



STAFF REPORT ACTION REQUIRED

Easement Agreement / Grant of Right of Way affecting a closed portion of Market Street

Date:	September 29 th , 2009
To:	Government Management Committee
From:	President, Toronto Parking Authority
Wards:	Ward 28 Toronto Centre - Rosedale – Councillor Pam McConnell
Reference Number:	TPA File No. 5043-00

SUMMARY

The purpose of this report is to obtain City Council approval for the granting of an easement to Metrolinx (formerly the Greater Toronto Transit Authority), o/a GO Transit over a closed portion of Market Street for use as a new vehicular service and maintenance ingress / egress point to the Union Station railway corridor. City Legal and the Property Management Committee has reviewed this matter and concurred. The proposed easement lands were declared surplus pursuant to a Delegated Approval Form – Tracking No. 2009-105.

RECOMMENDATIONS

The Toronto Parking Authority (the “TPA”) recommends that:

1. City Council authorize the granting of an easement in the nature of a Right of Way (“ROW”) to Metrolinx over the closed portion of Market Street, illustrated as Part 1 on the attached Property Information Sheet (Sketch No. PS-2008-016), subject to the following terms and conditions:
 - a 99-year stratified interest;
 - the ROW be granted for the sum of \$346,000;
 - the ROW will be limited to an area of 269.14 square meters with dimensions of approximately 10.1 meters by 26.8 meters and stratified in height extending from grade level to a limit of 5.18 meters;
 - the ROW is for non-exclusive use as a new vehicular service and maintenance ingress / egress point to the railway corridor; and
 - the TPA retains a right to re-configure the ROW if required.

2. The appropriate City Officials be authorized to take the actions necessary to give effect thereto.

FINANCIAL IMPACT

The TPA will receive \$346,000 to be paid by Metrolinx upon City Council's approval in granting this easement over the closed portion of Market Street for use as a new vehicular service and maintenance ingress / egress point to the Union Station railway corridor.

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

ISSUE BACKGROUND

Metrolinx is requesting an easement for a new vehicular service and maintenance ingress/egress point to the Union Station railway corridor. The proposed easement lands are located adjacent to the east portion of Carpark 43 (St Lawrence Garage – 2 Church Street) and over the closed portion of Market Street which is operated under the jurisdiction of the TPA.

The St Lawrence Garage was constructed in 1983 with 1,038 parking spaces on the site of a former surface carpark, as part of a joint venture with the former City Housing Department. An extension of the garage was completed in 1990 with the addition of 970 spaces for a total of 2,008 parking stalls.

The reason for this ROW request by Metrolinx is because they have sold their ownership interest in lands at 5 and 7 The Esplanade which are located immediately adjacent to the west side of Carpark 43 (St Lawrence Garage), on the south side of The Esplanade. These lands, which are currently being used by Metrolinx for access to the Union Station railway corridor, will no longer be available and therefore Metrolinx requires an alternate vehicular ingress / egress arrangement. The Metrolinx lands will become part of the proposed L-Tower condominium development.

COMMENTS

Site Location and Particulars

The Property, located over a closed portion of Market Street (as closed under By-Law 11561) forms part of TPA Carpark 43 (municipally known as 2 Church Street), is described as Plan 5A, Part Water Lots 24-26, Plan 64R-14585, Parts 22, 46, 49, 51, 58, 85. These lands are also shown as Part 1 on Sketch No PS-2008-016 (see attached Property Information Sheet). The ROW will have a site area of approximately 2,897 square feet or 269.14 square meters and the following dimensions:

➤ North Limit	10.06 meters
➤ South Limit	10.06 meters
➤ West Limit	26.68 meters
➤ East Limit	26.82 meters

The ROW will be stratified in height extending from grade level to a limit of 5.18 meters above grade level.

Operational Implications

The granting of the ROW will have minimal impact to the operation of the garage for the following reasons:

- The ROW lands are physically located outside of the St Lawrence Garage parking structure;
- The ingress / egress point is positioned at the south end and over a closed portion of Market Street and will therefore not interfere with the entrance / exit to the parking facility; and
- Metrolinx's use of the easement lands will be strictly for service / maintenance vehicles and will be utilized rather infrequently.

Development Implications

Should an opportunity arise for the TPA to redevelop Carpark 43 or more specifically the eastern portion of the garage from Church Street to Market Street, the stratified nature of the ROW to a height limit of 5.18 meters from grade level will minimize the impact and protect any redevelopment interests for the area. The TPA will also retain the right to reconfigure the ROW if required.

An appraisal report was completed by an appraiser retained by the TPA and the appraised value of the ROW is \$346,000. Metrolinx has agreed to pay this amount to the TPA, as well as related expenses such as legal, surveying and appraisal costs in consideration of granting this ROW.

Conclusion

For the foregoing reasons, it is recommended that City Council grant approval of an easement to Metrolinx (formerly the Greater Toronto Transit Authority), o/a GO Transit over a closed portion of Market Street for use as a new vehicular service and maintenance ingress / egress point to the Union Station railway corridor

CONTACT

Gwyn Thomas, President, Toronto Parking Authority
Phone (416) 393-7276
Fax (416) 393-7352
gwthomas@toronto.ca

SIGNATURE

Gwyn Thomas, President

ATTACHMENTS

Site Location Map
Property Information Sheet (Sketch No. PS-2008-016) – ROW illustrated as Part 1