



## STAFF REPORT ACTION REQUIRED

### **Proposed Permanent Closure and Sale of the Public Lane Extending Southerly from Adelaide Street West abutting the East Limit of 295 Adelaide Street West**

<b>Date:</b>	February 17, 2010
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	General Manager, Transportation Services and Chief Corporate Officer
<b>Wards:</b>	Trinity-Spadina – Ward 20
<b>Reference Number:</b>	Ts10026te.top.doc

### **SUMMARY**

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The General Manager, Transportation Services and the Chief Corporate Officer request that the public lane abutting the east limit of 295 Adelaide Street West be permanently closed, and that the public lane be sold to the adjoining land owner, Pinnacle International (Adelaide St.) Ltd., substantially on the terms and conditions outlined in the attached Appendix “A”.

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 recommend that:**

1. City Council permanently close the public lane, shown as Parts 1 and 2 on the attached Sketch No. PS-2010-002 (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 accept the Offer to Purchase from Pinnacle International (Adelaide St.) Ltd. (the “Purchaser”) to purchase the portion of the Lane shown as Part 1 on Sketch No. PS-2010-002 (“Part 1”) in the amount of \$321,196.73, substantially on the terms and conditions outlined in Appendix “A” to this report.
5. City Council authorize each of the Chief Corporate Officer and the Director of Real Estate Services severally to accept the Offer to Purchase on behalf of the City.
6. 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.
7. City Council 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 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.

The City anticipates revenue in the amount of \$321,196.73, (net of GST), less closing costs and the usual adjustments from the sale of Part 1.

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 Lane was declared surplus on December 14, 2009 (DAF No. 2010-006), with the intended manner of disposal to be by inviting an offer to purchase the Lane from the adjoining owner at 295 Adelaide Street West.

## ISSUE BACKGROUND

Transportation Services received a request from Patrick Devine of Fraser Milner Casgrain LLP, on behalf of the Purchaser, to investigate the feasibility of permanently closing Part 1 for incorporation into the development site at 295 Adelaide Street West and 100 to 104-106 John Street.

## COMMENTS

Transportation Services has reviewed the feasibility of closing the Lane and has determined that the Lane can be permanently closed and Part 1 can be sold. There are no municipal services or public utilities located within the Lane.

Negotiations between City staff and the Purchaser have been completed and the Purchaser and staff have agreed that the value of Part 1 is \$ 321,196.73. The City will retain Part 2.

Further details of Part 1 of the Lane are:

<b>Approximate East/West Measurement:</b>	2.4m (7.87ft)
<b>Approximate Westerly North/South Measurement:</b>	14.4m (47.24ft)
<b>Approximate Easterly North/South Measurement:</b>	14.2m (46.59ft)
<b>Approximate Area:</b>	35.6m <sup>2</sup> (383.20ft <sup>2</sup> )
<b>Other Information:</b>	Save and except the strata area being air rights above 125 metres from grade

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, 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.

**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 Part 1. 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**

Gary Welsh, P. Eng.  
General Manager  
Transportation Services

Bruce Bowes, P. Eng.  
Chief Corporate Officer

**ATTACHMENTS**

Appendix "A" – Terms and Conditions of Offer to Purchase  
Appendix "B" - Sketch No. PS-2010-002

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