

Proposed Permanent Closure of Part of the Lawrence Avenue East Road Allowance Abutting 6520, 6526 and 6530 Lawrence Avenue East

Date:	July 13, 2010
To:	Scarborough Community Council
From:	Director, Transportation Services, Scarborough District
Wards:	Ward 44 – Scarborough East
Reference Number:	P:\2010\Cluster B\TRA\Scarborough\sc1072

SUMMARY

This staff report is about a matter for which Community Council does not have delegated authority from City Council to make a final decision.

Transportation Services recommends that a portion of the Lawrence Avenue East road allowance abutting 6520, 6526 and 6530 Lawrence Avenue East be permanently closed.

RECOMMENDATIONS

Transportation Services, Scarborough District, recommends that Scarborough Community Council recommends that City Council:

1. Permanently close part of the public highway Lawrence Avenue East abutting 6520, 6526 and 6530 Lawrence Avenue East (the “Highway”), shown as Part 2 on Sketch No. PS-2010-058 attached as Appendix 2 and enact a by-law substantially in the form of the draft by-law attached as Appendix 1, conditional on the City entering into an agreement with Mattamy (Lawrence) Limited (“Mattamy”) wherein Mattamy agrees to purchase the Highway from the City on terms satisfactory to the City.

Financial Impact

The closing of the Highway will not result in any costs to the City, as the purchaser of the Highway is responsible to pay all costs associated with closing the Highway.

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

DECISION HISTORY

At its meeting on March 31, 2010 and April 1, 2010, City Council disposed of three planning applications submitted by Mattamy. Particularly, City Council:

- (1) adopted an Official Plan amendment to reduce the right-of-way width of Lawrence Avenue East across the frontage of 6526, 6530 and part of 6520 Lawrence Avenue East from 36 metres to 30.86 metres.
- (2) adopted amendments to Zoning By-laws 1978 and 12077 to permit Mattamy to develop single detached residential homes and townhouse units; and
- (3) authorized the Chief Planner to approve the draft plan of subdivision submitted by Mattamy.

By-law No. 326-2010 effecting the OP amendment came into effect on April 1, 2010. On June 10, 2010 the Chief Planner issued his Notice of Decision confirming approval of Mattamy's draft plan of subdivision. The appeal period relating to the Notice Decision has now expired.

In accordance with the City's Real Estate Disposal By-law No. 814-2007, the Highway was declared surplus on July 9, 2010 (DAF No. 2010-090), conditional upon the Highway being permanently closed, with the intended manner of disposal to be by inviting an offer to purchase the Highway from Mattamy, the adjacent land owner.

The Chief Corporate Officer authorized the General Manager of Transportation Services 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 and the Municipal Class Environmental Assessment for Schedule A+ activities (DAF No. 2010-162).

ISSUE BACKGROUND

Transportation Services received a request from Mattamy, the owner of the lands adjoining the Highway, to investigate the feasibility of permanently closing the Highway. In that request Mattamy proposed that once closed, the Highway be sold to Mattamy as one of two City-owned parcels of land to be included in Mattamy's approved draft plan of subdivision for residential development at 6520, 6526 and 6530 Lawrence Avenue East. As reported above the Highway has been declared surplus with an intended disposal to Mattamy.

The second parcel of City-owned land proposed for inclusion in Mattamy's subdivision plan is a parcel of closed road allowance lying between 6520 and 6530 Lawrence Avenue East. This parcel was declared surplus on January 31, 2008 by delegated authority 2008-020, with the intended manner of disposal to be by inviting an offer to purchase from Mattamy, the adjoining land owner.

COMMENTS

Transportation Services has reviewed the feasibility of closing the Highway and has determined that the Highway can be permanently closed and sold. There are no municipal services or public utilities located within the Highway.

Details of the Highway are as follows:

Description:	Part of Lots 152, 153 and 154, Plan 319 and Part of Block K, Plan 319, PIN 06215-0002(LT), shown as Part 2 on Sketch No. PS-2010-058.
Approximate Size: east/west measurement: north/south measurement:	Frontage – 50 m (164.04 ft) Depth – 6.56 m (21.52 ft)
Approximate Area:	328 m ² (3530.56 ft ²)
Current status:	Untravelled boulevard of Lawrence Avenue East road allowance

Recommendations in this report are conditional on the City and Mattamy entering into an agreement wherein Mattamy agrees to purchase the Highway from the City on terms satisfactory to the City. Mattamy has been working diligently with City staff in negotiating an agreement to purchase both the Highway parcel and other surplus City-owned parcel of land contained within the approved draft subdivision plan. It is anticipated that a binding purchase agreement will be entered into by the time that this report is before City Council.

Closing Process:

The closing process requires approval from City Council to authorize the closing by-law. In addition, the public has the opportunity to speak to the matter if they wish to do so at Scarborough Community Council during consideration of the draft by-law.

Public notice of the proposed by-law to permanently close the Highway was posted on the City's web site in accordance with the requirements of Chapter 162 of the City of Toronto Municipal Code and in accordance with the notice requirements of the Municipal Class Environmental Assessment for Schedule A+ activities.

CONTACT

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SIGNATURE

Peter, J. Noehammer, P. Eng
Director, Transportation Services, Scarborough District

DT:lab

ATTACHMENTS

1. Appendix 1 – Draft By-law
2. Appendix 2 – Site Map & Sketch No. PS-2010-058

APPENDIX “1” – DRAFT BY-LAW

Authority: Scarborough Community Council Item ____, as adopted by City of Toronto Council on August 25 and 26, 2010

Enacted by Council:

CITY OF TORONTO

Bill No.

BY-LAW No. -2010

To permanently close the public highway described as part of Lawrence Avenue East, abutting 6520, 6526 and 6530 Lawrence Avenue East

WHEREAS it is recommended that the public highway described as part of Lawrence Avenue East, abutting 6520, 6526 and 6530 Lawrence Avenue East, be permanently closed as a public highway; and

WHEREAS notice of the proposed by-law to permanently close the said highway was posted on the notices page of the City’s web site in accordance with the requirements of City of Toronto Municipal Code Chapter 162 and the Scarborough Community Council heard any person who wished to speak to the matter [or no one appeared to address the Scarborough Community Council] at its meeting held on August 17, 2010;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. The public highway described as part of Lawrence Avenue East, abutting 6520, 6526 and 6530 Lawrence Avenue East, described as follows, is hereby permanently closed as a public highway:

Part of Lots 152, 153 and 154, Plan 319 and Part of Block K, Plan 319,

PIN 06215-0002 (LT), designated as Parts 2 and 6, Plan 66R- 25010.

ENACTED AND PASSED this day of , A.D. 2010.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS,
City Clerk