:

1. That Council direct the City Clerk to commence Municipal Act procedures to stop-up and close a portion of Huntington Road, between McGillivray and Major Mackenzie Drive.
2. That a By-law be enacted authorizing the Mayor and Clerk to execute a development agreement and any other necessary agreements thereto between the City of Vaughan and Canadian Pacific Railway with respect to the construction and conveyance and reconveyance of an alternate road link east of Huntington Road, in a form satisfactory to the Commissioner of Engineering and Public Works and the City Solicitor.

Economic Impact

There is no economic impact to the City. The road closure will result in an alternate link being constructed at full costs to Canadian Pacific Railway (CPR). The length of roadway that needs to be maintained will be the same as the portion proposed to be stopped up and closed.

Purpose

To seek Council's approval to commence procedures pursuant to the Municipal Act to stop up and close Huntington Road between McGillivray Road and Major Mackenzie Drive, and the subsequent construction of a new temporary alternate road linking McGillivray Road to Huntington Road. This undertaking is proposed to facilitate the planned expansion of the Canadian Pacific Railway – Vaughan Intermodal Terminal.

Background - Analysis and Options

The Canadian Pacific Railway operates the Vaughan Intermodal Terminal that is bounded by Regional Road 50, Huntington Road, Rutherford Road and Major Mackenzie Drive. This CPR Intermodal Terminal facility in Vaughan is CPR's largest in Canada. The Terminal currently has only a single spur line that connects the Terminal to the main railway line. This spur line is located at the north end of the Intermodal site and crosses Huntington Road at-grade just south of Major Mackenzie Drive.

To meet the growing demand for intermodal transportation, CPR has developed plans to expand its operations at the Vaughan Intermodal Terminal including increasing the number and length of the trains. To accommodate these operational changes, it is anticipated that shunting activities at the existing Huntington Road at-grade crossing will increase resulting in longer and more frequent periods of time when Huntington Road is blocked to motorists and emergency vehicles responding to incidents in the area. Currently, approximately 350 vehicles per day cross the railway tracks at Huntington Road, the majority of which are not generated by local residents. There are six local driveways fronting on to Huntington Road between Major Mackenzie Drive and Rutherford Road. The terminal operates 24 hours a day. On average, there are approximately 31 railway movements per day in and out of the terminal. It takes between 5 to 30 minutes for a train to traverse the existing road crossing at Huntington Road.

EA Process and Public Consultation

A Schedule "B" Class Municipal Environmental Assessment study was undertaken by CPR for the closure of Huntington Road between Major Mackenzie Drive and McGillivray Road and the implementation of an alternative temporary road link east of Huntington Road. This study was done to facilitate Canadian Pacific Railway's plans to expand its operation at the Vaughan Intermodal Terminal. The Class EA process examined many potential alternative solutions including the "Do Nothing" and grade separation options. The EA was commenced in October 2003 and completed in May 2004. A Public Information Centre took place in February 2004. The recommended alternative that came out of the Environmental Assessment study was the temporary closure of the above-described portion of Huntington Road and the construction of a north-south link east of Huntington Road between Major Mackenzie Drive and McGillivray Road, as shown on Attachment 1. Most people who attended the Public Information Centre acknowledged the periodic delays for vehicles traveling on Huntington Road caused by trains temporarily blocking the existing at-grade railway crossing. Most of the local residents spoke of the frequency and duration of delays, and the lack of a reasonable alternate route. There was overall acceptance of the need for a solution which would improve traffic operations while maintaining efficiency in train movement at the CPR Intermodal Terminal.

3.4

EXTRACT FROM COUNCIL MEETING MINUTES OF SEPTEMBER 12, 2005

Item 8, CW Report No. 46 – Page 3

This alternative link connecting Major Mackenzie Drive and McGillivray Road would address the operational requirements of the Vaughan Intermodal Terminal and minimize the potential delays to motorists. The proposed closure of Huntington Road and the new link to be located approximately 660 metres east of Huntington Road is intended to serve as a short-term solution to the needs of the Vaughan Intermodal Terminal. It is anticipated that the new link will be a temporary arrangement for approximately 5 to 8 years. The ultimate solution to this situation is anticipated to be established through the planning of the road network within the adjacent employment lands designated under the Regional Official Plan Amendment No. 19, together with the determination of the ultimate alignment for the extension of Highway 427. Currently the vicinity of the subject area is designated rural.

