

Overflow Parking Licence Agreement at City's Lands of 50 Ingram Drive

Date:	June 8, 2009
To:	Government Management Committee
From:	Chief Corporate Officer
Wards:	Ward No. 12 (York South-Weston)
Reference Number:	P:\2009\Internal Services\F&re\Gm09053F&re – (AFS 10229)

SUMMARY

The purpose of this report is to seek the authority to enter into a non-exclusive Licence Agreement with My Father's House for approximately fifty (50) overflow vehicular parking spaces on City owned land at 50 Ingram Street (the "City Lands") for a five (5) year term with a five (5) year renewal option. The Licence is in exchange for My Father's House agreeing to grant to the City a permanent non-exclusive access easement (the "Access Easement") through a portion of its lands at 2265 Keele Street for the purposes of ingress and egress to and from Keele Street to the City Lands on which Parks, Forestry and Recreation Division (PFR) is planning to develop a golfing related activity.

RECOMMENDATIONS

The Chief Corporate Officer recommends that:

1. Council authorize a Licence Agreement for approximately fifty (50) overflow parking spaces at 50 Ingram Drive for a five (5) year term with a five (5) year renewal option substantially based on the terms and conditions as set out in the attached Appendix "A"; and,
2. The Chief Corporate Officer be authorized to administer and manage the Licence Agreement including the provision of any consents, approvals, notices and notices of termination provided that the Chief Corporate Officer may, at any time, refer consideration of such matters (including their content) to City Council for its determination and direction

Financial Impact

This transaction will result in the Licence Agreement that allows My Father's House to use up to 50 parking spaces in a designated area on the City lands for a 5 year term (with a five year option), in exchange for a permanent non-exclusive easement through a portion of My Father's House lands, for a nominal fee, for the purposes of ingress and egress to the City's lands west of Ingram Transfer Station. My Father's House will also pay realty taxes, as well as all maintenance and operating costs related to the designated area. As this designed area is currently vacant land there will be no lost revenue to the City. At the same time, the City will benefit from the easement provided in exchange, which will allow the access to the City's Land which Parks, Forestry and Recreation (PF&R) plans to use for a golf activity related development.

Funding for the development of the City's land is not currently accounted for in the PF&R's 2009 Capital Budget and 10-year Capital Plan and Forecast. Once development plans and funding estimates are finalized, the required funding will be incorporated into the PF&R's Capital Plan. There is no available funding or immediate plans to operate any facilities on this land.

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

DECISION HISTORY

The City's land at 50 Ingram Drive is located adjacent and south of 2265 Keele Street (the "My Father's Home Lands"). City Council has directed staff of Parks Forestry & Recreation, in conjunction with Facilities & Real Estate to resolve access limitation issues to the City lands so that those lands can be re-used for golfing (driving range, etc) purposes. The current access is through private property, the owner of which operated a golf driving range on the subject land from 1997 to 2004. It is beneficial for the City to secure an alternate access for the development of a golfing activity. The City has been in discussions with representatives of My Father's House Ministries to gain access via their property at 2265 Keele.

In exchange, My Father's House Ministries has requested access to the City-owned lands for the purposes of overflow parking as the City Lands have ample available parking. Given the mutual interests between the two sites and owners, the City was supportive of a minor variance to the 2265 Keele Street property that would allow up to 50 parking spaces to be provided off-site, on a non-exclusive licence basis, to meet the by-law requirements, subject to My Father's House providing the City with a permanent access easement over its lands to be registered on title.

ISSUE BACKGROUND

The condition of Notice of Decision of the Committee of Adjustment (Minor Variance/Permission) on December 11, 2008 required that My Father's Home enter into a parking licence agreement with the City of Toronto for a minimum of 50 parking stalls to

be located in the Ingram Transfer Station lands abutting its land to the south. This agreement is to be entered into with the City within one year of the decision date.

COMMENTS

The five (5) year term of the Licence Agreement will commence on the day following the execution of the Licence by My Father's House; or the day following the registration of the Access Easement on title to the My Father's House Lands, whichever is the later.

My Father's House is required to pay realty taxes, all maintenance and operating costs in relation to the parking lot area to be licensed.

F&RE staff consider this exchange to be fair, reasonable and at market value.

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SIGNATURE

Bruce Bowes, P. Eng.
Chief Corporate Officer

ATTACHMENTS

Appendix "A" – Major terms and conditions
Appendix "B" – Location Map