



**STAFF REPORT
ACTION REQUIRED**

Closure and Sale of a Portion of the MacPherson Avenue Boulevard in Exchange for a Portion of the Private Lane Lands at the Rear of 262 Avenue Road

Date:	April 7, 2010
To:	Toronto and East York Community Council
From:	General Manager, Transportation Services and Chief Corporate Officer
Wards:	St. Paul's - Ward 22
Reference Number:	Ts10053te.top.doc

SUMMARY

The General Manager, Transportation Services and the Chief Corporate Officer request that a portion of the MacPherson Avenue boulevard abutting 262 Avenue Road be permanently closed and exchanged for a portion of private lane lands at the rear of 262 Avenue Road, owned by Centricity Properties Corp., 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

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

1. City Council authorize the permanent closure of a portion of the MacPherson Avenue boulevard, shown as Part 1 on the attached Sketch No. PS-2010-011 (the "Highway"), subject to compliance with the requirements of the City of Toronto Municipal Code 162 and following City Council's approval of the sale of the Highway.
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 of Toronto’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 a Land Exchange Agreement with the owner of 262 Avenue Road, Centricity Properties Corp. (“Centricity”) for a portion of the private lane lands at the rear of 262 Avenue Road, shown as Part 2 on Sketch No. PS-2010-011 (the “Part 2 Lands”), in exchange for the Highway, 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 execute the Land Exchange Agreement on behalf of the City.
6. City Council direct Technical Services staff to dedicate the Part 2 Lands for public lane purposes upon completion of the Land Exchange Agreement.
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 and as she considers reasonable.

Financial Impact

The closing and sale of the Highway in exchange for the Part 2 Lands will not result in any costs to the City as Centricity is required to pay all costs associated with the land exchange.

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 March 9, 2010 (DAF No. 2010-042), with the intended manner of disposal to be by way of an exchange of lands with the owner of 262 Avenue Road.

ISSUE BACKGROUND

Transportation Services received a request from Centricity to close a portion of the Highway in exchange for the Part 2 Lands. Transportation Services is also processing a separate request from the owners of 264 to 270 Avenue Road to acquire lands at the rear of their respective properties for public lane purposes along with the Part 2 Lands, in order to create a new public lane to connect with an existing public lane west of Avenue Road and south of McMaster Avenue.

COMMENTS

Transportation Services has reviewed the feasibility of closing the Highway and has determined that the Highway can be permanently closed and sold in exchange for the Part 2 Lands. The City acquired the Highway from the Canadian Pacific Railway in 1922. In 1942, an Agreement was entered between the City and the owner of 262 Avenue Road whereby the City granted permission to the owner of 262 Avenue Road to maintain the existing encroachment of its building on the Highway for the lifetime of the building. With City Council's authorization of the Land Exchange Agreement, the existing Encroachment Agreement will become redundant and can be removed from title.

Negotiations between City staff and Centricity have been completed and Centricity and City staff have agreed that the value of the Highway is \$58,100.00 and the value of the Part 2 Lands is \$58,100.00.

Further details of the Land Exchange are:

	Highway	Part 2 Lands
Approximate Measurements:	Irregular shape – 2.9 m x 15.2 m (9.5 ft x 49.89 ft)	Frontage – 5.0 m (16.4 ft) Depth – 11.7 m (38.39 ft)
Approximate Area:	58.1 m ² (625.4 ft ²)	58.1 m ² (625.4 ft ²)

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.

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 land exchange. 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 the Land Exchange Agreement
Appendix "B" - Sketch No. PS-2010-011

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