

Committee of the Whole (2) Report

DATE: Tuesday, June 21, 2022

WARD(S): 2

TITLE: ROAD CLOSURE - PART OF HUNTINGTON ROAD, EAST OF
HIGHWAY 50

FROM:

Vince Musacchio, Deputy City Manager, Infrastructure Development

ACTION: DECISION

Purpose

To enact a By-law to Stop up and Close the portion of Huntington Road located east of Highway #50 in the City of Vaughan, and to seek Council approval to amend the existing Agreement of Purchase and Sale between The Corporation of The City of Vaughan (the “City”) and 1406979 Ontario Limited, dated March 7, 2022, to include these lands as part of the lands being sold by the City.

Report Highlights

- On December 10, 2021, Council declared a portion of Huntington Road, south of York Regional Highway 7 to Highway 50, surplus for municipal needs (“**Surplus Lands**”) and enacted By-law 166-2021 authorizing the sale of the Surplus Lands.
- Additional lands connecting the Surplus Lands to Highway 50 (collectively, the “**Additional Lands**”) were not included within the Council report in December, 2021 because title thereto was registered in the name of Ministry of Transportation (the “**MTO**”). The Additional Lands were downloaded by the MTO to the City by an Order in Council in 1985, but Land Registry Office’s records were never updated to reflect the change in ownership.
- The issue of ownership of the Additional Lands has now been rectified at the Land Registry Office title to the Additional Lands is now in the name of the City.
- The Additional Lands must now be stopped up and closed and included with the sale of the Surplus Lands as previously approved by Council on December 10, 2021.
- The notice of Road Closure of the Additional Lands was advertised for two (2) consecutive weeks on the Disruptions and Closures page of the City’s website and the appropriate agencies have been notified of the proposed by-law.

Recommendations

1. That Council, pursuant to Disposal of Property By-Law No. 121-95:
 - a. Declare as surplus to its municipal needs and requirements, a portion of Huntington Road located east of Highway #50, legally described as Part of Lot 4, Concession 10 (geographic Township of Vaughan), designated as Part 3 on Reference Plan 65R-6990 being of all PIN 03317-0057 (LT).
 - b. Authorize the execution of an amendment to the Agreement of Purchase and Sale between the City and 1406979 Ontario Limited, dated March 7, 2022, to include the sale by the City of the Additional Lands, and to amend the purchaser to affiliates of the purchaser, namely 2861142 Ontario Inc. and 1284824 Ontario Limited, with all other terms and conditions to remain the same (collectively, the “**Amendment**”).
 - c. Declare that notice of the sale of the Additional Lands is deemed to be given by the inclusion of this matter on the Council Agenda.
 - d. Authorize the disposition of the Additional Lands.
 - e. That the Clerk be directed to commence road closure procedures pursuant to the *Municipal Act, 2001*.
2. That Council enact a By-law to Stop Up and Close the Additional Lands as public highway; and
3. That Council Authorize the Mayor and/or Clerk to execute the Amendment and all documentation required to complete the subject transaction, which form shall be satisfactory to the Deputy City Manager, Administrative Services & City Solicitor or its designate.

Background

On December 10, 2021, Council approved Item No. 3 of Report No. 59 of the Committee of the Whole (Closed Session), which declared the Surplus Lands, being a portion of Huntington Road, south of York Regional Highway 7 to Highway 50, surplus for municipal needs and enacted By-law 166-2021 authorizing the sale of the Surplus Lands to 1406979 Ontario Limited.

The remnant portion of Huntington Road which connected the Surplus Lands to Highway 50, being the Additional Lands, was not included in the December, 2021 Council report because title thereto was incorrectly registered in the name of the MTO. Upon further investigation, City staff confirmed that the Additional Lands were downloaded by the MTO to the City by an Order in Council in 1985; However, the Land Registry Office’s records were never updated to reflect the correct ownership.

The inclusion of the Additional Lands in the sale previously approved by Council on December 10, 2021 is recommended since it was the intention to sell all of the former Huntington Road Allowance to 1406979 Ontario Limited.

A Block Plan and Site Development Application will be required from the applicant prior to any future development. A traffic impact study will also be required as part of the approval process.

Previous Reports/Authority

[Committee of the Whole \(Closed Session\), Item No. 3 of Report No. 59](#), Adopted by Vaughan City Council on December 10, 2021.

[Committee of the Whole \(1\), Item No. 7 of Report No. 4](#), Adopted by Vaughan City Council on February 15, 2022.

Analysis and Options

The value of the Additional Lands was included in the original sale price negotiated and therefore no further compensation is required.

Financial Impact

None

Broader Regional Impacts/Considerations

As part of the road closure procedure pursuant to the *Municipal Act, 2001*, the Region of York will be notified.

Conclusion

Staff are seeking Council authorization to declare the Additional Lands surplus to municipal needs and requirements and to amend the Agreement of Purchase and Sale between the City and 1406979 Ontario Limited, dated March 7, 2022, to include the Additional Lands being sold by the City, and to amend the purchaser to affiliates of the purchaser, namely 2861142 Ontario Inc. and 1284824 Ontario Limited, with all other terms and conditions to remain the same.

That Council enact a By-law to Stop Up and Close the Additional Lands as a public highway.

For more information, please contact: Paul Salerno, Director, Real Estate

Attachments

1. Attachment #1 – The Lands

Prepared by

Dino Macchiusi, Project Manager, Ext. 8489

Paul Salerno, Director of Real Estate, Ext. 8473

Justin Cooper, Legal Counsel, Ext. 8921

Christine Vigneault, Manager, Development Services & Secretary Treasurer to the Committee of Adjustment, Ext. 8332

Approved by



Vince Musacchio, Deputy City Manager,
infrastructure Development

Reviewed by



Nick Spensieri, City Manager