The recommended alternative that came out of the EA study had support from the Vaughan Fire Department, the York Region Police Department and EMS services during the EA process. Canadian Pacific Railway has committed to pay all costs relating to the construction of the new road link, and its subsequent transfer of ownership to the City. The approximate detour time is 5 to 6 minutes longer than the existing straight through route. The new road will be built on CPR lands to City standards. Once the construction is completed, the ownership of the road will be transferred to the City during the temporary arrangement of 5 to 8 years, and when it is no longer required, the lands will be re-conveyed back to CPR. Canadian Pacific Railway will enter into a development agreement with the City with respect to the construction of the road, the conveyance of lands to the City and re-conveyance of the lands back to CPR, preparation of plans, and the responsibilities and limitations to the City. It is estimated that construction of the new road link will take 4 to 8 months to complete. Once the new road is constructed, Huntington Road will then be closed between Major Mackenzie Drive and McGillivray Road.

Relationship to Vaughan Vision 2007

This stop-up and closure of a portion of Huntington Road is consistent with Vaughan Vision 2007 as to establish the appropriate infrastructure required to retain and attract business (2.2.3), ensure growth does not outpace the road network infrastructure (3.2.3) and that adequate and effective road networks are provided for and maintained.

This report is consistent with the priorities previously set by Council.

Conclusion

It is recommended that the proceedings commence to stop-up and close the portion of Huntington Road between Major Mackenzie Drive and McGillivray Road. Once the proceedings are completed and the development agreement is in place, the construction of a new temporary alternate road link east of Huntington Road can begin. Canadian Pacific Railway shall be responsible for all costs associated with the construction of the new roadway and its ownership transfer to the City.

Attachments

1. Location Map

Report prepared by

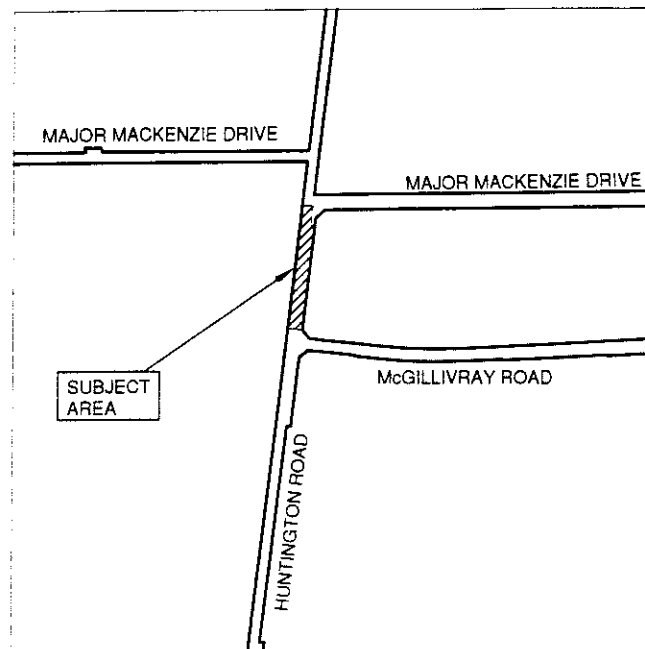
Milan Jekic, Acting Development Supervisor, Engineering Planning & Studies, ext. 8742

MJ/fc

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

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

TAKE NOTICE THAT the Council of the Corporation of the City of Vaughan at its meeting to be held on Monday October 17, 2005 at 1:00 p.m., in the Council Chambers of the Municipal Offices, proposes to consider a by-law to stop up and close the portion of Huntington Road, between McGillivray Road and Major Mackenzie Drive.



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 29th day of September, 2005.

J.D. Leach
City Clerk
City of Vaughan

3.6

JEAN P. CARBERRY, M.A., LL.B.
Barrister and Solicitor
Notary Public

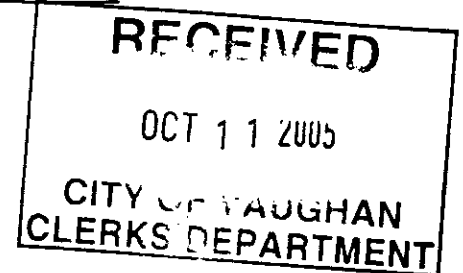
The Bolton Professional Building
30 MARTHA STREET, STE.210
BOLTON, ONTARIO, L7E 5V1

TEL: (905) 857-2332
FAX: (905) 857-2367
E-mail: jpclaw@on.aibn.com

October 11, 2005

VIA FAX TO 905-832-8535 & MAIL

City of Vaughan
2141 Major Mackenzie Drive
VAUGHAN, Ontario
L6A 1T1



Dear Sirs:

Re: Jack & Anne WRIGHT (Anjay Farms)
Part Lots 19 & 20, Conc. 9, City of Vaughan
Proposed stopping up and closing of portion of Huntington Road

I am the solicitor for Jack and Anne Wright, owners of the farm at Huntington & McGillivray Roads. Their farm is at the south east corner and immediately to the south of the proposed road closing. Jack Wright also owns the lands to the west of Huntington Road which front on the portion which the City proposes to close.

