

**Surplus Land Declaration, Proposed Closing and
Leasing of a Portion of the Public Lane Extending
Easterly from Northcliffe Boulevard,
abutting premises No. 659 Northcliffe Boulevard
and the Creation of a New Lane Outlet in lieu thereof
Ward 28, York Eglinton**

The York Community Council recommends the adoption of the joint report (September 15, 2000) from the Commissioner of Works and Emergency Services and the Commissioner of Corporate Services.

Recorded vote on a motion by Councillor Davis to defer consideration of the foregoing matter:

Yeas: Councillor Davis (1)
Nays: Councillors Mihevc and Nunziata (2)
Absent: Councillor Saundercook

Motion lost.

Recorded vote on a motion by Councillor Mihevc to approve the joint report (September 15, 2000) from the Commissioner of Works and Emergency Services and the Commissioner of Corporate Services:

Yeas: Councillors Mihevc and Nunziata (2)
Nays: Councillor Davis (1)
Absent: Councillor Saundercook

Motion carried.

The York Community Council submits the following joint report (September 15, 2000) from the Commissioner of Works and Emergency Services and the Commissioner of Corporate Services:

Purpose:

To recommend that a portion of the public lane abutting the north and east limits of Premises No. 659 Northcliffe Boulevard be stopped-up and closed and placed under the jurisdiction of the Commissioner of Community and Neighbourhood Services, be declared surplus and be leased to the Toronto Housing Company Inc.

Financial Implications and Impact Statement:

Funds are available in Toronto Housing Company Account No. 3-171010-950 to cover the estimated cost of advertising the proposed by-law to stop up and close the said portion of lane,

the construction of the new public lane, including demolition of the existing building on the lands, and any municipal or public utility adjustments that may be required.

Recommendations:

It is recommended that:

- (1) subject to compliance with the requirements of the *Municipal Act* and the City acquiring, at nominal cost, title to the lands required for the new public lane outlet (the "New Lane"), the approximate location of which is shown as Part 2 on the attached Sketch No. PMC-2000-071 (the "Sketch"), free and clear of all encumbrances, upon compliance by the applicant, the Toronto Housing Company Inc. ("THC"), with the following terms and conditions, the portion of the public lane shown as Part 1 on the Sketch (the "Existing Lane"), be stopped-up and closed as a public lane:
 - (a) THC shall obtain written consent to the closing and leasing of the Existing Lane from all abutting registered owners, together with a waiver or release from such owners of all claims against the City for any liability and injurious affection which might arise as a result of the closing and leasing, all in a form satisfactory to the City Solicitor;
 - (b) THC shall agree to pay any applicable land transfer tax and GST which may be exigible in connection with the conveyance of the New Lane to the City and/or the leasing of the Existing Lane to THC;
 - (c) THC shall agree to pay the cost of registering the authorizing by-law and any other documents necessary or incidental to the closing and leasing of the Existing Lane;
 - (d) THC shall agree that the Existing Lane shall be incorporated into the lease to THC of the adjoining lands which was approved by Council at its meeting of August 1, 2, 3 and 4, 2000 by its adoption of Clause 10 of Administration Committee Report No. 16;
 - (e) THC shall agree to pay the cost of any adjustments to the municipal or public utility services located within the Existing Lane, if necessary, with the costs to be determined by the Commissioner of Works and Emergency Services and the appropriate utility companies;
 - (f) THC shall agree to pay the cost of constructing the new public lane outlet, including the cost of demolishing the existing building on the New Lane lands, with the cost to be determined by the Commissioner of Works and Emergency Services;
 - (g) THC shall pay all out-of-pocket expenses that will be incurred by the City as a result of the closing and leasing of the Existing Lane, estimated to be \$3,500.00,

on the understanding that any such expenses paid for by THC will not be refunded in the event that the transaction is not completed;

