



**STAFF REPORT  
ACTION REQUIRED**

**Proposed Permanent Closure and Sale of a Portion of the Market Street Road Allowance Abutting 18 Lower Jarvis Street**

<b>Date:</b>	May 3, 2010
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	General Manager, Transportation Services and the Chief Corporate Officer
<b>Wards:</b>	Toronto Centre-Rosedale - Ward 28
<b>Reference Number:</b>	Ts10066te.top.doc

**SUMMARY**

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The General Manager, Transportation Services and the Chief Corporate Officer request that a portion of the Market Street road allowance abutting 18 Lower Jarvis Street be permanently closed and that the portion of the road allowance be sold to the future adjoining land owner, Context (Market Wharf II) Inc., 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 authorize the permanent closure of the public highway (a portion of the Market Street road allowance abutting 18 Lower Jarvis Street), shown as Part 1 on Sketch No. PS-2008-108 (the “Highway”), attached to the report dated May 3, 2010, from the General Manager, Transportation Services and the Chief Corporate Officer, subject to compliance with the requirements of the City of Toronto Municipal Code 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 accept the Offer to Purchase from Context (Market Wharf II) Inc. (the “Purchaser”) to purchase the portion of the Highway shown as Part 1 on Sketch No. PS-2008-108 in the amount of \$115,000.00, plus applicable taxes, substantially on the terms and conditions outlined in Appendix “A” attached to the report dated May 3, 2010, from the General Manager, Transportation Services and the Chief Corporate Officer, and on such other terms as may be acceptable to the Chief Corporate Officer 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 Highway 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 and 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.

The City anticipates revenue in the amount of \$115,000.00, (net of GST), less closing costs and the usual adjustments from the sale of the Highway.

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 April 23, 2010 (DAF No. 2010-074), with the intended manner

of disposal to be by inviting an offer to purchase the Highway from the adjoining owner at 18 Lower Jarvis Street.

## **ISSUE BACKGROUND**

Transportation Services received a request from the Purchaser, to investigate the feasibility of permanently closing the Highway for incorporation into the residential and commercial development site at 18 Lower Jarvis Street.

## **COMMENTS**

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

Negotiations between City staff and the Purchaser have been completed and the Purchaser and City staff have agreed that the value of the Highway is \$115,000.00. The Purchaser is not the current registered owner of the adjoining lands, but has confirmed with Real Estate Services staff that it has the legal right, under a separate agreement of purchase and sale, to become the owner of the adjoining lands.

Details of the terms and conditions of the sale are set out in Appendix “A” and are considered to be fair, reasonable and reflective of market value.

Further details of the Highway are:

<b>Approximate Measurements:</b>	2.5 m x 16.0 m (8.2 ft x 52.5 ft)
<b>Approximate Area:</b>	40.0 m <sup>2</sup> (430.5 ft <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 Highway.

## **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 (Schedule “A+”) will be met during the posting of the 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 of Offer to Purchase  
Appendix “B” - Sketch No. PS-2008-108

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