

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 25, 2024

Item 15, Report No. 25 of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on June 25, 2024.

15. 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”)

The Committee of the Whole recommends approval of the recommendations contained in the following report of the Deputy City Manager, Infrastructure Development, dated June 18, 2024:

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).

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.

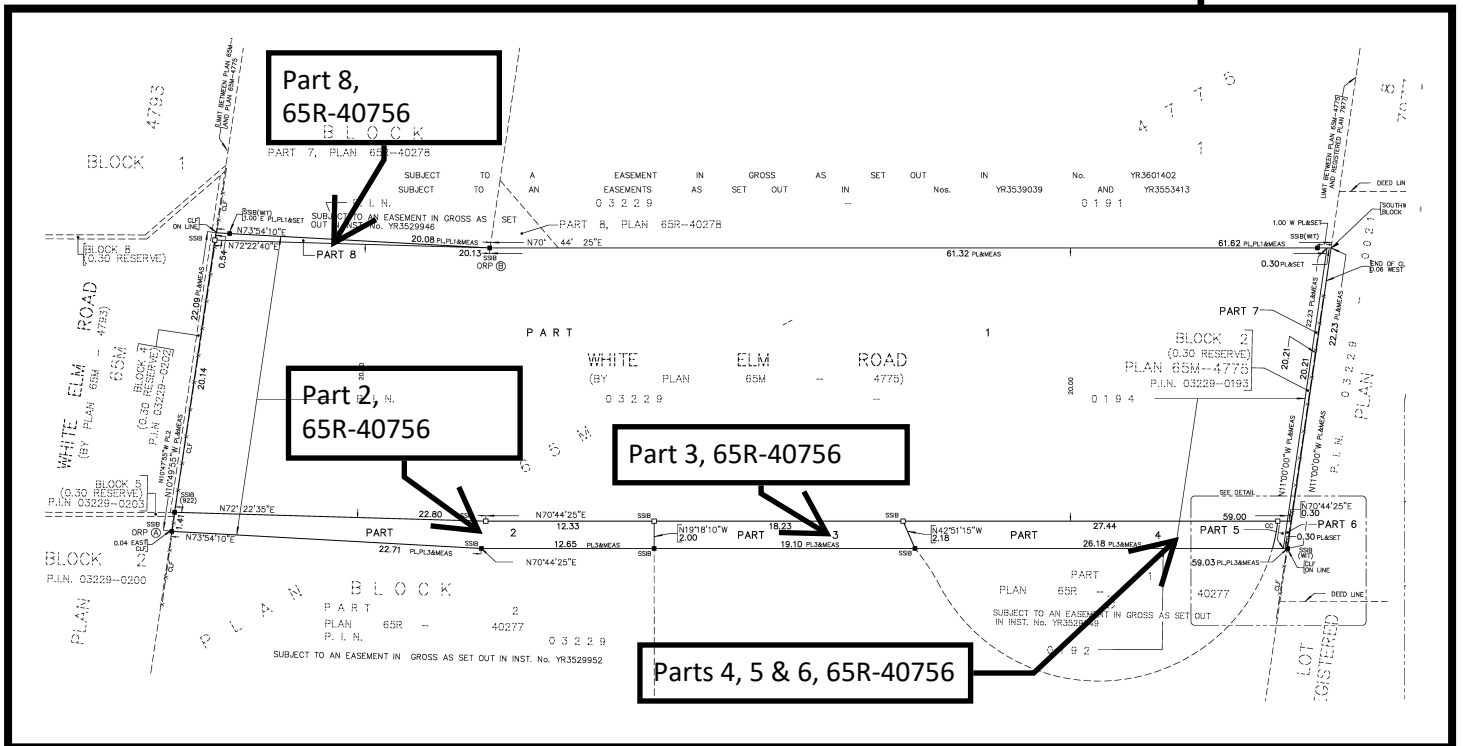
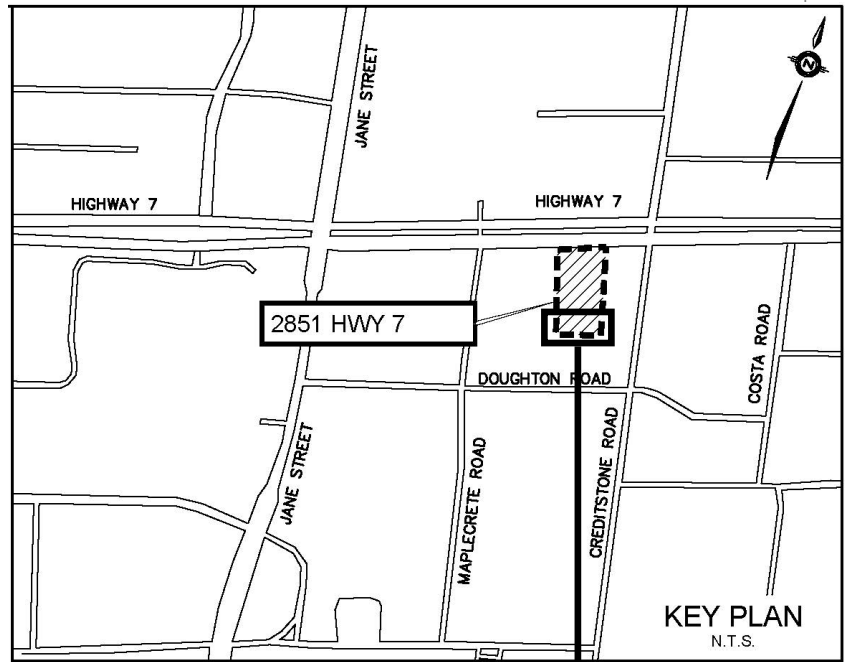
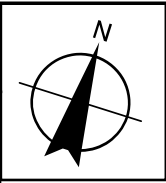
For more information, please contact Christine Vigneault, Manager of Development Services, extension 8332.

