

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF MAY 5, 2009

Item 1, Report No. 24, of the Committee of the Whole (Closed Session), which was adopted without amendment by the Council of the City of Vaughan on May 5, 2009 and the confidential recommendations and report made public.

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**SAFE CITY COMMITTEE
RESIGNATION AND REDUCTION IN QUORUM**

The Committee of the Whole (Closed Session) recommends:

- 1) That the resignation of Mr. Anthony Lascala be accepted and the position remain vacant;**
- 2) That the quorum for the Safe City Committee be reduced to four (4) members, constituting the majority of citizen members; and**
- 3) That the confidential report of the Safe City Committee, dated April 20, 2009, be received.**

Recommendation

The Safe City Committee recommends:

- 1) That the resignation of Mr. Anthony Lascala be accepted and the position remain vacant; and
- 2) That the quorum for the Safe City Committee be reduced to four (4) members, constituting the majority of citizen members.

Economic Impact

There is no economic impact.

Communications Plan

A communications plan is not required.

Purpose

The purpose of this report is to request that Council accept the resignation of Mr. Anthony Lascala and that quorum for the Safe City Committee be reduced to four (4) members, being the majority of citizen members on the Committee.

Background - Analysis and Options

At the Safe City Committee meeting of February 12, 2009, the committee was advised that Mr. Anthony Lascala had resigned. The Committee accepted the resignation and resolved that no replacements were required to fill the vacancy.

The Safe City Committee at its meeting of March 12, 2009, discussed ways to address the issue of meetings being cancelled due to lack of quorum. A motion was made and duly carried approving that the quorum for the Safe City Committee be reduced to four (4) members, this number constituting the majority of citizen members. Attached for information purposes, is the membership of the Safe City Committee.

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.

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Regional Implications

There are no regional implications.

Conclusion

In light of the recent resignation on the Safe City Committee and the request to reduce the quorum of the committee, this report is before Council for approval.

Attachments

Attachment 1 – Safe City Committee Membership List

Report prepared by:

R. Magnifico, Assistant City Clerk

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Background - Analysis and Options

As per the approved 2008 capital project #EN-1728-08, the City is proposing to replace and enlarge an existing steel corrugated culvert under Peelar Road with a larger concrete box culvert. The existing culvert is deteriorating and not providing the capacity to handle the flow of water from Black Creek efficiently.

Temporary and permanent easements are being acquired on both the north and south sides of Peelar Road with construction scheduled to commence during the first week of July 2009.

The property owned by Antonio and Egidia DiBenedetto is legally described as Lot 14, Plan 8070. It has a site area of 1.18 acres with a frontage of 256.75 feet and a depth of 200.00 feet and is located on the south side of Peelar Road, adjacent to and west of Black Creek as shown on Attachment #1. The City requirements are legally described as Part 3, the Permanent Easement, and Part 4, the Temporary Easement, on Plan 65R-31411 as shown on Attachment #2. The Permanent Easement area contains approximately 246.2 square metres (0.061 acres) and the Temporary Easement area contains approximately 594.1 square metres (0.147 acres).

The permanent and temporary easement rights are required for the construction, operation, maintenance, inspection, alteration, removal, replacement, reconstruction, enlarging and repairing a concrete box culvert on and over a portion of the registered owners' lands. The temporary easement rights are required for the period of one (1) year commencing on July 1, 2009 and terminating on June 30, 2010.

The permanent and temporary easements are located entirely within the banks of Black Creek and are considered Open Space Lands. The proposed work and presence of the easement encumbrance will not affect any of the developable lands or potential future use of property.

The market value of such lands normally falls within a range of \$3,000 to \$6,000 per acre. Compensation for permanent easements is traditionally based on 50% of market value and compensation for temporary easements is normally calculated on the basis of 10% of market value per annum.

The normal practice in determining compensation for easement areas that are extremely small is usually based on an administrative sum of up to \$2,000.00. This eliminates the need for appraisal reports where costs usually exceed the appropriate compensation.

Initially, the owners were offered the sum of \$1,500.00 for both the permanent and temporary easement rights which they rejected claiming it was too low. In order to reach an agreement without incurring further costs, the offer was increased to \$3,000.00 and again rejected by the owners.

Continued attempts to negotiate a fair settlement have been unsuccessful. Engineering and real estate staff have met with Mr. DiBenedetto on numerous occasions. Engineering staff have responded to all his concerns related to the construction. Mr. DiBenedetto only wanted to provide the City with a temporary easement and this matter was discussed and the reasons for the permanent easement requirement were explained in detail. Staff have provided every opportunity for him to review the revised construction plans and the City's offer. Mr. DiBenedetto has consistently delayed signing the offer and during our last discussion was advised that if staff received no response by a specified date, there would be no alternative but to proceed with expropriation.

In order to ensure that scheduled construction dates are met, expropriation of the permanent and temporary easement rights are required.

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Relationship to Vaughan Vision 2020/Strategic Plan

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

Regional Implications

Not Applicable

Conclusion

Due to Mr. DiBenedetto's refusal to negotiate a settlement with the City and the urgent need for the City to replace the existing culvert which project has a strict timeline, staff recommend commencing expropriation proceedings. If possible, staff can negotiate a settlement at any time during this process. Mr. DiBenedetto is aware that staff are recommending an expropriation in order to complete this needed project.

Attachments

Attachment #1 – Location Map
Attachment #2 – Easement Areas

Report prepared by:

Liana Haughton

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Item 3, Report No. 24, of the Committee of the Whole (Closed Session), which was adopted, as amended, by the Council of the City of Vaughan on May 5, 2009, as follows:

By approving the following:

- 1) ***That staff be authorized to proceed with an application to Hydro One/ORC for a servicing easement on the ORC lands;***
- 2) ***That staff be authorized to proceed with an application to Hydro One/ORC for an easement for the pumping station, if required; and***
- 3) ***That the confidential report of the Director of Legal Services and the Senior Manager of Real Estate, dated April 20, 2009, be received.***

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**PROPERTY MATTER
HYDRO ONE NETWORKS INC/ORC, WARD 2
SOUTH EAST CORNER HIGHWAY 27 AND MILANI BLVD**

The Committee of the Whole (Closed Session) recommends that the confidential recommendation of the Committee of the Whole (Closed Session) be approved.

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Item 4, Report No. 24, of the Committee of the Whole (Closed Session), which was adopted without amendment by the Council of the City of Vaughan on May 5, 2009.



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**PROPERTY MATTER
PROPOSED LICENSE RENEWAL AGREEMENT – LUCA TESA, WARD 2
LANDS BETWEEN KIPLING AVENUE AND ISLINGTON AVENUE
PART OF LOTS 3 AND 4, CONCESSION 7**

The Committee of the Whole (Closed Session) recommends that the confidential recommendation of the Committee of the Whole (Closed Session) be approved.