

Committee of the Whole (2) Report

DATE: Tuesday, June 18, 2024

WARD(S): 4

TITLE: PROPERTY MATTER - ROAD CLOSURE, LIFTING 0.3 RESERVE AND RECONVEYANCE OF A PORTION OF WHITE ELM ROAD, VAUGHAN METROPOLITAN CENTRE – PARTS 2-6 (INCLUSIVE) & PART 8 ON REFERENCE PLAN 65R-40756 (THE “LANDS”)

FROM: Vince Musacchio, Deputy City Manager, Infrastructure Development

ACTION: DECISION

Purpose

The purpose of this report is to seek Council authorization to enact a by-law to:

- stop up and close Part of White Elm Road, legally described as Parts 2 to 5 (inclusive) & Part 8 on Reference Plan 65R-40756, **being part of PIN 03229-0194 (LT)** in accordance with section 34 of the *Municipal Act, 2001*;
- Lift the 0.3m Reserve from the lands legally described as Part 6 on Reference Plan 65R-40756, being part of PIN 03229-0193(LT);
- authorize the reconveyance of the Lands back to the original landowner GB (Vaughan Seven) Inc., as General Partner of and on behalf of GB (Vaughan Seven) Limited Partnership (the “**Applicant**”) in accordance with section 4.5 of the related Subdivision Agreement.

Report Highlights

- The Applicant submitted a request to the City to reduce the width of White Elm Road from 22 m to 20 m to ensure consistency with the adjacent roads. Policy Planning and Special Programs has reviewed and approved this request.

Report Highlights continued

- Policy Planning and Special Programs has also confirmed that the Lands as shown in **Attachment 1** are no longer required for municipal services and the Lands can be reconveyed back to the Applicant in accordance with section 4.5 of the Subdivision Agreement.
- Accordingly, Policy Planning and Special Programs recommends that Council enacts a by-law to stop up and close Part of White Elm Road as a public highway, lift the 0.3m Reserves on the Lands and to authorize the reconveyance of the Lands to the Applicant.
- The Notice of the Proposed Stopping-Up and Closing of a Road was advertised by the Office of the City Clerk for two (2) consecutive weeks on the Disruptions and Closures page of the City's website and the appropriate agencies were notified of the proposed by-law.

Recommendations

1. That Part of White Elm Road, be approved to be stopped up and closed as a public highway and that Council enacts a by-law to stop up and close and lift the 0.3m Reserve on the Lands;
2. That Council authorize the reconveyance of the Lands to the Applicant in accordance with section 4.5 of the Subdivision Agreement; and
3. That the Deputy City Manager, Infrastructure Delivery be authorized to execute all documentation necessary to carry out the foregoing, in a form satisfactory to the Deputy City Manager, Legal and Administrative Services & City Solicitor or their designate(s).

Background

The Applicant submitted applications for an Official Plan Amendment (OP.19.009), a Zoning By-law Amendment (Z.19.024), a Draft Plan of Subdivision (19T-19V004) and a Site Development (DA.19.075) (the "Applications"), which were deemed complete on November 14, 2019. The Applications contemplated a mixed-use development in the Vaughan Metropolitan Center (the "**VMC**"). Pursuant to the conditions of approval of Draft Plan of Subdivision (19T-19V004), the length of White Elm Road and the 0.3m Reserve was to be extended 81m to facilitate the development. Access to the proposed development was to be provided via the newly created White Elm Road and another new private north-south road connecting White Elm Road to Hwy 7.

On December 15, 2020, Council approved, subject to conditions, the Plan of Subdivision in File No. 19T-19V004 and the City entered into the Subdivision Agreement with the Applicant dated September 12, 2022, as amended (the "**Subdivision Agreement**"). The Applicant transferred lands to the City for the purposes

of extending White Elm Road by 81m and the 0.3m Reserve to facilitate the development, pursuant to section 4.1 and Schedule K of the Subdivision Agreement. According to section 4.5 of the Subdivision Agreement, if the City determines, in its sole and absolute discretion, that any of the lands or easements conveyed to the City for municipal services are no longer required, then the City may reconvey said lands or easements to the Owner, and all costs and disbursements associated with said reconveyance shall be paid by the Applicant.

On June 5, 2023, the Applicant requested approval to reduce the width of White Elm Road from 22m to 20m and to have the resulting unused portion of White Elm Road and 0.3m Reserve reconveyed back to the Applicant (the “**Request**”).

To enable the reconveyance of the Lands to the Applicant, it is necessary to enact a by-law to stop up and close as a public highway and lift the 0.3m Reserve on the Lands and authorize the reconveyance of the Lands.

Previous Reports/Authority

[Item 1, Report No. 57, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on December 15, 2020](#)

Analysis and Options

The Request has been circulated to all necessary City departments for review and approval. Policy Planning and Special Programs confirms that the Lands are no longer required for municipal services and can be reconveyed to the Applicant. The Applicant has consented to bear all costs associated with this matter, including, but not limited to, land transfer taxes, preparation of a reference plan, legal fees, and any administrative fees.

The Notice of the Proposed Stopping-Up and Closing of a Road was advertised by the Office of the City Clerk for two (2) consecutive weeks on the Disruptions and Closures page of the City’s website and the appropriate agencies were notified of the proposed by-law.

In order for Council to authorize the reconveyance of the Lands, Council will also have to approve and enact a by-law, in the form attached hereto to stop up and close the Lands being Part of White Elm Road in accordance with section 34 of the *Municipal Act, 2001* and lift the 0.3m Reserve.

Financial Impact

None.

Operational Impact

None.

Broader Regional Impacts/Considerations

Not applicable.

Conclusion

Policy Planning and Special Programs has confirmed that the Lands are no longer required for municipal services and can be reconveyed to the Applicant. The Office of the City Clerk provided public notice of the proposed stopping-up and closing of a road. To that end, Policy Planning and Special Programs recommendations are to proceed with the enactment of a By-law to Stop Up Close and Lift 0.3m Reserve on the Lands; authorize the reconveyance of the Lands back to the Applicant; and authorize the execution of any necessary documentation for the reconveyance of the Lands.

For more information, please contact Christine Vigneault, Manager of Development Services, extension 8332.

Attachments

1. Attachment 1 – Location Map
2. Attachment 2 – Deposited R-Plan (65R-40756)
3. Attachment 3 – Draft by-law

Prepared by

Christine Vigneault, Manager of Development Services, extension 8332
Alina-Gabriela Grigorescu, Legal Counsel, ext, 8456
Musa Deo, Manager of Development Engineering, VMC, extension 8295
Danny Woo, Development Engineering Lead VMC, extension 8567