



## STAFF REPORT ACTION REQUIRED

### Land Exchange of a Portion of 151 Hiawatha Road with a Portion of Toronto District School Board Lands Abutting 1430-1432 Gerrard Street East

<b>Date:</b>	November 12, 2007
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Chief Corporate Officer
<b>Wards:</b>	Ward 30 – Toronto-Danforth
<b>Reference Number:</b>	P:\2007\Internal Services\F&re\ Te07124F&re – (AFS 3233)

#### SUMMARY

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The purpose of this report is to recommend that a portion of lands owned by the City be sold/exchanged for a portion of lands owned by the Toronto District School Board, in order to extend an existing public lane, from Hiawatha Road through to Ashdale Avenue.

The terms for completing the transaction as set out herein are considered to be fair, reasonable, and reflective of market value.

#### RECOMMENDATIONS

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**The Chief Corporate Officer recommends that:**

1. Authority be granted for the City to enter into a Land Exchange Agreement with the Toronto District School Board (TDSB) for a portion of the public lane described as Part 3 on Reference Plan 66R-21536 and shown as Part 2 on PS-2002-053a (the “City Property”), in exchange for a portion of lands described as Part 2 on Reference Plan 66R-21536 and shown as Part 1 on Sketch PS-2002-053a (the “TDSB Property”), substantially on the terms and conditions outlined in Appendix “A” to this report.
2. Each of the Chief Corporate Officer and the Director of Real Estate Services be authorized severally to accept the terms of the Land Exchange Agreement on behalf of the City.

3. Authority be granted to direct a portion of the proceeds of closing to fund the outstanding expenses related to the completion of the land exchange transaction.
4. The City Solicitor be authorized to complete the transaction on behalf of the City, including making payment of any necessary expenses and amending the closing and other dates to such earlier or later date and on such terms and conditions as she may from time to time consider reasonable.

### **Financial Impact**

The Land Exchange is for nominal value.

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

### **DECISION HISTORY**

City Council, at its meeting held on October 1, 2, and 3, 2002, adopted without amendment, Clause No. 53 of Report 10 of the Toronto and East York Community Council which directed the then Commissioner of Corporate Services to approach the TDSB to negotiate an agreement of purchase for the TDSB Property.

City Council, at its meeting held on February 1, 2, and 3, 2005, adopted without amendment, Clause No. 76 of Report 1 of the Toronto and East York Community Council which permanently stopped up and closed the City Property as a public lane and declared the City Property surplus to the City's requirements. Authorization to negotiate a sale of the City Property in exchange for the TDSB Property was granted. Upon acquisition of the TDSB Property, the TDSB Property will be dedicated for public lane purposes in order to extend the existing public lane from Hiawatha Road through to Ashdale Avenue.

All steps necessary to comply with the City's real estate disposal process as set out in Chapter 213 of the City of Toronto Municipal Code have been complied with.

### **ISSUE BACKGROUND**

In 2002, Works and Emergency Services (WES) staff received information respecting concerns with the condition of the lane extending between Hiawatha Road and Ashdale Avenue, at the rear of Premises Nos. 1416 to 1432 Gerrard Street East. Upkeep of the lane had been neglected. Garbage and other debris had been allowed to accumulate and it was suspected that the lane was being used as a site for illicit activities.

Upon investigation, it was determined that the public lane extended from Hiawatha Road to the easterly limit of the rear of Premises No. 1428 Gerrard Street East only. The remainder of the lane, at the rear of Premises Nos. 1430 and 1432 Gerrard Street East, was owned by the TDSB.

After attempts to have TDSB clean up and repair the TDSB Property were unsuccessful, WES requested that City staff take steps to purchase the TDSB Property in order to extend the public lane through to Ashdale Avenue. This resulted in the preparation of the above-noted report which was adopted by City Council.

It was subsequently discovered that TDSB had constructed their parking lot and a retaining wall over the City Property. During further discussions with staff of TDSB, it was agreed that in order to correct this oversight, TDSB would convey the TDSB Property to the City in order to extend the existing public lane and, in exchange, TDSB would take ownership of the City Property. As the parking lot is raised and the retaining wall was constructed by the TDSB and extends the full length of Parts 1 and 2, ownership and responsibility for maintenance of the retaining wall in its entirety, will remain with TDSB.

## COMMENTS

Further details of the properties are:

	City Property	TDSB Property
Approximate Site Dimensions:	Rectangular	Rectangular
Approximate Area:	33 m <sup>2</sup> ± (355.21 ft <sup>2</sup> )	130 m <sup>2</sup> ± (1,399.31 ft <sup>2</sup> )
Current Use:	Vacant land	Vacant land

A Cost Centre has been put in place to charge costs directly related to the sale of City-owned properties, and includes such items as commission, surveying and registration costs. A recommendation is included in this report to direct a portion of the sale proceeds to fund the outstanding expenses related to this property.

## CONTACT

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## SIGNATURE

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Bruce Bowes, P. Eng.,  
 Chief Corporate Officer

## ATTACHMENTS

Appendix “A” – Terms and Conditions  
 Appendix “B” – PS Sketch