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



**ROAD CLOSURE AND RECONVEYANCE
PORTION OF WHITE ELM ROAD
VAUGHAN METROPOLITAN CENTRE
PARTS 2, 3, 4, 5, 6 AND 8 ON 65R-40756**

**PLAN OF SURVEY OF
WHITE ELM ROAD AND BLOCK 2 (0.30 RESERVE)
PLAN 65M-4775
CITY OF VAUGHAN
REGIONAL MUNICIPALITY OF YORK**

SCALE 1:200
10m 5m 0 10metres

R-PE SURVEYING LTD., O.L.S.

THE INTENDED PLOT SIZE OF THIS PLAN IS 712 mm IN WIDTH BY 423 mm IN HEIGHT WHEN PLOTTED AT A SCALE OF 1:200.

METRIC
DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

NOTES

- DENOTES MONUMENT FOUND
 - DENOTES MONUMENT SET
 - CC DENOTES CUT CROSS
 - SSIB DENOTES SHORT STANDARD IRON BAR
 - (WIT) DENOTES WITNESS
 - P.I.N. DENOTES PROPERTY IDENTIFIER NUMBER
 - PL DENOTES PLAN 65M-4775
 - PL1 DENOTES PLAN 65R-40278
 - PL2 DENOTES PLAN 65M-4793
 - PL3 DENOTES PLAN 65R-40277
 - MEAS DENOTES MEASURED
 - CLF DENOTES CHAIN LINK FENCE
 - ORP DENOTES OBSERVED REFERENCE POINT
 - (922) SCHAEFFER DZALDOV BENNETT LTD., O.L.S.
 - N/E/S/W DENOTES NORTH/EAST/SOUTH/WEST
- ALL FOUND MONUMENTS ARE BY R-PE SURVEYING LTD., UNLESS NOTED OTHERWISE.

INTEGRATION NOTE

BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS A AND B USING CAN-NET REAL TIME NETWORK (RTN) No. 20120150069, UTM ZONE 17, NAD83 (CSRS) (CBNV6-2010.0).

COORDINATES ARE UTM ZONE 17, NAD83 (CSRS) (CBNV6-2010.0), TO URBAN ACCURACY PER SEC. 14 (2) OF O.REG. 216/10, AND CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

POINT ID	NORTHING	EASTING
ORP (A)	4850063.77	619102.64
ORP (B)	4850091.03	619117.78
RTN 20120150069	4831194.52	620688.11

DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999743.

SURVEYOR'S CERTIFICATE

- I CERTIFY THAT:
- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
 - THE SURVEY WAS COMPLETED ON THE 29th DAY OF JANUARY, 2024

DATE JANUARY 30th, 2024

S. Goonewardena
S. GOONERWARDENA
ONTARIO LAND SURVEYOR

THIS PLAN OF SURVEY RELATES TO AOLS PLAN SUBMISSION FORM NUMBER V-68329.

