

**Easement Agreement / Grant of Right of Way affecting
the south side of Carpark No. 78 (35 Erindale Avenue)**

Date:	May 1, 2008
To:	Government Management Committee
From:	President, Toronto Parking Authority
Wards:	Ward 29 Toronto- Danforth
Reference Number:	TPA file No. 5078-00

SUMMARY

The purpose of this report is to obtain City Council approval for the granting of an easement to 180 Danforth Inc., for the purpose of vehicular access to and egress from a portion of City-owned property which is operated under the Toronto Parking Authority. The Property Management Committee has reviewed this matter and concurred, the proposed easement lands have been declared surplus pursuant to a Delegated Approval Form Tracking No. 2008-022.

RECOMMENDATIONS

The Toronto Parking Authority recommends that:

1. City Council authorize the granting of a temporary easement in the nature of a Right of Way ("ROW") to 180 Danforth Inc. for lands on the south flank of Carpark No. 78 (35 Erindale Avenue), as illustrated on the attached Survey, with the following terms:
 - term of 30 years;
 - right of early termination by either party upon redevelopment of the 180 Danforth Avenue site;
 - the ROW will be granted for the sum of \$50,000;
 - the ROW will have dimensions of approximately 18m in length with a width of 2.6m and be stratified in height extending from grade level to 4m above grade;
 - and

- the ROW is for non-exclusive use of the easement lands for the manoeuvring of vehicles and does not allow the use of the easement lands for storage of any items, including vehicles.
2. The appropriate City Officials be authorized and directed to take the actions necessary to give effect thereto.

FINANCIAL IMPACT

The \$50,000 additional revenue will be accounted for in the 2008 approved Operating Budget.

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

ISSUE BACKGROUND

The Toronto Parking Authority (TPA) was contacted by staff from Urban Development Services (UDS) in October of 2006 with respect to an application for the redevelopment of lands located at 180 Danforth Avenue (refer to attached Location Map). The intended use of the lands is to accommodate a Shoppers Drug Mart. The lands are currently in two uses: the east parcel is an automotive repair facility, while the west parcel is the Ralph Day Funeral Home.

The applicant intended to incorporate the required loading facility associated with the proposed redevelopment into the portion of the building fronting Ellerbeck Street. However, UDS recommended that the loading facility be located at the rear of the building, serviced from the lane which runs west from Ellerbeck Street. This design change would provide benefits in terms of improved pedestrian safety and streetscape amenities. As the TPA has parking spaces abutting the lane which would be affected by the UDS request, the Councillor's office contacted the TPA in support of the UDS position. The applicant has agreed to move the loading facility to the rear of the building subject to the provision of the ROW described herein.

The existing layout plan of carpark No. 78 incorporates a rather unusual parking arrangement wherein the carpark incorporates 91 spaces to the north of an existing concrete wall with an additional five parallel laneway spaces on the south side of the concrete wall abutting and accessible only via the laneway from Ellerbeck Street. The five parallel laneway spaces experience extremely low usage due to poor signage and accessibility. Accordingly, as part of the TPA's 2007 paving program, the existing concrete wall was to be removed and the existing layout extended southward to the property line. This would have eliminated the five parallel laneway spaces and added 4 additional spaces in the lot proper.

Following discussion with UDS, the local Councillor and representatives from the B.I.A., a new layout plan was developed which will also eliminate five laneway spaces and provide for four spaces in the lot proper. However, the plan utilizes the public lane for circulation of vehicles which is typically discouraged by the TPA where possible, but is considered an acceptable arrangement in this instance by UDS, the local Councillor and representatives from the B.I.A. Under this proposed arrangement, the truck manoeuvring area required to support the Shoppers Drug Mart loading dock can be provided with the granting of the ROW.

COMMENTS

Development Implications

The TPA considers this carpark as having good redevelopment potential. The granting of this easement will have some impact on the potential redevelopment opportunities on this carpark. In order to minimize this impact, the TPA has stratified the easement.

An appraisal report has been completed and the appraised value of the subject lands range between \$41,000 and \$53,000.

Conclusion

According to UDS, granting the ROW will improve the design of the proposed new development at 180 Danforth Avenue, and the TPA anticipates an increased level of parking demand as a result of the new development. The TPA does not anticipate that the ROW will significantly impair the future development potential of carpark 78. It is therefore recommended that the City approve the granting of an easement at the southern flank of Carpark 78 to 180 Danforth Inc. for a ROW for vehicular access to and from the proposed development at 180 Danforth Avenue via Ellerbeck Street, and that Council amend such by-laws as might be necessary to permit the use of these City lands.

CONTACT

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SIGNATURE

Gwyn Thomas, President

ATTACHMENTS

Site Location Map
Survey with ROW highlighted