



STAFF REPORT ACTION REQUIRED

Proposed Permanent Closure and Sale of an Untravelled Portion of Musgrave Street Road Allowance at Dengate Road

Date:	June 17, 2008
To:	Toronto and East York Community Council
From:	General Manager, Transportation Services and Chief Corporate Officer
Wards:	Beaches-East York – Ward 32
Reference Number:	Ts08120te.top.doc - (AFS 7795)

SUMMARY

The General Manager, Transportation Services and the Chief Corporate Officer request that an untravelled portion of the Musgrave Street road allowance at Dengate Road be permanently closed and that the public highway be sold to the adjoining land owner, Ambercroft Construction Ltd., substantially on the terms and conditions outlined in Appendix “A” to this report.

RECOMMENDATIONS

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

1. Permanently close an untravelled portion of the Musgrave Street road allowance, shown as Parts 2 and Part 3 on the attached Sketch No. PS-2008-075 (the “Highway”), subject to compliance with the requirement of the City of Toronto Municipal Code, Chapter 162.
2. Direct Transportation Services Division to give notice to the public of a proposed by-law to close the Highway in accordance with the requirements of the 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 Highway 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 website 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 Highway will be considered.
4. Accept the Offer to Purchase from the adjoining owner, Ambercroft Construction Ltd. (the "Purchaser"), for the sale of the Highway, substantially on the terms and conditions outlined in Appendix "A" to this report and 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.
5. Authorize the City Solicitor to complete the transaction on behalf of the City, including paying any necessary expenses, amending the closing, due diligence and other dates, and amending and waiving terms and conditions, on such terms as she considers reasonable.
6. Authorize and direct the appropriate City officials to take the necessary action to give effect to the above recommendations, including the introduction in City Council of any necessary bills.

Financial Impact

The closing of the Highway will not result in any costs to the City as the Purchaser is required to pay all costs associated with the closing.

The City and the Purchaser have agreed that the value of the Highway is \$34,000.00. The City has received certain public benefits, being lands to be dedicated for Park purposes, forming part of Blocks 52 and 53, conveyed to the City by Instrument Number AT678571 on December 7, 2004, such benefits being valued at \$34,000.00.

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

DECISION HISTORY

The Highway proposed to be closed and conveyed is part of a subdivided area of land on the north side of Gerrard Street East, west of Victoria Park Avenue and abutting the Ted Reeve Recreational Area. The Ontario Municipal Board ("OMB") approval of the necessary Official Plan Amendment, Zoning By-law and subdivision was the subject of Decision Order No. 0623 dated March 29, 1999. The OMB Decision was based on a settlement approved by City Council at its meeting held on February 2, 3 and 4, 1999, in Toronto Community Council Report No. 2, Clause 35. One of the terms of settlement included the closing and conveyance of the Highway to be incorporated into a medium-density row house block.

The site plan approval for this row house block is the subject of a recent OMB Decision dated April 10, 2008.

In accordance with the City's Real Estate Disposal By-law, No. 814-2007, the Highway was declared surplus on June 17, 2008 (DAF No. 2008-070) with the intended manner of disposal to be by inviting an offer to purchase the Highway from the adjoining owner, Ambercroft Construction Ltd.

ISSUE BACKGROUND

Transportation Services Division received a request from the Purchaser to investigate the possibility of permanently closing the Highway for incorporation into the abutting residential development site. The closing of the Highway is required in order to fulfill the terms of a Section 37 Agreement, Section V, 5.1, dated November 22, 2000 and registered as Instrument No. E384007 on December 28, 2000. The Section 37 Agreement states that the Highway be conveyed to the Purchaser in exchange for land to be dedicated for Park purposes.

Lands forming part of Blocks 52 and 53 on Plan 66M-2414 were conveyed to the City for Park purposes by Instrument No. AT678571 on December 7, 2004. The Purchaser is now developing the last phase of the subdivision and it is appropriate to complete the conveyance of the Highway.

COMMENTS

Transportation Services Division has reviewed the possibility of closing the Highway and has decided that the Highway can be permanently closed and sold.

Details of the Highway are as follows:

Description:	Portion of Public Highway at the west end of Musgrave Street and Dengate Avenue
Approximate Size: Irregular shape	East/West Measurement: 1.0 m - 3.0 m (3.3 ft-9.8 ft) North/South Measurement: 16.5 m (54.13 ft)
Approximate Area:	33.2 m ² (338.0 ft ²)
Current Status:	Untravelled public highway

As of the writing of this report, not all of the 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, as notice of the proposed sale has not been given. By the date of consideration of the Committee, the required public notice will have been given.

Closing Process

The closing process requires two separate approvals from City Council. The first Council approval begins the process to close the Highway and authorizes the terms and conditions of the sale of the Highway. 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.

CONTACT

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SIGNATURE

Gary Welsh, P. Eng.
General Manager
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Bruce Bowes, P. Eng.
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ATTACHMENTS

Appendix A – Terms and Conditions of Offer to Purchase
Appendix B – Site map and PS Sketch of the Property