

**22**  
**EXCHANGE OF LAND**  
**RUTHERFORD ROAD, PROJECT 9608**  
**CITY OF VAUGHAN**

**The Transportation and Works Committee recommends the adoption of the recommendations contained in the following report, August 5, 2005, from the Commissioner of Corporate Services:**

**1. RECOMMENDATIONS**

It is recommended that:

1. The following agreement be accepted and that the Commissioner of Corporate Services be authorized to complete this transaction in accordance with the terms of the agreement.
2. Regional Council declare surplus and give notice of its intention to convey the lands described as being Part 1 on Reference Plan 65R 26975, City of Vaughan (*see Attachment 1*).
3. The lands described in Recommendation No. 2 be stopped up and closed in accordance with the requirements of the *Municipal Act*.
4. Regional Council authorize the transfer of the above described lands to the abutting land owner as provided for in the expropriation settlement agreement.
5. The appropriate Regional Officials perform all acts necessary to give effect to the foregoing.

**2. PURPOSE**

The purpose of this report is to:

1. Obtain Regional Council's approval to accept the following expropriation settlement and land exchange for the property required for the widening and reconstruction of Rutherford Road in the City of Vaughan (*see Attachment 2*).
2. Declare the lands described in Recommendation No. 2 above as surplus to the Region's requirements and give notice of its intention to sell the lands.
3. Do all acts necessary to stop up and close the lands described in Recommendation No. 2 above.

4. Sell the lands in Recommendation No. 2 above to the abutting land owner as provided for in the expropriation settlement agreement.

### **2.1 Property No. 1**

|                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|-------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| OWNER:            | Croce Fatigati                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| PROJECT:          | The widening and reconstruction of Rutherford Road in the City of Vaughan                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| SUBJECT PROPERTY: | Part of Lot 16, Concession 9, City of Vaughan, Regional Municipality of York                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| AUTHORITY:        | By-law R-1364-2003-033                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| TOTAL OWNERSHIP:  | 4.5448 ha (11.23 acres)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| AREA TAKEN:       | Fee simple interest in Parts 1, 2 and 3 on Expropriation Plan D926                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| LAND CONVEYED:    | Fee simple interest in Part 1 on Reference Plan 65R-26975                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| COMMENTS:         | <p>The subject property is an improved employment study area property that is located in the northeast corner of Huntington Road and Rutherford Road (YR 73). The Region's requirements are located across the frontage of the subject property. There are no development applications or site plan approvals pending on this property.</p> <p>In order to settle this expropriation, the Region agrees to stop up and close and convey Part 1 on Reference Plan 65R-26975 to the Vendor for the same per acre rate.<br/>1548 m<sup>2</sup> (0.383 acre)</p> |
| PROJECT NUMBER:   | 9608                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

## **3. BACKGROUND**

The lands described in Recommendation No. 2, being Part 1 on 65R-26975, were created when the widening and reconstruction of Rutherford Road moved the road to the south, closer to the original road allowance, leaving Part 1 on 65R-26975 surplus to the Region's needs. The lands to be conveyed are located in the northeast corner of the intersection of Rutherford Road and Huntington Road. Prior to any conveyance of the

land described in Recommendation No. 2, it will be necessary to stop up and close the land as a public highway.

The Region expropriated land further to the east along Rutherford Road from Croce Fatigati and as part of the expropriation settlement agreement with Mr. Fatigati, the Region is to sell the land described as Part 1 on 65R-26975 to Mr. Fatigati at the same market value as the Region is paying for the land being expropriated.

A fee appraisal of the fair market value of the land has been obtained.

#### **4. FINANCIAL IMPLICATIONS**

The total amount of compensation, which sum will be credited towards the sale of the surplus lands involved in connection with the above transaction is \$12,000.00. In addition to the foregoing, legal, appraisal and consulting fees are payable.

The sale of the surplus land to the owner is valued at \$36,385.00; therefore, \$24,385.00 will be payable to the Region. The proceeds from the sale of this property will be deposited into the Region's Capital Reserve.

#### **5. LOCAL MUNICIPAL IMPACT**

The property described in this report is required for the widening and reconstruction of Rutherford Road in the City of Vaughan that has greatly improved traffic flow in the area.

#### **6. CONCLUSION**

The agreement, which is the subject of this report, is an expropriation settlement for the widening and reconstruction of Rutherford Road in the City of Vaughan. The project is now complete and it is recommended that this acquisition be completed.

The property to be conveyed, described in Recommendation No. 2 above, will be surplus to the Region's road needs and it is now in order to declare these lands surplus, authorize the stopping up and closing of these lands as public highway, and authorize the sale of the lands to the property owner, as provided for in the expropriation settlement agreement.

The Senior Management Group has reviewed this report.

*(The attachments referred to in this clause were included in the agenda for the October 12, 2005 Committee meeting.)*