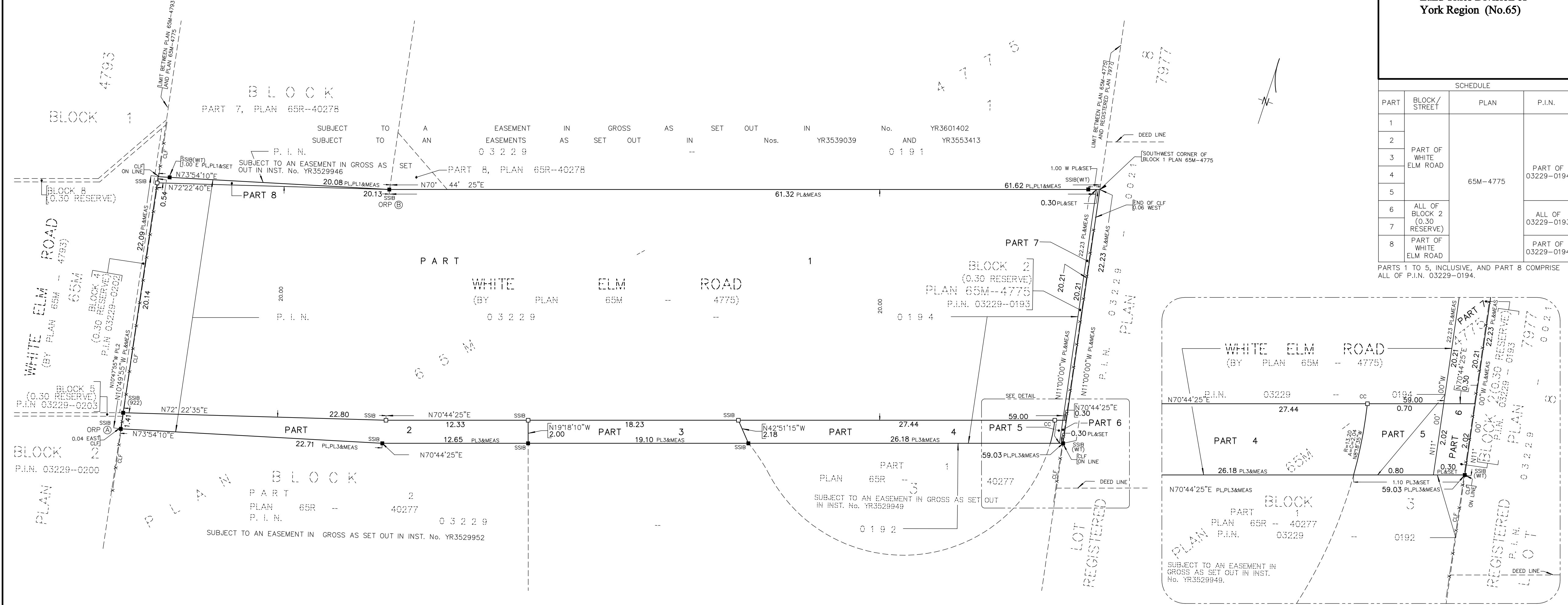
PLAN 65R-40756

Received and deposited

February 7th, 2024

Tom Berube

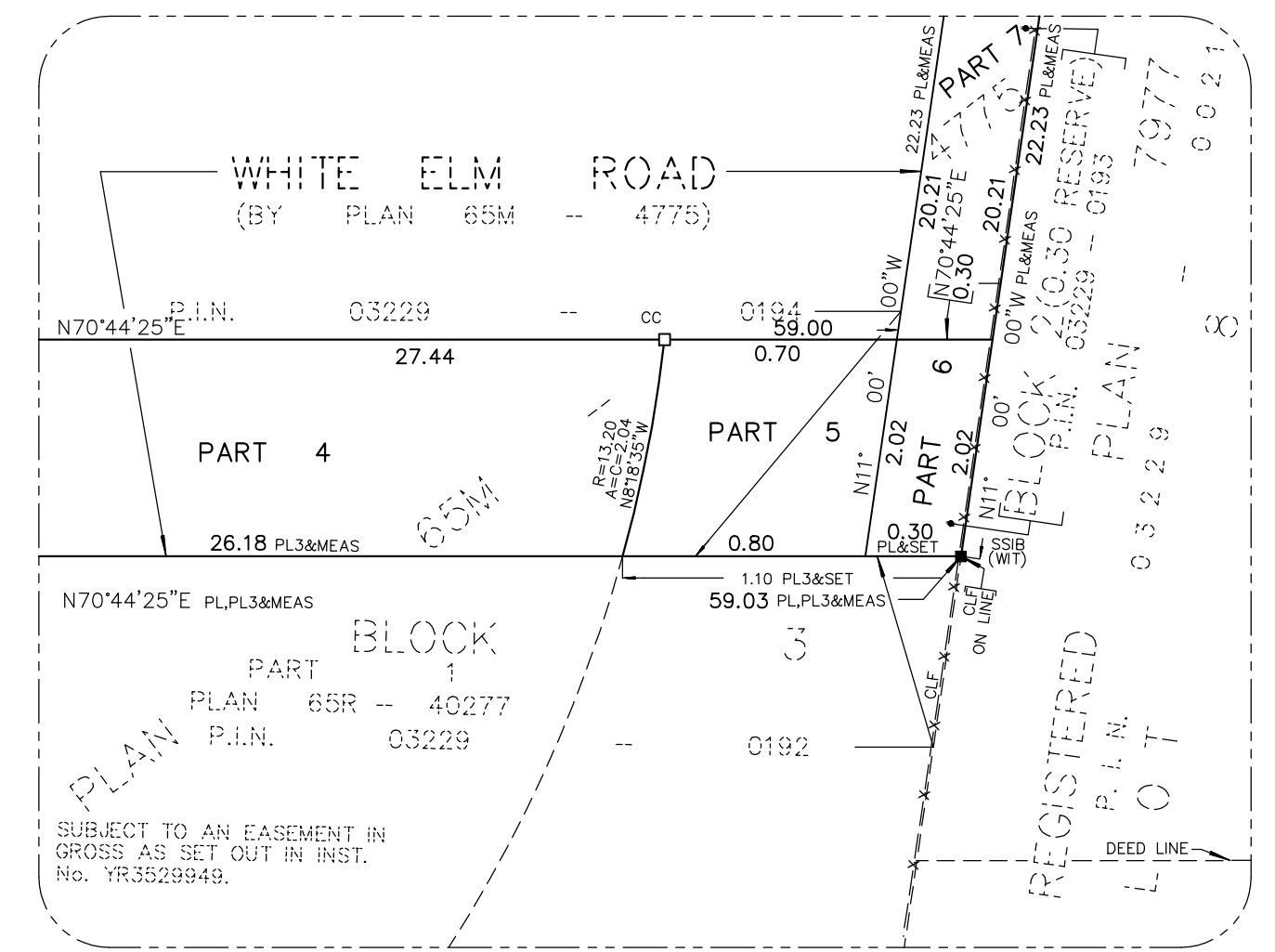
Representative for the
Land Registrar for the
Land Titles Division of
York Region (No.65)



