

Subject: Mohawk Gate Realignment Land Swap

Staff Report No. EPW-xx-25

**Department/
Commission:** Engineering and Public Works Commission

Date: April 2, 2025

Recommendation:

- 1) That the Town enter into a tri-party Land Transfer Agreement with Frontdoor Developments (Cam Fella) Inc. and Frontdoor Developments (Cam Fella 2) Inc. (collectively the “Developer”), setting out the terms of the land exchange including that the Developer shall pay for all of the Town’s legal fees.
- 2) That Council approve the transfer of the 0.3 metre reserves being Blocks 98 and 99 on Plan 65M-2296 from the Region to the Town.
- 3) That Council authorize the Mayor and Clerk to sign all documents to effect the land transfers to dedicate Part of Lot 45 on Plan 65M-2296, being Parts 1, 2, and 3 on Draft R-Plan 65R-XXX- West to the Town in support of Draft Plan of Subdivision 19T(W)-22.006, and Part of Mohawk Gate and Part of Blocks 94 and 99 on Plan 65M-2296 being Parts 1, 2 and 4 on Draft R-Plan 65R-XXXX- East to the Developer in support of the Draft Plan of Subdivision 19T(W)-22.007 after the Transfer of the 0.3m reserves from the Region is complete.
- 4) That after the Transfer of the 0.3m reserves from the Region is complete, a by-law be passed stopping up and closing Parts 1 and 2 on the draft R-Plan for Draft Plan of Subdivision 19T(W)-22.007, and further declaring as surplus Parts 1, 2 and 4 on the draft R-Plan for Draft Plan of Subdivision 19T(W)-22.007.

Report Highlights

- At the May 15th, 2024 Council meeting, Draft Plan of Subdivisions 19T(W)-22.007, located east of Mohawk Gate, and 19T(W)-22.006, located west of Mohawk Gate, were approved with conditions
- One of the conditions of the draft plan approvals was to realign Mohawk Gate to the west to improve the safety of pedestrians and vehicular traffic
- Mohawk Gate will be narrowed by 7.25 m on the east side and widened by 7.25 m on the west side, retaining the original width of the road
- There will be no financial impacts on the Town as a result of the proposed land swap

1. Purpose:

This report seeks council's approval for a land exchange to facilitate the realignment of Mohawk Gate to approx. 7.25m west of its current location during construction works for the Draft Plans of Subdivision 19T(W)-22.007 and 19T(W)-22.006. If approved, it would permit the Mohawk Gate reconstruction to proceed concurrently with the servicing work for the Draft Plans of Subdivision 19T(W)-22.007 and 19T(W)-22.006.

This Report will provide background information on the need to realign Mohawk Gate and provide a recommendation to Council for the proposed Land Transfer Agreement as required to facilitate the road realignment.

2. Background:

Two draft plans of subdivision, one on the west side of Mohawk Gate and one on the east side, were approved by council at the May 15th, 2024 council meeting. The Draft Plan of Subdivision 19T(W)-22.007 is located on the east side of Mohawk Gate, and is comprised of the properties municipally known as 316, 328, 340, 352, 364, 376 and 386 Cam Fella Boulevard, in the Town of Whitchurch-Stouffville. The Draft Plan of Subdivision 19T(W)-22.006 is located on the west side of Mohawk Gate, and is comprised of the properties municipally known as 268, 276, 284 and 296 Cam Fella Boulevard, in the Town of Whitchurch-Stouffville.

Approvals for Draft Plans of Subdivision 19T(W)-22.007 and 19T(W)-22.006 include conditions requiring Mohawk Gate road improvements to enhance the safety of pedestrians and vehicular traffic in accordance with the Town's design standards for roadways. Implementation of these enhancements requires Mohawk Gate to shift 7.25 m west to align with Eastern Gate Crescent at the intersection of Main Street. A land transfer between the Developer and the Town is required in order to implement the realignment.

