



**STAFF REPORT  
ACTION REQUIRED**

**Proposed Permanent Closure and Sale of the Public Lane Extending Southerly from St. Joseph Street at the Rear of 616 and 618 Yonge Street**

<b>Date:</b>	January 7, 2010
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	General Manager, Transportation Services and Chief Corporate Officer
<b>Wards:</b>	Toronto Centre- Rosedale, Ward 27
<b>Reference Number:</b>	Ts10001te.top.doc

**SUMMARY**

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The General Manager, Transportation Services and the Chief Corporate Officer request that the public lane at the rear of 616 and 618 Yonge Street be permanently closed, and that the City enter into an Agreement of Purchase and Sale with the adjoining land owner, Joyonge Developments Corporation, for the sale of the public lane substantially on the terms and conditions outlined in Appendix “A” to this report.

The terms for completing the transaction, as set out herein, are considered to be fair, reasonable and reflective of market value.

**RECOMMENDATIONS**

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**The General Manager, Transportation Services and the Chief Corporate Officer recommends that:**

1. City Council permanently close the public lane, shown as Part 1 on the attached Sketch No. PS-2008-164 (the “Lane”), subject to compliance with the requirements of the City of Toronto Municipal Code Chapter 162.
2. City Council direct Transportation Services staff to give notice to the public of a proposed by-law to close the Lane in accordance with the requirements of City of Toronto Municipal Code, Chapter 162, with the Toronto and East 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. City Council direct Transportation Services staff to advise the public of the proposed closure of the Lane 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’s Web site for at least five working days prior to the Toronto and East York Community Council meeting at which the proposed by-law to close the Lane will be considered.
4. City Council accepts an Offer to Purchase from Joyonge Developments Corporation (the “Purchaser”) to purchase the Lane in the amount of \$211,000.00, substantially on the terms and conditions outlined in Appendix “A” to this report.
5. City Council grant authority to direct a portion of the proceeds of closing to fund the outstanding expenses related to the Lane and the completion of the sale transaction.
6. City Council authorize the City Solicitor to complete the transaction on behalf of the City, including making 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**

The closing of the Lane will not result in any costs to the City as the Purchaser is required to pay all costs associated with the closing of the Lane as part of the sale transaction. The City anticipates revenue in the amount of \$211,000.00 (net of GST), less closing costs and the usual adjustments from this sale.

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

### **DECISION HISTORY**

In accordance with the City’s Real Estate Disposal By-law, No. 814-2007, the Lane was declared surplus on December 14, 2009 (DAF No. 2009-179) with the intended manner of disposal to be by inviting an offer to purchase the Lane from the adjoining owner at 616 and 618 Yonge Street.

### **ISSUE BACKGROUND**

Transportation Services received a request from Diamondcorp, on behalf of the Purchaser, to investigate the feasibility of permanently closing the Lane for incorporation into the development site at 606 to 618 Yonge Street, 5 and 9 St. Joseph Street and 15 to 25 St. Nicholas Street.

## COMMENTS

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

Negotiations between the City and the Purchaser have been completed and the Purchaser and City staff have agreed that the value of the Lane is \$211,000.00. Additional details of the terms and conditions of sale are set out in Appendix “A” and are considered to be fair, reasonable and reflective of market value.

Further details of the Property are:

<b>Approximate Measurement:</b>	3.1m x 10.6m (10.2ft x 34.8ft)
<b>Approximate Area:</b>	32.9m <sup>2</sup> (354.1ft <sup>2</sup> )

A Cost Centre has been put in place to charge costs directly related to the sale of City-owned properties, and includes such items as commissions and surveying. This report includes a recommendation to direct a portion of the sale proceeds to fund the outstanding expenses related to the Lane.

As of the writing of this report, not all of the 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, as notice of the proposed sale has not yet been given. However, by the date of consideration of this report by City Council, the required public notice will have been given.

### **Closing Process:**

The closing process requires two separate approvals from City Council. The first approval initiates the process to close the Lane and authorizes the terms and conditions of the sale of the Lane. 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 Toronto and East 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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Gary Welsh, P. Eng.  
General Manager  
Transportation Services

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Bruce Bowes, P. Eng.  
Chief Corporate Officer

## **ATTACHMENTS**

Appendix “A” – Terms and Conditions  
Appendix “B” – Site Map and Sketch No. PS-2008-164

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