



STAFF REPORT ACTION REQUIRED

Amendment to Release of City's Interest in the most Easterly Portion of the Untravelled Cherry Street Road Allowance and the Adjoining Lane

Date:	October 26, 2009
To:	Government Management Committee
From:	Chief Corporate Officer
Wards:	44 - Scarborough East
Reference Number:	P:\2009\Internal Services\F&re\Gm09106F&re - (AFS-10752)

SUMMARY

The purpose of this report is to obtain approval for amendments to a transaction involving an exchange of interests between the City and Metrolinx that was authorized by City Council at its meeting held on October 29 and 30, 2008 (Item GM18.14). It should be noted that Metrolinx is the successor to GO Transit.

RECOMMENDATIONS

The Chief Corporate Officer recommends that:

1. City Council authorize the exchange of interests between the City and Metrolinx substantially as set out in Appendix "A" of this report and such other terms as may be satisfactory to the Chief Corporate Officer, all in a form satisfactory to the City Solicitor, in place of the exchange of interests that was authorized by City Council at its meeting held on October 29 and 30, 2008 by its adoption of the motions in Item GM18.14.
2. City Council authorize all taxes, legal and other fees up to \$2,000.00 resulting from the approval of the recommendations in this report be paid from the Land Acquisition Reserve Fund (XR1012).
3. City Council authorize the City Solicitor to complete the transactions 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 as she considers reasonable.

Financial Impact

No revenue will be generated from the additional interests to be provided to Metrolinx. It is anticipated that the additional commuter parking lot to be constructed by Metrolinx will alleviate parking problems within the immediate vicinity and encourage transit use at the adjacent Rouge Hill GO Station.

If the lease to Metrolinx for the portion of the Duthie Street road allowance is terminated by the City, the City shall be responsible for the costs outlined in Appendix "A". Total costs are yet to be determined, but if the lease is terminated, the Chief Corporate Officer will report costs and source of funds to Council.

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

DECISION HISTORY

At its meeting held on October 29 and 30, 2008, City Council authorized an exchange of interests between the City and GO Transit (Item GM18.14 - <http://www.toronto.ca/legdocs/mmis/2008/gm/reports/2008-10-21-gm18-cr.pdf>)

In accordance with the City's Real Estate Disposal By-law, No. 814-2007, the portion of the Cherry Street road allowance shown as Part 1 on Sketch No. PS-2009-076a (the "Highway") was declared surplus on October 9, 2009 (DAF No. 2009-129) with the intended manner of disposal to be by inviting an offer to purchase the Highway from Metrolinx, the adjoining owner at 6-12 Duthie Street.

At its meeting held on October 13, 2009, the Scarborough Community Council recommended that City Council permanently close the Highway, subject to City Council approving the sale of the Highway to Metrolinx. The Scarborough Community Council's recommendations will be considered by City Council on October 26 & 27, 2009.

ISSUE BACKGROUND

Through the process of planning its new parking lot, Metrolinx identified certain additional City-owned lands, which, if included as part of the transaction, would enable it to maximize the parking facilities to be constructed on its site.

COMMENTS

By letter dated May 14, 2009, Metrolinx requested that certain additional City-owned lands be included in the exchange of interests transaction that was approved by City Council in October, 2008.

Details of the additional lands requested by Metrolinx are as follows:

Sketch No. PS-2009-076a	Area	
Part 1 (Part of Cherry Street)	971.0 m ² (10,452.09 ft ²)	City to permanently close and convey to Metrolinx
Part 2 (Part of Duthie Street)	913.7 m ² (9,835.3 ft ²)	City to lease to Metrolinx
Draft R-Plan – June 17, 2009		
Part 17 (Part of adjoining park)	211.4 m ² (2,275.6 ft ²)	City to license to Metrolinx

Discussions between the Ward Councillor, City staff and Metrolinx, as well as public consultation with the community, including several ratepayer groups, took place in May and June, 2009. The General Manager of Transportation Services is in agreement with the inclusion of Parts 1 and 2 on Sketch No. PS-2009-076a and the General Manager of Parks, Forestry & Recreation is in agreement with the inclusion of Part 17 on the Draft R-Plan, on the terms set out in Appendix “A”.

In October, 2009, the Chief Corporate Officer advised Metrolinx that he was prepared to recommend to City Council that the additional interests be included in the transaction on certain terms and conditions, as set out in Appendix “A”. Metrolinx has advised its agreement with the terms and conditions set out in Appendix “A” to this report.

All steps necessary to comply with the City’s real estate disposal process as set out in Chapter 213 of the City of Toronto Municipal Code have been complied with.

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SIGNATURE

Bruce Bowes, P. Eng.
 Chief Corporate Officer

ATTACHMENTS

Appendix “A” – Amended Exchange of Interests between City and Metrolinx
 Appendix “B” – Site Map, Sketch No. PS-2008-074, Sketch No. PS-2009-076a and Draft Reference Plan prepared by Krcmar, dated June 17, 2009