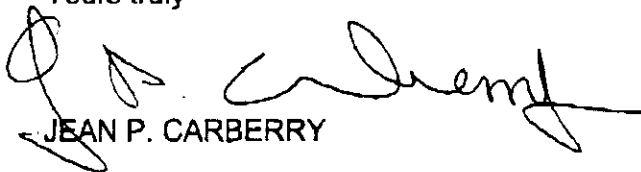
In order to continue their farming operation, my clients require access along Huntington Road for themselves, their machinery and to move farm animals from one location to the other.

The proposed road closing would have severe impact on my clients' ability to farm and I would ask that Council take their situation into account and seriously reconsider the proposal.

Please bring this correspondence to the attention of the Council before a decision is made.

I shall be pleased to supply any further information that you may require. Thank you for your attention.

Yours truly


JEAN P. CARBERRY

2005 10 11

Brenda Macdonald
Administrative Co-ordinator,
Clerk's Department

Re: Road Closure Huntington Road between McGillivray Road and Major Mackenzie Drive

Attached are previous letters of objections that I have sent with respect to the closing of Huntington Road between McGillivray Road and Major Mackenzie Drive (May 28, 2001 and March 28, 2004).

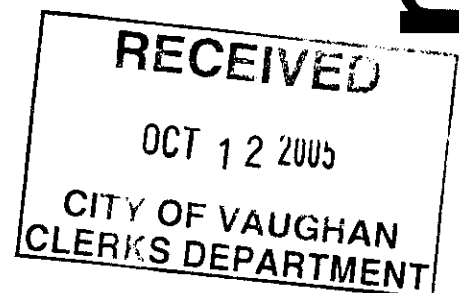
The closing of Huntington Road will have a negative impact on the delivery of fire protection services to the residents on Huntington Road.

Yours truly,



Glenn G. Duncan
Deputy Fire Chief
City of Vaughan Fire and Rescue Services

memorandum





The City Above Toronto

3.8

May 28, 2001

The City of Vaughan Fire and
Rescue Service
2141 Major Mackenzie Drive
Vaughan, Ontario
Canada L6A 1T1
Tel (905) 832-8506

Mr. John Scott Fortner, P. Eng.
Transportation Engineer
McCormick Rankin Corporation
2655 North Sheridan Way,
Mississauga, ON
L5K 2P8

Re: Proposed Huntington Road Closure – Your File: W.O. 4516-00

Dear Mr. Fortner:

We have received your letter regarding the proposed Huntington Road closure and wish to offer the following comments.

To assist in our evaluation of the proposed road closure alternatives, we have identified two target residences that represent the greatest impact of the road closure in terms of fire department response to Huntington Road and McGillivray Road.

Target residence # 1 is located at 9711 Huntington Rd. and is the first residence located south of the proposed road closure on Huntington Rd. Target residence # 2 is 9751 McGillivray Rd. and is the first residence east of Huntington Rd. on McGillivray Rd. We have plotted the rough location of these target residences on the maps that you provided.

Alternative # 1 (using Highway 27 as the closure by-pass)

If the proposed road closure is implemented, then the travel distance from the nearest fire station, Station 7-4, to target residence # 1 would increase from 5.35 km to 7.65 km, an increase of 2.3 km or a potential 42% increase in travel time. There are four other residences on Huntington Road that would be adversely affected by the road closure, but to a somewhat lesser degree than target residence # 1.

The proposed closure would also cause the travel distance to target residence # 2 to increase from 6.1 km to 6.8 km, an increase of 0.7 km or a potential 11% increase in travel time. Another two residences on McGillivray Rd. will be affected but to a somewhat lesser degree than target residence #2.

This alternative would also restrict our current operational need to access water supplies from alternate sources for rural firefighting operations.

3.9

In general, we are opposed to breaking the continuity of any road; especially a major grid road such as Huntington Rd. History has shown that emergency police, ambulance and fire response is adversely affected when existing roads are blockaded somewhere in the middle but maintain the same names and concurrent numbering system. Invariably, despite the best efforts of the emergency services and citizens reporting emergencies, emergency response vehicles will, on occasion, respond to the wrong side of the barricade and be forced to double back adding critical minutes to their response times.

Alternative # 2 (alternative connection between Major Mackenzie and McGillivray)

Alternative # 2 would have minimal affect on target residence # 1. The response time would be slightly slower than current situation because alternative # 2 requires the fire apparatus to slow down to make an extra two turns. However, despite the minimal effect on response times, the potential for responding to the wrong side of the barricade still exists.