The final design and construction of the realignment will be carried out to the Town's satisfaction as part of the timing of construction of the proposed developments. All costs associated with the land transfer, engineering and design, and construction will be borne by the Developer.

To facilitate the land transfer, R-Plans will need to be registered, followed by registration of the Transfers pursuant to a Land Transfer Agreement. Section 31(6) of the *Municipal Act* provides that if a municipality acquires land for the purpose of widening a highway, the land acquired forms part of the highway to the extent of the designated widening.

A 7.25 m wide parcel on the east side of Mohawk Gate described as Part of Mohawk Gate and Part of Blocks 94 and 99 on Plan 65M-2296 being Parts 1, 2 and 4 on the Draft R-Plan for Draft Plan of Subdivision 19T(W)-22.007 will need to be declared as

surplus and conveyed to Frontdoor Developments (Cam Fella) Inc. after the transfer of the 0.3m reserves from the Region is complete.

A 7.25 m wide parcel on the west side of Mohawk Gate described as Part of Lot 45 on Plan 65M-2296, being Parts 1, 2 and 3 on the Draft R-Plan for Draft Plan of Subdivision 19T(W)-22.006 will need to be transferred as a public highway to the Town free of charge and any encumbrances.

The area of Main Street abutting Mohawk Gate was originally included in the Regional Road System By-law which has since been repealed. Accordingly, pursuant to Section 52(5) of the *Municipal Act, 2001* this part of Main Street is currently a road under the jurisdiction of the Town. Part 4 on the Draft R Plan for Draft Plan of Subdivision 19T(W)-22.007 and Parts 4 & 5 on the Draft R Plan for Draft Plan of Subdivision 19T(W)-22.006 are part of the lands legally described as Blocks 98 and 99 on Plan 65M-2296, being 0.3m reserves which are currently showing under the ownership of the Regional Municipality of York. These 0.3m reserves should have been transferred to the Town by the Region when the abutting portion of Main Street was removed from the Region's road network, and this must occur prior to the land exchange with the Developer. Legal Services has been in contact with the Region to arrange for the transfer of these 0.3m reserves to the Town.

Please refer to **Attachment 1 – Draft R-Plan -East Plan** for the location of Draft Plan of Subdivision 19T(W)-22.007 and **Attachment 2 – Land Exchange Map -East Plan** for the location of lands declared surplus.

Please refer to **Attachment 3 – Draft R-Plan -West Plan** for the location of Draft Plan of Subdivision 19T(W)-22.006 and **Attachment 4 – Land Exchange Plan -West Plan** for the location of lands to be transferred to the Town.

3. Analysis:

The developments are under a detailed Subdivision application and the Town has been provided with two draft R-plans to initiate the land exchange process.

Frontdoor Developments (Cam Fella) Inc. is the owner of the Draft Plan of Subdivision 19T(W)-22.007 and Frontdoor Developments (Cam Fella 2) Inc. is the owner of the Draft Plan of Subdivision 19T(W)-22.006. Condition 2.12 of the Draft Plan of Subdivision 19T(W)22.007 and Condition 2.13 of the Draft Plan of Subdivision 19T(W)22.006 require that the Owner enter into a Subdivision Agreement and/or other Town Agreements to relocate the Mohawk Gate road allowance as depicted on the approved Draft Plans and that all costs associated with this relocation including, but not limited, legal fees, legal plan preparation, utility relocation, Engineering design and construction, will be borne by the applicant at no cost to the Town. The final design and construction of the relocated road allowance shall be carried out to the Town's satisfaction.

For the referenced Draft Plans of Subdivision conditions refer to **Attachment 5 – Schedule of Conditions -East Plan** and **Attachment 6 – Schedule of Conditions - West Plan**.

The Developer requested that the Town initiate the land exchange process in anticipation of construction work commencing in the Spring/Summer of 2025. The land exchange will allow for Mohawk Gate to be realigned so that the Developer can undertake road improvements to enhance the safety of pedestrians and vehicular traffic in accordance with the Town's design standards for roadways.

