



## STAFF REPORT ACTION REQUIRED

### Surplus Land Declaration and Proposed Closing of the Public Lane at the Rear of 76 Davenport Road

<b>Date:</b>	March 12, 2007
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	General Manager, Transportation Services and Chief Corporate Officer
<b>Wards:</b>	Centre-Rosedale – Ward 27
<b>Reference Number:</b>	Ts07091te.top.doc

#### **SUMMARY**

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Transportation Services and Facilities and Real Estate staff request that the public lane at the rear of 76 Davenport Road be closed and be declared surplus to the City's requirements. In addition, Facilities and Real Estate staff are also requesting authorization to invite an offer to purchase the lane from Diamante Development Corporation.

#### **RECOMMENDATIONS**

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**Transportation Services and Facilities and Real Estate Services recommend that  
Toronto City Council:**

1. Permanently close the public lane shown as Part 1 on the attached Sketch No. PS-2007-046, (the "Lane"), subject to compliance with the requirements of the City of Toronto Municipal Code Chapter 162, and following City Council's approval of the sale of the Lane;
2. Direct Transportation Services staff to give notice to the public of a proposed bylaw to close the Lane following City Council's approval of the sale of the Lane and that this be done in accordance with the requirements of Chapter 162 of the City of Toronto Municipal Code, and that the Toronto and East York Community Council hear any member of the public who wishes to speak to this matter during consideration of the proposed bylaw;

3. Declare the Lane surplus to the City’s requirements and authorize the Chief Corporate Officer to invite an offer to purchase the Lane from Diamante Development Corporation (the “Applicant”); and
4. Take all steps necessary to comply with Chapter 213 of the City of Toronto Municipal Code.

**FINANCIAL IMPACT**

The subject closing will not incur any Capital costs to the City as the Applicant is required to pay all costs associated with the closing of the Lane. Financial compensation will be realized from the eventual sale of the Lane.

The Deputy City Manager and Chief Financial Officer have reviewed this report and agree with the financial impact information.

**DECISION HISTORY**

City Council, at its meeting of December 5, 6 and 7, 2005, adopted as amended, Clause No. 17 of Toronto and East York Community Council Report No. 9. The report refused the Official Plan Amendment and Rezoning Application for 76 and 100 Davenport Road. However, the amendment approved the closure and sale of the Lane if, among other things, it met the former Works and Emergency Services Departments’ requirements.

Following OMB Decision/Order No. 1629, issued June 5, 2006, which resulted in approval of the project, City Council, at its meeting of June 27, 2006, adopted Notice of Motion J(37), thereby replacing the previously amended Recommendation (4) in the above-noted Council Authority with a new Recommendation (4). This new recommendation, however, does not affect the approval to close and sell the Lane.

**ISSUE BACKGROUND**

Transportation Services staff received a request from the Applicant to investigate the feasibility of the permanent closure of the Lane for incorporation into the abutting development site at 76 Davenport Road.

**COMMENTS**

Transportation Services staff has reviewed the feasibility of closing the Lane and has determined that the Lane can be permanently closed, declared surplus and sold.

**Details of the Highway are as follows:**

Description:	Public Lane, also shown as Part 1 on Sketch No. PS-2007-046
Approximate Area:	161 m <sup>2</sup> ± (1,733.05 ft <sup>2</sup> ±)
Zoning:	Commercial Residential T2.0 C2.0 R2.0
Official Plan:	Mixed Use Area
Current Status:	Public Lane

## **Closing Process:**

In order to proceed with the disposal of the Lane, the City must comply with the procedures governing disposal of property. Specifically, before disposing of any property (including a lease of 21 years or longer), Council must declare the property to be surplus through a bylaw or resolution. A notice of the proposed disposal and the manner of disposal must then be given to the public and at least one appraisal of the market value of the property must be obtained.

The closing process requires three separate approvals from City Council. The first approval initiates the process to close the Lane and declares the subject lands surplus. The second approval authorizes the terms and conditions of the sale of the subject land(s). The third and final City Council approval authorizes the closing bylaw. In addition, the public has the opportunity to speak to the matter if they wish to do so at Toronto and East York Community Council during consideration of the draft bylaw.

The closure of public lane lands is a Schedule A project and is exempt from the requirements of the Municipal Class Environmental Assessment.

## **CONTACT**

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Chief Corporate Officer

## **ATTACHMENTS**

Sketch No. PS-2007-046

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