



**STAFF REPORT
ACTION REQUIRED
With Confidential Attachment**

Acquisition of 134 & 136 Broadview Avenue

Date:	October 26 th , 2009
To:	Government Management Committee
From:	President, Toronto Parking Authority
Wards:	Ward 30 Toronto – Danforth – Councillor Paula Fletcher
Reason for Confidential Information:	This report is about a proposed or pending land acquisition by the City or one of its Agencies, Boards, and/or Commissions.
Reference Number:	TPA File No. 1152-00

SUMMARY

The purpose of this report is to obtain City Council approval to purchase a property municipally known as 134 & 136 Broadview Avenue, and to hold such lands as outlined in the body of this report in order to facilitate the construction of a 25 space surface parking facility. This acquisition which forms part of a broader land exchange arrangement relating to the City’s acquisition of the First Parliament Site, is a first step in replacing part of approximately 39 surface parking spaces that will be lost at the Toronto Parking Authority’s (“TPA”) Carpark 45 (111 Broadview Avenue) due to the relocation of the Toronto Transit Commission’s (“TTC”) transit loop from 70 Parliament Street.

A subsequent Council Report will be brought forward by the Chief Corporate Officer at the next City Council meeting outlining a Memorandum of Understanding (“MOU”) between the City, TPA and the TTC which will identify TPA’s reimbursement by the City for all costs related to the replacement of all lost parking spaces at Carpark 45, including development / construction and other associated costs.

RECOMMENDATIONS

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

1. City Council authorize the acquisition of 134 & 136 Broadview Avenue (refer to the attached Location Map) from HPH (Broadview) Limited for the purchase price and all associated costs such as land transfer tax, survey, environmental studies, appraisal, brokerage fees and legal (the “Purchase Amount”) (see Attachment 1 – Confidential Information);

2. City Council authorize an increase to TPA's 2009 Capital Budget for the Queen / Broadview area by the Purchase Amount which will be funded through the City's Land Reserve Fund ("LRF");
3. Upon acquisition, the purchased lands to be designated for municipal parking purposes, to be managed by the TPA;
4. The City Solicitor be authorized to complete the purchase transaction, deliver any notices, pay any expenses and amend the closing and other dates to such earlier or later date(s), on such terms and conditions, as she may, from time to time, determine;
5. City Council to authorize the public release of Attachment 1 - Confidential Information, if Council approves the acquisition and the transaction is completed to the satisfaction of the City Solicitor; and
6. The appropriate City Officials be authorized to take the actions necessary to give effect thereto.

FINANCIAL IMPACT

The TPA's 2009 Capital Budget will need to be increased by the Purchase Amount (see Attachment 1 – Confidential Information) in order to fund the acquisition 134 & 136 Broadview Avenue. This transaction will be funded through the City's Land Reserve Fund ("LRF").

A subsequent Council Report will be brought forward by the Chief Corporate Officer at the next City Council meeting outlining a Memorandum of Understanding ("MOU") between the City, TPA and the TTC which will identify TPA's reimbursement by the City for all costs related to the replacement of all lost parking spaces at Carpark 45, including development / construction and other associated costs.

The TPA has retained the services of an independent appraisal firm to ascertain the value of the subject property. According to the report, the Purchase Price of the subject property is considered fair, reasonable and reflective of fair market value.

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

ISSUE BACKGROUND

Since an archaeologist first uncovered the remains of Upper Canada's first parliament buildings in the summer of 2001, the City has been trying to facilitate the transfer of the site into public ownership. The First Parliament Site constitutes the lands at 265 Front Street East, 271 Front Street East and 25 Berkley Street.

