

Section I – Items for Board of Directors Action

TO: Chair and Members of the Executive Committee
Meeting #9/19, Friday, November 01, 2019

FROM: Michael Tolensky, Chief Financial and Operating Officer

RE: **FORMER TOMPION LIMITED PROPERTY**
TRCA lands north of Steeles Avenue and west of Ninth Line, Markham

KEY ISSUE

Report back on the lands north of Steeles Avenue and west of Ninth Line, City of Markham, Regional Municipality of York, Rouge River watershed and staff recommendation to pursue an exchange of TRCA lands in the Rouge watershed for lands in the Humber River watershed, with additional funds to support TRCA and partner objectives.

RECOMMENDATION

THE EXECUTIVE COMMITTEE RECOMMENDS THAT WHEREAS at Authority Meeting #7/18 held on September 28, 2018, Resolution #A159/18, Toronto and Region Conservation Authority (TRCA) staff was requested to report back on lands north of Steeles Avenue E. west of Ninth Line and the main Rouge River;

WHEREAS staff will transfer the majority of the 16.5 hectares of lands including the main Rouge River Valley and lands east to Ninth Line to Parks Canada for the Rouge National Urban Park once a Reference Plan has been finalized.

WHEREAS Parks Canada has advised that they are not interested in acquiring the vacant western portion (1.13 hectares) of the lands;

WHEREAS TRCA is in receipt of a request from Remington (Parkview) Lands Inc. the abutting owner for TRCA to consider an exchange of lands with Remington (Parkview) Lands Inc. and Bluecrown Holdings Limited, for lands in Caledon;

AND WHEREAS staff recommend that an exchange of this vacant parcel of land for more ecologically sensitive land as well as additional consideration would be in the best interest of TRCA in furthering its objectives as set out in Section 20 of the Conservation Authorities Act to cooperate with Remington (Parkview) Lands Inc. and Bluecrown Holdings Limited, in this instance;

THEREFORE, LET IT BE RESOLVED THAT TRCA enter into an exchange of land with Remington (Parkview) Lands Inc. and Bluecrown Holdings Limited, on the following basis:

- 1. Bluecrown Holding Limited will convey to TRCA a parcel of land containing 21.73 hectares (53.7 acres) more or less, of vacant lands, located east of Peel Regional Road 50 and south of Gibson Lake Road, said land being Part of Lots 23 and 24, Concession 7 and Part of Road Allowance between Concessions 6 and 7, former Township of Albion, Town of Caledon, Regional Municipality of Peel;**
- 2. TRCA will convey to Remington (Parkview) Lands Inc. a parcel of land containing 1.13 hectares (2.78 acres) more or less, of vacant land, located west of Ninth Line**

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and north of Steeles Avenue East, said land being Part of Lot 1, Concession 8, City of Markham, Regional Municipality of York;

THAT TRCA receive consideration of \$4,282,000.00 as well as all legal, survey and other costs to be paid by Remington (Parkview) Lands Inc. which would be invested in TRCA projects in York Region within the Rouge River watershed;

THAT the Ministry of Natural Resources and Forestry, the Regional Municipality of York and the City of Markham be requested to concur with the exchange of lands and allow TRCA to retain the net proceeds from the land exchange in accordance with an agreement dated December 12, 2002;

THAT TRCA receive conveyance of the Bluecrown Holding Limited land free from encumbrance, subject to existing service easements;

THAT Remington (Parkview) Lands Inc. is to fully indemnify TRCA from any and all claims of injuries, damages, or cost of any nature resulting in any way, either directly or indirectly, from this exchange;

THAT the firm Gardner Roberts LLP, be instructed to complete the transaction at the earliest possible date. All reasonable expenses incurred incidental to closing for land transfer tax, legal costs, and disbursements are to be paid by Remington (Parkview) Lands Inc.;

AND FURTHER THAT authorized TRCA officials be directed to take the necessary action to finalize the transaction, including obtaining any necessary approvals and the signing and execution of documents.

BACKGROUND

At Authority Meeting #7/18, held on September 28, 2018, Resolution #A159/18 was approved as follows:

“THAT staff report back on the lands north of Steeles Avenue and west of Ninth Line, to the west of the main Rouge River, to be transferred to Parks Canada for the Rouge National Urban Park.”

Remington (Parkview) Lands Inc. (Remington) owns a 1-hectare triangular parcel of land located on the north side of Steeles Avenue East, immediately west of and abutting the TRCA's former Tompion Lands as well as the lands north of the railway. Remington has approached TRCA inquiring if TRCA would be interested in entering into a land exchange with Remington for conveyance of the westerly 1.13 hectares (2.78 acre) of the former Tompion lands to Remington so as to be able to incorporate the lands into the development they are proposing on the adjacent triangle. In exchange, Remington is proposing to convey to TRCA a 21.73-hectare (53.7 acre) parcel of lands owned by Bluecrown Holdings Limited in close proximity to Albion Hill Conservation Area, together with payment of the difference in market value between the two parcels.

The subject lands were acquired by TRCA from Tompion Limited on December 18, 2002. The property is 16.5 hectares, more or less, in size and is traversed by the main Rouge River. The original purchase was funded one-third by City of Markham, one-third by the Regional Municipality of York and one-third by Ministry of Natural Resources through their Ecological Land Acquisition Program.