SCHEDULE

PART	BLOCK/ STREET	PLAN	P.I.N.
1			
2	PART OF WHITE ELM ROAD	65M-4775	PART OF 03229-0194
3			
4			
5			
6	ALL OF BLOCK 2 (0.30 RESERVE)		ALL OF 03229-0193
7			
8	PART OF WHITE ELM ROAD		PART OF 03229-0194

PARTS 1 TO 5, INCLUSIVE, AND PART 8 COMPRISE ALL OF P.I.N. 03229-0194.



rpe R-PE SURVEYING LTD.
ONTARIO LAND SURVEYORS
643 Chrislea Road, Suite 7
Woodbridge, Ontario L4L 8A3
Tel.(416)635-5000 Fax (416)635-5001
Tel.(905)264-0881 Fax (905)264-2099
Website: www.r-pe.ca
DRAWN: B.P./K.S. CHECKED: S.G.
JOB No.19-012 CAD FILE No.19-012-R07

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER XXX-2024

A By-law to Stop and Close a portion of White Elm Road as a public highway, lift 0.3m Reserve and authorize reconveyance of certain lands.

WHEREAS the Notice of the Proposed Stopping-Up and Closing of a Road was advertised by the Office of the City Clerk on June 3, 2024 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.

NOW THEREFORE the Council of The Corporation of the City of Vaughan ENACTS AS FOLLOWS:

1. The lands which are situate in the City of Vaughan, Regional Municipality of York, being a portion 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) is hereby stopped up and closed as public highway in accordance with subsection 34 of the *Municipal Act, 2001*.
2. The lands which are situated in the City of Vaughan, in the Regional Municipality of York, dedicated as a 0.3m Reserve, legally described as Part 6 on Reference Plan 65R-40756, being part of PIN 03229-0193(LT), are hereby having the dedication of 0.3m Reserve lifted.
3. The reconveyance of the Lands to GB (Vaughan Seven) Inc., as General Partner of and on behalf of GB (Vaughan Seven) Limited Partnership, the original landowner, in accordance with the Subdivision Agreement dated September 12, 2022 (19T-19V004), which lands are situated in the City of Vaughan, in the Regional Municipality of York, legally described as Parts 2 to 6 (inclusive) & 8 on Reference Plan 65R-40756 is hereby authorized.
4. That the Deputy City Manager, Infrastructure Delivery or its designate(s) 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 its designate(s).

Voted in favour by City of Vaughan Council this XX day of June, 2024.

Steven Del Duca, Mayor

Todd Coles, City Clerk

Authorized by Item No. of Report No.
of the Committee of the Whole
Report adopted by Vaughan City Council on _____, 2024.
City Council voted in favour of this by-law on

Approved by Mayoral Decision # xxx-2024 dated _____.
Effective Date of By-Law: (Mayoral approval date)

DRAFT