



STAFF REPORT ACTION REQUIRED

Proposed Permanent Closure and Sale of the Public Lane Extending Westerly from Alvin Avenue Between 50 and 54 Alvin Avenue

Date:	April 8, 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:	Ts10054te.top.doc

SUMMARY

The General Manager, Transportation Services and the Chief Corporate Officer request that the public lane extending westerly from Alvin Avenue between 50 and 54 Alvin Avenue be permanently closed and that the public lane be sold to the adjoining land owner, Norie Clare Campbell, 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 the public lane, shown as Part 1 on the attached Sketch No. PS-2009-001 (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 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 Lane will be considered.
 4. City Council accept the Offer to Purchase from Norie Clare Campbell (the “Purchaser”) to purchase the portion of the Lane shown as Part 1 on Sketch No. PS-2009-001 in the amount of \$80,000.00, plus applicable taxes, substantially on the terms and conditions outlined in Appendix “A” to this report and on such other terms as may be acceptable to the Chief Corporate Office and in a form satisfactory to the City Solicitor.
 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 \$80,000.00, (net of GST), less closing costs and the usual adjustments from the sale of the Lane.

The Deputy City Manager and Chief Financial Officer have 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 March 15, 2010 (DAF No. 2010-030), with the intended manner of disposal to be by inviting an offer to purchase the Lane from the adjoining owner at 54 Alvin Avenue.

ISSUE BACKGROUND

Transportation Services received a request from the Purchaser's solicitor, to investigate the feasibility of permanently closing the Lane for use as a driveway to accommodate ingress and egress to the garage at the rear of 54 Alvin Avenue. The Lane was acquired through a Plan of Subdivision in 1884 and has been used as a driveway by the owner of 54 Alvin Avenue for a number of years.

COMMENTS

Transportation Services has reviewed the feasibility of closing the Lane and has determined that the Lane can be permanently closed and sold subject to the retention of an easement by the City over the entire Lane for a catch basin and lead and subject to the granting of an easement to Bell Canada for an existing Bell Canada pole at the westerly end of the Lane.

Negotiations between City staff and the Purchaser have been completed and the Purchaser and City staff have agreed that the value of the Lane is \$80,000.00.

Further details of the Lane are:

Approximate Measurements:	Irregular shape – 3.0 m x 20.3 m (9.8 ft x 66.6 ft)
Approximate Area:	65.6 m ² (706.14 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. 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 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 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” – Site Map and Sketch No. PS-2009-001

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