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The middle and eastern portions of the Tompion lands has been restored since the property was acquired by TRCA, and the western portion of the site is farmed by a tenant farmer. The property is included in the Memorandum of Agreement Respecting the Assembly of Lands for the Proposed Rouge National Urban Park and the majority of the land is scheduled to be transferred to Parks Canada as soon as an updated reference plan can be deposited.

At the time of the Tompion lands acquisition TRCA entered into two agreements. The first is an option agreement with the Regional Municipality of York for the following portions of the property:

- a) Land required for the Markham By-Pass including any portions required for road, rail and water crossings as determined in accordance with any Environmental Assessment;
- b) 8 meters along the east limit of the property with such additional widths at road, rail and water crossings and grade separations and any other locations that require additional physical structure or grading, along the east limit;
- c) 8 meters along the south limit of the property with such additional widths at road, rail and water crossings and grade separations and any other locations that require additional physical structure or grading, along the south limit.

Staff is in the process of transferring the road widenings along Steeles Avenue East. and Ninth Line to the Region.

The second agreement is a five-party agreement between City of Markham, Regional Municipality of York, Ministry of Natural Resources (MNR), Rouge Park Alliance (the Rouge Park Alliance was dissolved effective July 31, 2012) and TRCA. A clause in this agreement provided that TRCA may dispose of the following part of the property:

- a) referred to in the Option Agreement to the Region;
- b) west of 30 metres from the top of the bank on the west side of the Rouge River, provided the proceeds, after deducting TRCA's reasonable costs, are paid equally to MNR, Markham and the Region.

Staff have approached the Ministry of Natural Resources and Forestry, Regional Municipality of York and the City of Markham on whether they would waive the requirement for re-payment of the net proceeds. In preliminary discussion with Region of York and City of Markham officials, they have indicated they would look favourably on waiving the requirement if the difference in market value was invested in TRCA projects nearby subject to receiving Board direction. Formal letters will be sent to York, Markham and MNRF officials.

Parks Canada has advised that they are not interested in acquiring the western portion of the Tompion property.

Attachment 1 is a sketch illustrating the location of the Bluecrown Holdings Limited lands.
Attachment 2 is an orthophoto illustrating the location of the Bluecrown Holdings Limited lands.
Attachment 3 is a sketch illustrating the location of the former Tompion lands.
Attachment 4 is an orthophoto illustrating the location of the former Tompion lands.

RATIONALE

The Bluecrown Holdings Limited lands fall within TRCA's approved master plan for acquisition for the Humber River watershed as outlined in the approved Greenlands Acquisition Project for

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2016-2020. This property is designated as Oak Ridges Moraine Natural Core and it contains part of the Innis-Gibson Lakes Provincially Significant Candidate Life Science ANSI. The site currently contains a number of important habitat types, including forest, meadow, successional forest and wetlands. This diversity provides important habitat for a large number of flora and fauna. The site also has a cool-water fishery, consisting of streams and ponds.

The property is bounded by Hwy 50 to the southwest, and a rail line to the east. Due to the large size and rural location, it provides great habitat protection and restoration opportunities. This site is identified as Existing Natural Cover in the Target Terrestrial Natural Heritage System (TTNHS).

It is the view of TRCA staff that a net ecological gain would result, by the addition of this parcel into the TRCA portfolio, particularly because of its close proximity to Albion Hills Conservation Area. The subject portion of the Tompion lands consist entirely of cropped agricultural field with no natural features on the site. While it is connected to the Rouge River, it is in a highly urbanized area, bounded to the south by a major arterial road (Steeles Ave. East). To the north it is bounded by the rail line. Due to its size and location, it has very few habitat restoration opportunities. It has been identified as Potential Natural Cover under the TTNHS.

When TRCA originally acquired the subject the Tompion lands, it was contemplated that TRCA may consider disposing of the westerly portion of the site sometime in the future. Since the site is currently outside of the TNHTS. TRCA staff recommend that their land be exchanged and that the revenue generated from this small fragment of tableland be directed into projects that achieve TRCA and partner objectives in York Region as per staff recommendations and the initial feedback received from York and Markham officials.

Relationship to Building the Living City, the TRCA 2013-2022 Strategic Plan

This report supports the following strategy set forth in the TRCA 2013-2022 Strategic Plan:

Strategy 4 – Create complete communities that integrate nature and the built environment

FINANCIAL DETAILS

As noted above, staff are proposing to approach the Ministry of Natural Resources and Forestry, the Regional Municipality of York and the City of Markham requesting that they waive the requirement for re-payment of the net proceeds. Should staff be successful in having the re-payment requirement waived, the revenue that is generated from this small fragment of tableland will be directed to nearby projects that achieve TRCA and partner objectives.

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Date: September 16, 2019

Attachments: 4

Attachment 1: Site Plan - Bluecrown Holdings Limited Lands

Attachment 2: Orthophoto - Bluecrown Holdings Limited Lands

Attachment 3: Site Plan - Former Tompion Lands

Attachment 4: Orthophoto - Former Tompion Lands