At its meeting held on June 24, 25, and 26, 2003, City Council adopted recommendations of the Commissioner of Economic Development, Culture and Tourism ("EDCT") in consultation with the Commissioner of Urban Development, Culture and Tourism in a confidential report which granted authority and directed staff to negotiate an agreement

between the Province of Ontario and the property owners of 265 Front Street East with the objective of bringing the First Parliament Site into public ownership. Since achieving this objective would involve several properties held by City agencies, Council requested that the TPA and the TTC assist in meeting this objective. This matter was first detailed in a report to the TPA Board of Directors at its meeting of September 9, 2003 (Minute 03-351).

Initially, the owner of 265 Front Street East, obtained approval from the Ontario Municipal Board (the “OMB”) to build a Porsche dealership, however in its decision, the OMB allowed the community to find a way to buy the site given the historical significance of the site. In order to facilitate the public objective, the owner agreed in principle to relocate his dealership to the north side of Front Street on lands which comprise 64 and 70 Parliament Street. The property at 64 Parliament Street was already held by the owner of 265 Front Street East while the land at 70 Parliament Street was owned by the TTC.

The property at 64 Parliament was to be used by the owner as the future site of an Infiniti car dealership. The Province would accommodate the relocation of the proposed Infiniti car dealership onto a portion of the land owned by the Ontario Realty Corporation (the “ORC”) at 45 Eastern Avenue and two adjacent sites. The Province would assume ownership of 265 Front Street East in exchange for land conveyed at 45 Eastern Avenue.

The property at 70 Parliament Street owned by the TTC was to be used as a short-term loop for their King Street streetcar operation. The TTC indicated that they would be agreeable to abandoning their Parliament lands if their streetcar operational needs could be met elsewhere. The TTC identified TPA’s Carpark 45 (111 Broadview Avenue) as an appropriate site.

The TPA completed an initial review of the operational impact of the proposed streetcar loop at Carpark 45 and found that it would result in a loss of approximately 39 spaces (from 92 spaces to 53 spaces). The exact loss of parking spaces would not be known until a final design of the transit facility was completed. The City, with the assistance of the TPA, would be required to source alternative lands in the Queen / Broadview BIA to replace the approximately 39 parking spaces that were to be lost. Before initiating any exchange of lands however, an MOU would be required between the three parties; the City, the TPA and the TTC.

COMMENTS

Site Location and Particulars

The TPA has secured the purchase of 134 and 136 Broadview Avenue as one potential site in the Queen / Broadview BIA where a partial replacement of the lost parking spaces could occur. The site has a frontage of 56.06 feet and a depth of 131.3 feet and is currently vacant and unimproved. The site would permit a total of approximately 25 replacement parking spaces. Should the acquisition be successful, replacement lands for an additional 14 (+/-) parking spaces would need to be acquired prior to any land transfer taking place at Carpark 45 to the TTC.

Summary of Purchase and Sale Agreement

The basic terms and conditions of the Purchase and Sale Agreement are summarized in Attachment 1 - Confidential Information. The local area Councillor Paula Fletcher is supportive of this property purchase.

Financial Analysis

The TPA has retained the services of an independent appraisal firm to ascertain the value of the subject property. According to the report, the Purchase Price of the subject property is considered fair, reasonable and reflective of fair market value.

The TPA's 2009 Capital Budget will need to be increased by the Purchase Amount in order to fund the acquisition 134 & 136 Broadview Avenue. This transaction will be funded through the City's Land Reserve Fund ("LRF").

A subsequent Council Report will be brought forward by the Chief Corporate Officer at the next City Council meeting outlining a Memorandum of Understanding ("MOU") between the City, TPA and the TTC which will identify TPA's reimbursement by the City for all costs related to the replacement of all lost parking spaces at Carpark 45, including development / construction and other associated costs.

Conclusion

For the foregoing reasons, it is recommended that City Council grant approval to purchase a property municipally known as 134 & 136 Broadview Avenue, and to hold such lands as outlined in the body of this report in order to facilitate the construction of a 25 space surface parking facility.

CONTACT

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SIGNATURE

Gwyn Thomas, President

ATTACHMENTS

Site Location Map
Attachment 1 - Confidential Information