



STAFF REPORT ACTION REQUIRED

Conveyance of a Portion of 8851 Dufferin Street

Date:	February 9, 2009
To:	Government Management Committee
From:	Chief Corporate Officer
Wards:	City of Vaughan
Reference Number:	P:\2009\Internal Services\F&re\Gm09020F&re – (AFS 9424)

SUMMARY

This report seeks authority for the City to convey a portion of 8851 Dufferin Street to the Regional Municipality of York and to obtain authority to enter into a site plan agreement.

RECOMMENDATIONS

The Chief Corporate Officer recommends that:

1. The City convey a portion of 8851 Dufferin Street, described as part of Lot 13, Concession 2, City of Vaughan, shown as Part 1 on Sketch No. PS-2009-019 (the “Property”), to The Regional Municipality of York (“York Region”) for nominal consideration, on terms satisfactory to the Chief Corporate Officer, and in a form satisfactory to the City Solicitor.
2. Authority be granted to enter into a site plan agreement with York Region with respect to the Dufferin Reservoir expansion on terms and conditions satisfactory to the Executive Director, Technical Services and the General Manager, Toronto Water.
3. City Council, as the approving authority under the *Expropriations Act*, authorize the disposition of such land without giving the owner from whom the land was expropriated the first chance to repurchase the land on the terms of the best offer received by the expropriating authority.
4. The City Solicitor be authorized to complete the transaction on behalf of the City, including paying any necessary expenses, amending the closing, due diligence

and other dates, and amending and waiving terms and conditions as she considers reasonable.

Financial Impact

No revenue will be generated from the City's conveyance of the Property to York Region. The conveyance of the Property is one of the requirements of a site plan application submitted by the City to York Region for the expansion of the Dufferin Reservoir.

All costs associated with the site plan application are in the capital budget for the Dufferin Reservoir Expansion Phase 2.

The Acting Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial impact information.

ISSUE BACKGROUND

The Dufferin Reservoir lands, located at 8851 Dufferin Street in the City of Vaughan, were expropriated in 1970 by the Municipality of Metropolitan Toronto to construct a water reservoir to service the City of Toronto and York Region. The Dufferin Reservoir was constructed and placed into service in the 1970's. The reservoir provides equalization and fire/emergency storage for Pressure District 5 in the City of Toronto and the Region of York and receives water from the City of Toronto's four water treatment plants via a transmission network and pumping stations. It is fed directly by one watermain with isolation valves upstream of the reservoir and requires constant coordination with the York Region and the City of Vaughan systems operators.

A Toronto-York Region Joint Optimization Study, updated in 2006, recommended the expansion of the Dufferin Reservoir to double its capacity in order to support population growth projections and enhance water supply.

COMMENTS

The expansion of the Dufferin Reservoir is required to ensure a secure and consistent supply of water to York Region, a large customer of Toronto Water. Technical Services has advised that the City of Toronto is required to supply an increased volume of water to York Region by January 1, 2011.

A site plan application for this expansion was submitted by the City to York Region for approval. A condition of site plan approval requires the City to convey the Property (184.7m² triangular shaped piece of land) to York Region free of all costs and encumbrances. York Region requires the Property for road widening purposes as shown in the York Region's official plan.

The contract for the Dufferin Reservoir Expansion, Phase 2 was awarded on February 3, 2009 by Public Works and Infrastructure Committee Meeting (PW22.4). Technical Services has advised that in order to complete the expansion prior to December 2010, two

complete summers of construction are necessary and therefore it is essential to commence construction by the spring of 2009. Construction may only commence when a building permit is issued by the City of Vaughan, and that building permit is dependent on the execution of a site plan agreement with York Region, which agreement includes the requirement to convey the Property to York Region for road widening purposes.

Staff of Toronto Water has been consulted and concurs with the conveyance of the Property to York Region for nominal consideration. In accordance with the City’s real estate disposal by-law, the Property was declared surplus on February 9, 2009 (DAF 2009-030).

Details of the Property are as follows:

Approximate Size	Triangular in shape
Approximate Area	184.7 m ² ± (1,988.09 ft ² ±)

The *Expropriations Act* requires that where lands that have been expropriated by an expropriating authority are found to be no longer required for its purpose, the expropriating authority shall not, without the approval of the approving authority, dispose of the lands without giving the owners from whom the lands were taken the first chance to repurchase the lands. In view of the time that has passed since the expropriation, City Council should waive the requirement to offer to the original owners from whom the lands were expropriated the first chance to repurchase the lands.

By the date of consideration by City Council, all steps necessary to comply with the City’s real estate disposal process, as set out in Chapter 213 of the City of Toronto Municipal Code will have been complied with.

CONTACT

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SIGNATURE

Bruce Bowes, P. Eng.
 Chief Corporate Officer

ATTACHMENTS

Appendix “A” – Site Map and Sketch No. PS-2009-019