



Report to: Development Services Committee

Report Date: April 12, 2011

SUBJECT: Authorization for the Mayor and Clerk to enter into a Road Construction and Conveyance Agreement with the Owner of King David Inc.
10350 Woodbine Avenue
File No's: LD 10 125413, ZA 10 130576 & SC 11 110282

FROM: Jim Baird, Commissioner of Development Services
Biju Karumanchery, Senior Development Manager – Planning and Urban Design Department

PREPARED BY: Geoff Day – Senior Planner, West Development District

RECOMMENDATION

1. That the report titled “Authorization for the Mayor and Clerk to enter into a Road Construction and Conveyance Agreement with the Owner of King David Inc. 10350 Woodbine Avenue”, be received;
2. And That the Mayor and Clerk be authorized to enter into a Road Construction and Conveyance Agreement, registered on title against the lands at the Owner's expense securing the timing and construction of the roads, including the provision of financial securities to guarantee construction of the roads to the satisfaction of the Director of Engineering and Town Solicitor;
3. And further that Staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

The purpose of this report is to seek authorization from Council to allow the Mayor and Clerk to enter into a Road Construction and Conveyance Agreement, with the Owner of King David Inc., to secure the timing and construction of certain roads as described in this memorandum, including the provision of financial securities to guarantee construction of said roads to the satisfaction of the Director of Engineering and Town Solicitor.

BACKGROUND

Location

The subject lands are bounded on the north by a linear open space block located on the south side of Betty Roman Boulevard; on the east by the currently un-built Prince Regent Street; on the south by two currently un-built roads: Pope John Paul II Square and Anthony Roman Boulevard; and on the west by a parcel of land that was recently conveyed to Crown of Markham Inc., to be incorporated into a low density residential subdivision (Figure 1).

Proposed Development

The Owner has submitted a complete zoning by-law amendment application on January 25, 2011, and an application for Site Plan Approval on February 15, 2011, for a low rise lane based townhouse development and 4 storey apartment complex. The rezoning of the lands will be subject to a separate Public Meeting and future report.

Severance of lands

In October of 2010, an application to sever the subject lands to a third party was submitted to the Committee of Adjustment for consideration (Figure 2). The severance was approved by the Committee of Adjustment in November 2010. As the severed parcel is bounded on the east by the currently un-built Prince Regent Street and on the south by two currently un-built roads: Pope John Paul II Square and Anthony Roman Boulevard, Staff addressed requirements for the conveyance and construction of these roads in the conditions of severance. The full conditions of severance are set out in Appendix 'A'. Among these, condition (6) states the following:

6. *That the Owner enter into a development agreement with the Town (to be registered on title against the lands at the Owner's expense) regarding the timing and construction of the roads, including the provision of financial securities to guarantee construction of the roads, to the satisfaction of the Director of Engineering and Town Solicitor;*

The Mayor and Clerk need authorization from Council to enter into said agreement.

CONCLUSION

Staff recommend that Council authorize the Mayor and Clerk to enter into a Road Construction and Conveyance Agreement, registered on title against the lands at the Owner's expense securing the timing and construction of the roads, including the provision of financial securities to guarantee construction of the roads, and the additional right-of-way as outlined above, to the satisfaction of the Director of Engineering and Town Solicitor.

RECOMMENDED BY:

Biju Karumanchery, M.C.I.P., R.P.P.
Senior Development Manager

Jim Baird, M.C.I.P., R.P.P.
Commissioner, Development Services

ATTACHMENTS:

Figure 1 – Location Map

Figure 2 – Severance/Retained Land Area

Appendix 'A' – Conditions of Severance

Owner/Agent: Diana Santo, MCIP, RPP
Senior Planning Director
Planning and Environmental Design
MMM Group Limited
100 Commerce Valley Dr. West
Thornhill, ON L3T 0A1
T:905-882-4211x6848
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Appendix A
Conditions of Severance

- 1) Payment by the owner of all applicable fees, recoveries, development charges, and other financial obligations in respect of the severed and retained parcels;
- 2) Submission to the Secretary-Treasurer of the required transfer, in duplicate, conveying the severed lands, and issuance by the Secretary Treasurer of the certificate required under Subsection 53(42) of the Planning Act;
- 3) Submission to the Secretary-Treasurer of seven white prints of a deposited reference plan showing the subject lands, which conforms substantially with the application as submitted;
- 4) That zoning by-law amendments, to delete the severed lands from zoning By-law 304-87 and to incorporate these lands into By-law 177-96, under an appropriate zoning category, come into full force and effect;
- 5) That the owner submit a reference plan, delineating the proposed rights of way for Prince Regent Street, Pope John Paul II Square, Anthony Roman Blvd, abutting the proposed block to be severed, to the satisfaction of the Director of Engineering and Town Solicitor;
- 6) That the Owner enter into a development agreement with the Town (to be registered on title against the lands at the Owner's expense) regarding the timing and construction of the roads, including the provision of financial securities to guarantee construction of the roads, to the satisfaction of the Director of Engineering and Town Solicitor;
- 7) That the road rights of way for Prince Regent Street, Pope John Paul II Square, Anthony Roman Blvd, abutting the proposed lot, be conveyed to the Town, free of any environmental, physical or title encumbrances to the satisfaction of the Town Solicitor and the Director of Engineering;
- 8) That future development of the lands to be severed comply with the approved Community Design Plan for the West Cathedral Community, as well as a more detailed Cathedral Precinct Plan if one is submitted to the Town for approval;
- 9) That the applicant satisfy the requirements of the Region of York, financial or otherwise.