The Mohawk Gate road improvements will commence once the final design is approved by the Town, and the Developer enters into a Land Transfer Agreement with the Town. It is anticipated the Mohawk Gate design and agreement will be finalized in the Spring/Summer of 2025, and the last remaining requirement will be the registration of the Transfers to allow the construction to commence.

4. Options:

4.1 Option A (Recommended)

The Town enters into a tri-party Land Transfer Agreement with the Developer, setting out the terms of the land exchange, with the Developer to pay for all of the Town's legal fees.

That Council authorize the transfer of the 0.3 metre reserves being Blocks 98 and 99 on Plan 65M-2296 from the Region to the Town.

That Council authorize the Mayor and Clerk to sign all documents to effect the land transfers to dedicate Part of Lot 45 on Plan 65M-2296, being Parts 1, 2 and 3 on Draft R-Plan 65R-XXX- West to the Town, and Part of Mohawk Gate and Part of Blocks 94 and 99 on Plan 65M-2296 being Parts 1, 2 and 4 on Draft R-Plan 65R-XXX- East to the Developer in support of the Draft Plan of Subdivision 19T(W)-22.007 after the Transfers of the 0.3m reserves from the Region is complete.

That after the Transfer of the 0.3m reserves from the Region is complete, a by-law be passed stopping up and closing Parts 1 and 2 on the draft R-Plan for Draft Plan of Subdivision 19T(W)-22.007, and further declaring as surplus Parts 1, 2 and 4 on the draft R-Plan for Draft Plan of Subdivision 19T(W)-22.007.

4.2 Option B

That Council does not approve the land transfer associated with the subject developments. This option is not recommended as the proposed land exchange improves conditions of Mohawk Gate and is consistent with conditions of approval for Draft Plans

of Subdivision 19T(W)-22.007 and 19T(W)-22.006 as approved at the May 15th, 2024 council meeting.

5. Financial Implications:

There are no financial implications to the Town as a result of the recommendations within this report save and except for the registration fee associated with the transfer of the 0.3m reserves from the Region. Should Council approve the proposed land exchange, all costs relating to disbursements and legal fees incurred to facilitate the transactions, including the design, reconstruction, and enhancement of Mohawk Gate will be the responsibility of the Developer. As such, there would be no additional cost to the Town.

6. Broader Intergovernmental Impacts and/or Considerations:

There are no regional, provincial, or federal impacts or considerations as a result of this report. Staff have consulted with York Region. Land transfer considerations were addressed and reflected in this report.

7. Communication:

Not applicable

8. Alignment with Strategic Plan:

1. A Town that Grows
2. A Town that Moves
3. A Safe Town

9. Attachments:

Attachment No. 1 – Draft R-Plan-East Plan
Attachment No. 2 – Land Exchange Map-East Plan
Attachment No. 3 – Draft R-Plan-West Plan
Attachment No. 4 – Land Exchange Plan-West Plan
Attachment No. 5 – Schedule of Conditions-East Plan
Attachment No. 6 – Schedule of Conditions-West Plan

10. Related Reports:

May 15, 2024 – Report No. DS-022-24 Applications for Zoning By-law Amendment, Draft Plan of Subdivision and Draft Plan of Condominium – 316, 328, 340, 352, 364, 376 and 386 Cam Fella Boulevard File No. ZBA22.017, 19T(W)-22.007 & CDM22.003 (East of Mohawk Gate) ([Link](#))

May 15, 2024 – Report No. DS-023-24 Applications for Zoning By-law Amendment, Draft Plan of Subdivision and Draft Plan of Condominium – 268, 276, 284 and 296 Cam Fella Boulevard, File No. ZBA22.016, 19T(W)-22.006 & CDM22.002 (West of Mohawk Gate) ([Link](#))

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For further information on this report, please contact the Department Head: Jack Graziosi, Commissioner at 905-640-1900 or 1-855-642-8697 ext. 2464 or via email at jack.graziosi@townofws.ca.