

**Declaration as Surplus – 30 Roehampton Avenue
Municipal Carpark No. 49**

Date:	April 14, 2010
To:	Government Management Committee
From:	Chief Corporate Officer
Wards:	Ward 22 – St. Paul’s
Reference Number:	P:\2010\Internal Services\RE\Gm10034re– (AFS 11508)

SUMMARY

The purpose of this report is to seek authority to declare surplus the property at 30 Roehampton Avenue, save and except a strata area sufficient in area to accommodate 150 parking spaces, and to authorize the proposed manner of disposal, being a sale to the selected proponent from a Request for Proposals undertaken by the Toronto Parking Authority for the sale of the property.

The authority to declare property as surplus has been delegated to the Chief Corporate Officer, unless the local Councillor requires the matter to be determined by Council, as in this instance.

RECOMMENDATIONS

The Chief Corporate Officer recommends that:

1. City Council declare surplus the property at 30 Roehampton Avenue described in PIN 21136-0248 (LT) as Lot 1 and Part of Lots 2, F and G on Plan 639, save and except a strata area being sufficient in area to accommodate 150 parking spaces (the “Property”), with the intended manner of disposal to be by way of a sale to the successful proponent of the Toronto Parking Authority's Request for Proposals related to the proposed sale of the Property.
2. With respect to the lands previously known as 44 Roehampton Avenue which form a part of the Property, City Council, as the approving authority under the provisions of the *Expropriations Act*, approve the disposal of the Property without

- giving the original owners from whom the 44 Roehampton Avenue lands were expropriated the first chance to repurchase those lands on the terms of the best offer received by the expropriating authority.
3. City Council authorize that 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 be taken.
 4. City Council authorize the Toronto Parking Authority to negotiate the terms and conditions of a sale agreement with the selected proponent from the Request for Proposals, and report back thereon.
 5. City Council authorize and direct the appropriate City Officials to take the necessary actions to give effect thereto.

Financial Impact

There is no financial impact from the declaration of surplus. Revenue for the Toronto Parking Authority will be generated from the eventual sale.

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

ISSUE BACKGROUND

In 1959, the former City of Toronto Council authorized the establishment of a new municipal Carpark No. 49 on the north side of Roehampton Avenue, just east of Yonge Street, the acquisition of three properties and expropriation of 44 Roehampton Avenue to form part of the new carpark. Shortly after taking title to four (4) properties, buildings thereon were demolished and the carpark began operating 126 parking spaces. Carpark No. 49 is now municipally known as 30 Roehampton Avenue (the "Carpark Site").

COMMENTS

In September 2008, TPA retained CB Richard Ellis Limited, Brokerage to offer the Property on the open market through a "Request for Proposals" (RFP) to redevelop the Carpark Site, including a sale of the development rights, under a stratified ownership arrangement, and the construction of a municipal parking facility having 150 parking spaces in a below and/or above grade parking garage, title to which will remain with the City.

In conjunction with the RFP, the TPA requested that a circulation to the City's Agencies, Boards, Commissions and Divisions be undertaken to identify any other municipal interest that need to be accommodated before proceeding to declare the Property surplus. Staff of the Affordable Housing Office has determined that there is no interest in the Property for affordable housing. No municipal interest was expressed. Accordingly, this report recommends that the Property be declared surplus. The proposed manner of sale will be to the successful proponent in the RFP. The Property Management Committee has reviewed this matter and concurs.

Further details of the Property are:

Approximate Measurement:	57.97 m x 58.71 m ± (190.00 ft x 192.62 ft ±)
Approximate Area:	3,327.21 m ² ± (35,815 ft ² ±)
Current Use:	Surface parking lot

Before proceeding with the proposed sale, the City must comply with the procedures governing disposal of property. Chapter 213 of the City of Toronto Municipal Code “Sale of Real Property” requires that, Council must declare the property to be surplus, give notice to the public of the proposed sale and obtain at least one appraisal of the market value of the property, unless exempted by regulations passed under the legislation.

The *Expropriation Act* provides that when a municipality intends to sell lands which were acquired by expropriation, the former owner is to be given the chance to purchase the lands on the terms of the best offer received unless the approving authority authorizes the disposal of such lands without giving the former owner a first chance to purchase. In view of the time that has passed since the expropriation, the City should waive the requirement to offer the original owners from whom the lands at 44 Roehampton Avenue were expropriated the first chance to repurchase the lands.

This report has been prepared in consultation with TPA.

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SIGNATURE

Bruce Bowes, P. Eng,
Chief Corporate Officer

ATTACHMENTS

Appendix “A” – Site Map and PS Sketch