

Proposed Permanent Closure and Sale of a portion of Highview Avenue between 175 and 179 Downsview Avenue

Date:	December 14, 2009
To:	North York Community Council
From:	General Manager, Transportation Services and Chief Corporate Officer
Ward:	Ward 9 – York Centre
Reference Number:	<i>ny10017</i>

SUMMARY

The purpose of this report is to seek authorization to close an untravelled portion of Highview Avenue between 175 and 179 Downsview Avenue and to sell a portion to the owners of the adjoining lands.

RECOMMENDATIONS

The General Manager, Transportation Services and the Chief Corporate Officer recommend that City Council:

1. Permanently close the highway, shown as Part 1 and Part 2 on the attached Sketch No. PS-2009-064 (the “Highway”), subject to compliance with the requirements of the City of Toronto Municipal Code 162.
2. Direct Transportation Services staff to give notice to the public of a proposed by-law to close the Highway in accordance with the requirements of City of Toronto Municipal Code, Chapter 162, with the North York Community Council to hear any member of the public who wishes to speak to the matter during consideration of the proposed by-law.

3. Direct Transportation Services staff to advise the public of the proposed closure of the Highway prior to implementation, in accordance with the requirements of the Municipal Class Environmental Assessment for Schedule “A+” activities, by posting notice of the proposed closure on the notices page of the City of Toronto’s web site for at least five working days prior to the North York Community Council meeting at which the proposed by-law to close the Highway will be considered.
4. Authorize the sale of that portion of the Highway shown as Part 2 on Sketch No. PS-2009-064 to the owners of the adjoining property at 175 Downsview Avenue, substantially on the terms and conditions outlined in Appendix “A” to this report (the “Sale Transaction”).
5. Each of the Chief Corporate Officer and the Director of Real Estate Services be authorized severally to accept the Offer to Purchase on behalf of the City.
6. Grant authority to direct a portion of the proceeds of closing to fund the outstanding expenses related to the Highway and the completion of the Sale Transaction.
7. Authorize the City Solicitor to complete the transaction 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, on such terms and as she considers reasonable.

Financial Impact

The City anticipates revenue in the amount of \$51,000.00, (net of G.S.T.), less closing costs and the usual adjustments from the sale of a portion of the Highway shown as Part 2 on Sketch No. PS-2009-064.

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

DECISION HISTORY

In accordance with the City’s Real Estate Disposal By-law, No. 814-2007, the Highway was declared surplus on December 11, 2009 (DAF No. 2009-169), with the intended manner of disposal to be by placing Part 1 on Sketch No. PS-2009-064 for sale on the open market and inviting an offer to purchase Part 2 from the adjoining owner at 175 Downsview Avenue.

ISSUE BACKGROUND

Transportation Services has advised that the owners of the adjoining property at 175 Downsview Avenue have inquired as to whether it would be possible for them to purchase a portion of the Highway shown as Part 2 on Sketch No. PS-2009-064 which they have been using as a driveway.

COMMENTS

The Highway is an untravelled portion of Highview Avenue. Transportation Services has advised that the Highway is surplus to its requirements and can be permanently closed.

Accordingly, staff recommends that the Highway be permanently closed and that the portion shown as Part 2 on Sketch No. PS-2009-064 be sold to the owners of 175 Downsview Avenue. It is intended that the portion shown as Part 1 on Sketch No. PS-2009-064 be listed for sale on the open market.

Details of the Highway are as follows:

	Part 1	Part 2
Approximate Size:		
East/West measurement:	15.0 m (49.2 ft)	5.1 m (16.7 ft)
North/South measurement:	72.7m (238.5 ft)	71.1 m (233.3 ft)
Approximate Area:	1,122.2 m ² (12,079.7 ft ²)	370.0 m ² (3,982.8 ft ²)
Current status:	Untravelled public highway	Untravelled public highway

A Cost Centre has been put in place to charge costs directly related to the sale of City-owned properties. This report includes a recommendation to direct a portion of the sale proceeds to fund the outstanding expenses related to the property and the completion of the sale transaction.

Closing Process:

The closing process requires two separate approvals from City Council. The first approval initiates the process to close the Highway and authorizes the terms and conditions of the sale of the Highway. The second City Council approval authorizes the closing by-law. In addition, the public has the opportunity to speak to the matter if they wish to do so at North York Community Council during consideration of the draft by-law.

The requirements of the Municipal Class Environmental Assessment (Schedule “A+”) will be met during the posting of the above-noted public notice.

CONTACT

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SIGNATURE

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Office of the Chief Corporate Officer

ATTACHMENTS

Appendix A: Terms and Conditions of Offer to Purchase (*ny10017_table*)
Appendix B: Site Map and Sketch No. PS-2009-064 (*ny10017_map*)