

## **Encroachment Agreement - Warden Woods Mall (Ward 13 - Scarborough Bluffs)**

*(City Council on February 29, March 1 and 2, 2000, adopted this Clause, without amendment.)*

**The Scarborough Community Council recommends the adoption of the following report (January 26, 2000) from the Director of Transportation Services, District 4:**

### Purpose:

To enter into an encroachment agreement with owners of Warden Woods Mall (132181 Canada Limited) to legalize a city owned transit shelter located on their property.

### Financial Implications and Impact Statement:

There are no financial implications associated with this undertaking.

### Recommendations:

It is recommended that the City of Toronto enter into an encroachment agreement with 132181 Canada Limited to allow a city owned transit shelter to remain on private property; said agreement being for a nominal sum, and to contain such terms and conditions as are deemed necessary by the City Solicitor and Commissioner of Works and Emergency Services.

### Background:

As a result of a proposed sale of Warden Woods Mall, its owners discovered that a City-owned transit shelter is located on their property. More specifically, the shelter is located on the east side of Warden Avenue from the street line to a point three (3) metres further east, at a distance of approximately 416 metres to 423 metres north of the north street line of St. Clair Avenue East. At this location, the shelter serves 161 patrons per day (51 patrons per day being the warrant that must be met prior to a shelter being installed) originating from both the abutting residential and commercial communities.

132181 Canada Limited recognize the benefits to be obtained from having the shelter remain at its present location, however, they are also aware of the liability issues associated with it. They are requesting the City to enter into the necessary agreements with them to recognize the location of the shelter and allow it to remain on their property.

### Conclusions:

Given that the road allowance on the east side of Warden Avenue is sufficient only to provide for a public sidewalk, the high usage of the shelter (161 patrons per day), and the willingness of the owners to enter into an agreement for a nominal sum to allow the shelter to remain on private property, this report requests that authority be granted to enter into such an agreement.

Contact:

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