



**STAFF REPORT
ACTION REQUIRED**

**Proposed Permanent Closure and Sale of a Portion of
the Public Lane at the Rear of 427 Shaw Street**

Date:	September 18, 2008
To:	Toronto and East York Community Council
From:	General Manager, Transportation Services and Chief Corporate Officer
Wards:	Trinity-Spadina – Ward 19
Reference Number:	Ts08170te.top.doc

SUMMARY

The General Manager, Transportation Services and the Chief Corporate Officer request that a portion of the public lane at the rear of 427 Shaw Street be permanently closed and that the portion of the public lane be sold to the adjoining land owners, Laurie Uytterlinde-Flood and Donald James Currie, 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

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 427 Shaw Street, shown as Part 1 on Sketch No. PS-2007-298 (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 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 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 Laurie Uytterlinde-Flood and Donald James Currie (the "Purchaser") to purchase the Lane in the amount of \$1,650.00 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 severally to accept the Offer to Purchase on behalf of the City.
6. 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.
7. 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.

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 \$1,650.00, (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. 2008-041) with the intended manner of disposal to be by inviting an offer to purchase the Lane from the adjoining owner at 427 Shaw Street.

ISSUE BACKGROUND

Transportation Services received a request from the Purchaser to investigate the feasibility of permanently closing the Lane in order to square off the rear of their property and to construct a fence.

COMMENTS

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

Details of the Lane are as follows:

Approximate Size	Irregular – See Sketch
Approximate Area:	5.0 m ² (53.82 ft ²)
Current Status:	Public Lane

A Cost Centre has been put in place to charge costs directly related to the sale of City-owned properties. This report includes a recommendation to direct a portion of the sale proceeds to fund the outstanding expenses related to the property and the completion 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 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-2007-298