



STAFF REPORT ACTION REQUIRED

Proposed Permanent Closure and Sale of the Un-opened Portion of Mill Street Extending East of Overend Street

Date:	February 17, 2010
To:	Toronto and East York Community Council
From:	General Manager, Transportation Services and Chief Corporate Officer
Wards:	Toronto Centre-Rosedale – Ward 28
Reference Number:	Ts10024te.top.doc

SUMMARY

The General Manager, Transportation Services and the Chief Corporate Officer request that the un-opened portion of Mill Street extending east of Overend Street be permanently closed and that the City enter into an Agreement of Purchase and Sale with Canadian National Railway Company (“CN”) for the sale of the public highway substantially on the terms and conditions outlined in Appendix “A” of this report.

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

RECOMMENDATIONS

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

1. City Council permanently close the un-opened portion of Mill Street, shown as Part 1 on the attached Sketch No. PS-2004-001 (the “Highway”), 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 Highway 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 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’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 Highway will be considered.
4. City Council authorize the City to enter into an Agreement of Purchase and Sale with CN to purchase the Highway, subject to the retention of a permanent easement over Part 1 on Sketch No. PS-2004-001 for an existing 400mm watermain, in the amount of \$191,000, substantially on the terms and conditions outlined in Appendix “A” to this report.
5. City Council authorize severally each of the Chief Corporate Officer and the Director of Real Estate Services to accept the Agreement of Purchase and Sale on behalf of the City.
6. City Council authorize the City Solicitor to complete the transaction(s) 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 conditions as she considers reasonable.

Financial Impact

The closing of the Highway will not result in any costs to the City as the purchaser is required to pay all costs associated with the closing of the Highway as part of the sale transaction. The City anticipates revenue in the amount of \$191,000 (net GST), less closing costs and the usual adjustments from this sale.

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

ISSUE BACKGROUND

Transportation Services received a request on behalf of CN, to investigate the feasibility of permanently closing the Highway in order to obtain legal ownership as it physically forms part of the existing rail corridor.

COMMENTS

Transportation Services has reviewed the feasibility of closing the Highway and has determined that the Highway can be permanently closed and sold. In addition to the 400mm watermain, Allstream has existing underground cable and Group Telecom has fiber optic cable and conduits within the Highway that may require easements.

Negotiations between the City and CN have been completed and respective staff have agreed that the value of the Highway is \$191,000. 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:

Approximate Site Dimensions:	Irregular in Shape
Approximate Area:	2,422 m ² (26,070.19 ft ²)
Current Use:	Part of Railway Corridor

By the date of consideration by City Council, 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 will have been complied with including giving the required public notice. A Cost Centre has been put in place to charge costs directly related to the sale of City-owned properties.

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 Toronto and East York Community Council during consideration of the draft by-law.

The requirements of the Municipal Class Environmental Assessment for Schedule “A+” activities 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 Agreement of Purchase and Sale
Appendix “B” – Site Map and Sketch No. PS-2004-001

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