



STAFF REPORT ACTION REQUIRED

Conveyance of Portions of the Closed Lane Located at the Rear of Woodbine Avenue and Rednor Road and Running North from Cosburn Avenue to Plains Road

Date:	April 21, 2009
To:	Toronto and East York Community Council
From:	Chief Corporate Officer
Wards:	31- Beaches East York
Reference Number:	P:\2009\Internal Services\F&re\Te09036F&re – (AFS 9913)

SUMMARY

To recommend the terms and conditions upon which the City should complete the outstanding conveyances of portions of the closed lane at the rear of Woodbine Avenue and Rednor Road, running north from Cosburn Avenue to Plains Road, shown as Parts 1 to 23 on Sketch No. PS-2008-118, authorized by the former Township of East York in 1944 pursuant to By-law No. 3633.

RECOMMENDATIONS

The Chief Corporate Officer recommends that:

1. The portions of the closed lane located at the rear of Woodbine Avenue and Rednor Road running north from Cosburn Avenue to Plains Road, shown as Parts 1 to 23 on Sketch No. PS-2008-118 and subject to an existing easement in favour of Bell Canada (the "Closed Lane"), be conveyed to the adjoining owners at 1354, 1356, 1358, 1364, 1366, 1370, 1376, 1378, 1380, 1382, 1384, 1386 and 1388 Woodbine Avenue, upon request, for nominal consideration subject to any other terms and conditions which the City Solicitor deems necessary or appropriate to protect the City's interest.
2. Staff attempt to complete the conveyance of the portions of the Closed Lane shown as Parts 17 and 18 on Sketch No. PS-2008-118, to the owner of the adjoining property at 1366 Woodbine Avenue prior to May 15, 2009.

3. Each of the Chief Corporate Officer and the Director of Real Estate Services be authorized severally to take the necessary action to give effect thereto.
4. The Purchasers be required to provide a survey, if required to convey the Closed Lane portion.
5. The Purchasers be required to pay an administration fee of \$300.00, on closing.
6. The City Solicitor be authorized to complete the transaction on behalf of the City, including payment of 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

Portions of the Closed Lane will be conveyed at nominal consideration as the completion of the transfers will conclude the conveyances authorized and intended by the former Township of East York in passing By-law 3633. The Purchasers will be required to pay an administration fee of \$300.00 on closing which will cover all associated costs.

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

DECISION HISTORY

Staff was unable to locate any existing Council authorities approving specific sale terms for the Closed Lane and as such the Closed Lane was declared surplus on September 27, 2007, (DAF No. 2007-126), and authority was given to invite offers to purchase from the adjoining owners on Woodbine Avenue, their respective portions of the Closed Lane at the rear of their properties.

ISSUE BACKGROUND

In 1944, pursuant to By-Law No. 3663, the former Township of East York stopped up and closed the public lane running north from Cosburn Avenue to Plains Road between Woodbine Avenue and Rednor Road, and authorized the conveyance of same to the respective adjoining property owners.

The terms and conditions for the conveyances are not set out in the By-Law, however, it does state that the Clerk be authorized and instructed to have deeds prepared conveying such land to the adjoining property owners. To date only some portions of the Closed Lane have been conveyed, and in all but one case it was for nominal consideration, which appears to have been the consistent intention of the former Township of East York at the time the By-Law was enacted.

COMMENTS

The former owner of 1366 Woodbine Avenue, one of the affected properties, contacted staff when she sold her property. At that time, it was discovered by the purchaser's solicitor that a portion of the lands used and enjoyed by the former owner, being a portion

of the Closed Lane, was owned by the City. Staff has been advised that the purchaser held back funds and the former owner has until May 15, 2009 to secure title for the purchaser. It is noteworthy that the portion of Closed Lane at the rear of 1366 Woodbine is enclosed by fence and forms part of the MPAC assessment.

As per a recent site inspection, it appears that the remaining portions of the Closed Lane which have not yet been conveyed are fenced in with the respective adjoining Woodbine Avenue properties. The conveyances of the other parcels along the Closed Lane by the former Township of East York resulted in most of the remaining portions of the Closed Lane being landlocked. A review of MPAC assessment indicates the adjoining property owners have been and are paying property taxes on portions of the Closed Lane even though title is retained by the City.

The completion of the transfer of this portion of the Closed Lane and the remaining portions, upon request, for nominal consideration will conclude the conveyances authorized and intended by the former Township of East York in passing By-law 3633.

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. A Cost Centre has been put in place to charge costs directly related to the sale of City-owned properties. A recommendation is included in this report to direct a portion of the sale proceeds to fund the outstanding expenses related to this property.

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SIGNATURE

Bruce Bowes, P.Eng,
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ATTACHMENTS

Appendix "A" - Site Map and PS Sketch