Alternative # 2 would actually improve the response times to target residence #2 by reducing the travel distance.

Conclusion

Fire Service response times and the ability to quickly locate and access property addresses are critical to public safety. Therefore, the Vaughan Fire and Rescue Service is opposed to Alternative # 1. If Huntington Road is closed at the CP rail crossing, Alternative # 2, while still posing the "which-side-of-the-barricade" problem, is far superior to Alternative #1.

If you require any clarification, please do not hesitate to contact the undersigned at (905) 832-8506, ext. 8206.

Yours truly,

Glenn G. Duncan
Deputy Fire Chief
City of Vaughan Fire and Rescue Services



The City Above Toronto

3.10

March 28, 2004

Denise Morneau, P. Eng.
McCormick Rankin Corporation
2655 North Sheridan Way,
Mississauga, ON
L5K 2P8

The City of Vaughan Fire and
Rescue Service
2141 Major Mackenzie Drive
Vaughan, Ontario
Canada L6A 1T1
Tel (905) 832-8506

Re: Huntington Road Class Environmental Assessment: Your File: W.O. 5507

Dear Ms. Morneau:

We are in receipt of your letter of March 22, 2004. Our position essentially remains the same although we are now asked to comment on more options than were tabled in 2001.

Therefore, our order of preference for the Options listed in your letter is as follows:

1. Option E. Building a bridge over the railway line at the existing crossing would ensure that the fire and other emergency services would have unobstructed access to incidents in the local area.
2. Option D. This option would allow the fire and other emergency services access to incidents in the local area but would also allow for a by-pass should the train be blocking Huntington Road.
3. Option C. The option should ensure that the fire and other emergency services have access to incidents in the local area, although there is the potential for responding to the wrong side of the barrier.
4. Option A. This option is the status quo. Although we are concerned with the fact that the train might be blocking fire and other emergency service access, at least it would be open most of the time.
5. Option B. This option would definitely have a negative impact on fire and other emergency services trying to respond to incidents in the local area.

If you require any clarification, please do not hesitate to contact the undersigned at (905) 832-8585 ext. 8206.

Yours truly,

Glenn G. Duncan
Deputy Fire Chief
City of Vaughan Fire and Rescue Services

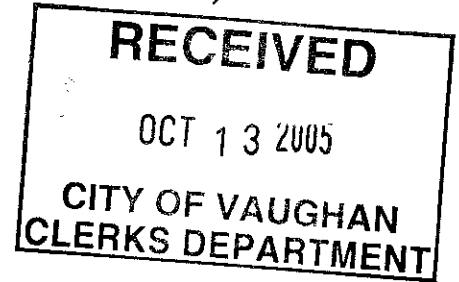
Cc: Mirella Doyle, City of Vaughan



George Wardlaw
9471 McGillivray Rd
Woodbridge ON L4L 1A7

October 13, 2005

City Clerk, City of Vaughan
2141 Major Mackenzie Dr.,
Vaughan, Ont. L6A1T1



Dear Sir,

I am writing to you concerning the closing of Huntington Rd between McGillivray Rd & Major Mackenzie Drive. I now understand you are replacing it with an alternative Road 600 metres to the East of Huntington Rd. This isn't even a band-aid for the serious problem it is. C.P.R. shunts 125 cars back and forth at the Huntington crossing at the present time. This long string of cars would still overlap this new crossing as it does the present one. The only solution is to build a bridge on Huntington Rd. There is land sold for development which brings housing, people and cars. They don't need a crooked road - they need a straight thro-way. The railway is holding up the residents for long times now. Two of our previous Mayors (Williams & Jackson) are buried in Nashville Cemetary, it is a nice setting, we dont need Huntington Road closed.

Page 2.



George Wardlaw
9471 McGillivray Rd
Woodbridge ON L4L 1A7

Is this crossing they are planning to build going to be regulation wide road so as farm equipment can cross it? Right now the crossing on Huntington is the worst rough crossing in Ontario.

Our home farm is on McGillivray Rd and ^{we} also farm the Agar farm on Huntington Rd & Tim O'Connor farm on Major Mackenzie. It needs to be extra wide for farm equipment to cross.

We are asking the City of Vaughan to consider the needs of the residents and especially for the farmers who are farming the land in this area.

If you make this a crooked trail the majority of people will avoid it. Then it becomes a lonely quiet spot - good for dumping garbage. It is a problem now under these conditions they will multiply.

Yours truly,
George Wardlaw
Fern Wardlaw