



**STAFF REPORT
ACTION REQUIRED**

Proposed Permanent Closure of the Public Lane at the rear of 585 Queen Street West

Date:	June 13, 2008
To:	Toronto and East York Community Council
From:	Director, Transportation Services, Toronto and East York District
Wards:	Trinity - Spadina – Ward 20
Reference Number:	Ts08113te.top.doc

SUMMARY

Transportation Services recommends that the public lane at the rear of 585 Queen Street West be permanently closed.

RECOMMENDATIONS

Transportation Services recommends that Toronto City Council:

1. Permanently close the public lane shown as Part 1 on the attached Sketch No. PS-2006-056 (the “Lane”), subject to compliance with the requirements of City of Toronto Municipal Code, Chapter 162, and subject to City Council authorizing a sale of the Lane to the abutting owner, RioCan PS Inc.(“RioCan”);
2. Authorize Transportation Services staff to give notice to the public of a proposed by-law to close the Lane 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; and
3. Authorize 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 notice 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.

Financial Impact

The subject closing will not result in any costs to the City as RioCan will be required to pay all costs associated with the closing of the Lane as part of the sale transaction. Financial compensation will be realized from the sale of the Lane.

DECISION HISTORY

In accordance with the City's Real Estate Disposal By-law No. 8140-2007, the Lane was declared surplus on May 20, 2008 (DAF No. 2008-069) with the intended manner of disposal to be by inviting an offer to purchase the Lane from the abutting owner at 585 Queen Street West and 156 Portland Street, being RioCan.

ISSUE BACKGROUND

RioCan has submitted an application for the development of its lands (including the Lane). Transportation Services received a request from RioCan to investigate the feasibility of the permanent closure of the Lane, which bisects the site, in order to provide a complete development block for RioCan's proposed development.

Title to the Lane is currently registered in RioCan's name, but it is the City's position that the Lane is a public lane owned by and under the jurisdiction of the City. To address the issue of ownership of the Lane, RioCan agreed to deliver a deed for the Lane to the City in escrow, to enable staff to proceed with the lane closing application. The escrow deed will be held in escrow until a sale transaction is approved and completed. If a sale transaction is not approved and completed by an agreed outside date of December 31, 2009, the escrow deed must be returned to RioCan and RioCan reserves the right to challenge the City's position that it is the owner of the Lane.

COMMENTS

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

The Chief Corporate Officer will submit a separate report to the Government Management Committee to obtain authority to enter into an Agreement of Purchase and Sale with RioCan, as the value of the Lane is in excess of \$500,000.00.

The Lane has an existing 300 mm storm sewer that extends from the west limit of the development site and connects to the 375 mm combined sewer on Portland Street, which can be abandoned. The cost to abandon the storm sewer will have to be paid by RioCan as part of the sale transaction.

In addition, there is an existing Bell Canada pole and cable within the Lane that must be relocated and RioCan will also be required to pay these relocation costs as part of the sale transaction.

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 approval authorizes enactment of the closing by-law. Prior to enactment of the by-law, 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 will be incorporated into the public notice advising the public of the by-law to close the Lane.

CONTACT

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ATTACHMENTS

Sketch No. PS-2006-056 dated May 25, 2006

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