



## STAFF REPORT ACTION REQUIRED

### Proposed Permanent Closure and Sale of a Portion of the Public Lane at the Rear of 3 Kimberley Avenue

<b>Date:</b>	September 18, 2008
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	General Manager, Transportation Services and Chief Corporate Officer
<b>Wards:</b>	Beaches-East York - 32
<b>Reference Number:</b>	Ts08171te.top.doc

#### SUMMARY

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The General Manager, Transportation Services and the Chief Corporate Officer request that a portion of the public lane at the rear of 3 Kimberley Avenue be permanently closed, and that the portion of the public lane be sold to the adjoining land owners, Robert Frank Mayer and Teresa Marie Funnell, substantially on the terms and conditions outlined in the attached Appendix "A".

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

1. Permanently close a portion of the public lane at the rear of 3 Kimberley Avenue, shown as Part 1 on Sketch No. PS-2007-218 (the "Lane"), subject to compliance with the requirements of the 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. Accept the Offer to Purchase from Robert Frank Mayer and Teresa Marie Funnell (the "Purchaser") to purchase the Lane in the amount of \$25,000.00 substantially on the terms and conditions outlined in Appendix "A" to this report, and each of the Chief Corporate Officer and the Director of Real Estate be authorized severally to accept the Offer to Purchase on behalf of the City.
5. Grant authority to direct a portion of the proceeds of closing to fund the outstanding expenses related to the Lane and the completion of the sale transaction.
6. Authorize the City Solicitor to complete the transaction(s) on behalf of the City, including making payment of any necessary expenses and amending and/or waiving the closing and other dates to such earlier or later date(s) and amending and waiving terms and conditions, on such terms as she considers reasonable.

### **Financial Impact**

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

The City anticipates revenue in the amount of \$25,000.00, (net of GST), less closing costs and the usual adjustments from this sale.

The Deputy City Manager and Chief Financial Officer have 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 May 6, 2008 (DAF No. 2008-042) with the intended manner of disposal to be by inviting an offer to purchase the Lane from the adjoining owner at 3 Kimberley Avenue.

### **ISSUE BACKGROUND**

Transportation Services received a request from the Purchaser to investigate the feasibility of permanently closing the Lane which is currently enclosed within the Purchasers backyard.

## COMMENTS

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

Details of the Lane are as follows:

Approximate Size: North/south measurement: East/west measurement:	12.2 m (40.0 ft) 4.5 m ± (14.76 ft ±)
Approximate Area:	56.8 m <sup>2</sup> (611.41 ft <sup>2</sup> )
Current Status:	Lane is being used a part of owner's backyard

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. This report includes a recommendation to direct a portion of the sale proceeds to fund the outstanding expenses related to the Property.

### 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 will be met during the posting of the above-noted public notice.

**CONTACT**

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**SIGNATURE**

Gary Welsh, P. Eng.  
General Manager  
Transportation Services

Bruce Bowes, P. Eng.  
Chief Corporate Officer

**ATTACHMENTS**

Appendix "A" – Terms and Conditions of Offer to Purchase  
Appendix "B" – Site Map and Sketch No. PS-2007-218