



**STAFF REPORT
ACTION REQUIRED**

**Proposed Permanent Closure and Sale of a Portion of
the Public Lane at the Rear of 400 Yonge Street,
Extending Northerly from Gerrard Street West**

Date:	April 15, 2008
To:	Toronto and East York Community Council
From:	General Manager, Transportation Services and Chief Corporate Officer
Wards:	Toronto Centre – Rosedale – Ward 27
Reference Number:	Ts08040te.top

SUMMARY

The General Manager, Transportation Services and the Chief Corporate Officer request that a portion of the public lane at the rear of 400 Yonge Street be permanently closed, and that the said lane be sold to the adjoining land owners, The Residences of College Park Tower III Inc. and The Residences of College Park Tower IV Inc., substantially on the terms and conditions outlined in Appendix “A” to this report.

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

RECOMMENDATIONS

The General Manager, Transportation Services and the Chief Corporate Officer recommend that City Council:

1. Permanently close a portion of the public lane, shown as Part 1 on the attached Sketch No. PS-2007-118 (the “Lane”), subject to compliance with the requirements of City of Toronto Municipal Code Chapter 162.
2. Direct Transportation Services staff to give notice to the public of a proposed by-law to close the Lane in accordance with the requirements of City of Toronto Municipal Code, Chapter 162, with the Toronto and East York Community Council to hear any

member of the public who wishes to speak to the matter during consideration of the proposed by-law.

3. Direct Transportation Services staff to advise the public of the proposed closure of the Lane prior to implementation, in accordance with the requirements of the Municipal Class Environmental Assessment for Schedule A+ activities, by posting notice of the proposed closure on the notices page of the City's Web site for at least five working days prior to the Toronto and East York Community Council meeting at which the proposed by-law to close the Lane will be considered.
4. Authorize the City to accept the Offer to Purchase from the adjoining owners, The Residences of College Park Tower III Inc. and The Residences of College Park Tower IV Inc. (the "Purchaser"), for the sale of the Lane, in the amount of \$261,000., substantially on the terms and conditions outlined in Appendix "A" to this report.
5. Authorize each of the Chief Corporate Officer and the Director of Real Estate Services severally to accept the Offer to Purchase on behalf of the City.
6. Grant authority to direct a portion of the proceeds of the closing to fund the outstanding expenses related to the Lane and the completion of the sale transaction.
7. Authorize the City Solicitor to complete the transaction on behalf of the City, including making payment of any necessary expenses, amending the closing date, the due diligence and other dates to such earlier or later date(s) on such terms and conditions as she may from time to time consider reasonable.

Financial Impact

The subject closing will not incur any costs to the City as the Purchaser is required to pay all costs associated with the closing of the Lane. We anticipate revenue in the amount of \$261,000. (net of GST), less closing costs and the usual adjustments from this sale.

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

DECISION HISTORY

In accordance with the City's Real Estate Disposal By-law No. 814-2007, the Lane was declared surplus on January 25, 2008 (DAF No. 2008-007) with the intended manner of disposal to be by inviting an offer to purchase the Property from the adjoining owner at 400 Yonge Street.

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

Transportation Services received a request from the Purchaser to investigate the feasibility of permanently closing the Lane for incorporation into the abutting

development site in the College Park Block. The majority of the City lanes within the College Park Block were closed and conveyed to the adjoining owner at 400 Yonge Street's predecessor (Toronto College Street Centre Limited) in the late 1970s. However, at that time, Toronto College Street Centre Limited was not able to acquire the property municipally known as 382 Yonge Street. Accordingly, the lane serving the rear of 382 Yonge Street could not be conveyed and was retained by the City. Subsequently, Toronto College Street Centre Limited was successful in acquiring 382 Yonge Street, which is now part of the development site at 400 Yonge Street.

COMMENTS

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

Negotiations between the City and the Purchaser have been completed and the Purchaser and City staff have agreed that the value of the Lane is \$261,000. Additional details of the terms and conditions of sale are set out in Appendix "A" and are considered to be fair, reasonable and reflective of market value.

Details of the Lane are as follows:

Description:	Portion of the Public Lane at the rear of 400 Yonge Street
Approximate Size:	4.6 m x 3.8 m ± (15.1 ft x 12.5 ft ±)
Approximate Area:	17.3 m ² ± (186.2 ft ² ±)

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 commissions and surveying. A recommendation is included in this report to direct a portion of the sale proceeds to fund the outstanding expenses related to the Lane.

Closing Process:

The closing process requires two separate approvals from City Council. The first approval initiates the process to close the Lane and authorizes the terms and conditions of the sale of the Lane. The second City Council approval authorizes the closing by-law. 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 by-law.

The requirements of the Municipal Class Environmental Assessment (Schedule A+) will be incorporated into the public notice advising the public of the draft by-law to close the Lane.

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SIGNATURE

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General Manager
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Bruce Bowes, P. Eng.
Chief Corporate Officer

ATTACHMENTS

Appendix A – Terms and Conditions
Appendix B – Site Map and Sketch No. PS-2007-024

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