- (h) THC shall provide a reference plan of survey, integrated with the Ontario Co-ordinate System, satisfactory to the City Surveyor, delineating thereon as separate PARTS, the Existing Lane, the New Lane and the balance of the lands to be leased to THC; and
 - (i) THC shall comply with any other terms and conditions related to the closing and leasing of the Existing Lane as the City Solicitor may deem advisable to protect the City's interests.
- (2) the Existing Lane be declared surplus to the City's requirements and notice of the proposed leasing be given to the public in accordance with the requirements of By-law No. 551-1998;
 - (3) notice be given to the public of the proposed by-law to stop-up, close and lease the Existing Lane, in accordance with the requirements of the *Municipal Act*;
 - (4) York Community Council hold a public hearing concerning the proposed by-law if any person who claims that the person's land will be prejudicially affected by the proposed by-law applies to be heard, in accordance with the requirements of the *Municipal Act*;
 - (5) following the stopping-up and closing of the Existing Lane, easements be granted to the appropriate utility companies, if necessary, over such portions of the Existing Lane as may be required by each of them for access, operation, use, inspection, repair, maintenance, reconstruction or alteration of the existing services and facilities and for the construction of additional or new services or facilities;
 - (6) following the stopping-up and closing of the Existing Lane, the Existing Lane be placed under the jurisdiction of the Commissioner of Community and Neighbourhood Services and be incorporated into the lease to be granted to THC which was approved by Council at its meeting held on August 1, 2, 3 and 4, 2000 by its adoption of Clause 10 of Administration Committee Report No. 16;
 - (7) upon completion of construction of the new lane outlet, the New Lane be laid out and dedicated for public lane purposes; and
 - (8) the appropriate City Officials be authorized and directed to take whatever action is necessary to give effect to the foregoing, including the introduction in Council of any bills necessary to give effect thereto.

Background:

City Council, at its meeting of July 4, 5 and 6, 2000, adopted Clause 14 of Administration Committee Report No. 14, which declared the lands at Premises Nos. 657 and 659 Northcliffe Boulevard, and the adjoining property to the north, surplus to City requirements. It is proposed that THC will develop the site into affordable housing under the City's *Let's Build* program. The site will consist of 48 to 56 bachelor, one and two bedroom units in a low-rise apartment building.

In addition, City Council, at its meeting of August 1, 2, 3 and 4, 2000, adopted, as amended, Clause 10 of Administration Committee Report No. 16, which, among other things, directed the Commissioner of Community and Neighbourhood Services to enter into a 50 year less one day lease with the THC for this site.

Comments:

Works and Emergency Services has received a request from Young & Wright Architects, on behalf of THC, for the stopping-up and closing of the Existing Lane and the creation of a new lane outlet in lieu thereof. This lane relocation will create a more suitable development parcel for the construction of affordable housing with 48 to 56 bachelor, one and two bedroom units in a low-rise apartment building. The lane closing proposal has been investigated by staff and has been determined to be feasible.

Premises Nos. 657 and 659 Northcliffe Boulevard and the library parking lot to the north of the Existing Lane are currently owned by the Toronto Public Library Board. Title to these lands is, however, to be transferred to the City at the time the lease to THC, discussed in more detail below, is granted. The Commissioner of Community and Neighbourhood Services has been given jurisdiction over the parking lot and the lands comprising Premises No. 659 Northcliffe Boulevard and has been authorized to finalize a lease to THC of these lands, on the terms and conditions set out in Clause 10 of Administration Committee Report No. 16. It is recommended that the Existing Lane be closed and incorporated into the lease to THC. It is further recommended that the New Lane, which presently comprises Premises No. 657 Northcliffe Boulevard, be placed under the jurisdiction of the Commissioner of Works and Emergency Services and that a new lane outlet be constructed thereon, at the cost of THC.

The existing Lane contains a number of municipal services and public utility services which will require adjustments. Due to time constraints associated with submitting this report to the final meeting of York Community Council, it has not been possible to assemble the necessary information for the adjustments at this time. However, THC has agreed to pay for any adjustments or relocation costs for services and for the construction of the new lane outlet. This report does not preclude THC from applying for assistance with the costs and expenses it incurs in this regard.

Conclusions:

THC has requested that the Existing Lane be stopped-up and closed and leased to it in order to facilitate the construction of a 48 to 56 unit low-rise apartment building which will provide affordable housing under the City's *Let's Build* program. In exchange, THC will cover the cost of constructing a new lane outlet on the New Lane lands. In order to facilitate THC's request, it is recommended that the Existing Lane be stopped-up and closed, declared surplus and leased to THC on the terms and conditions set out herein and that a new lane outlet be constructed on the New Lane lands, at the cost of THC.

Contact:

John Mende, Manager
Traffic Planning
Telephone: (416) 392-7713
Facsimile: (416) 392-1920
e-mail: jmende@city.toronto.on.ca
(ycc0-140)

Luba Tymkewycz, Manager
Portfolio Management
Telephone: (416) 392-7207
Facsimile: (416) 392-1880
e-mail: ltymkewyc@city.toronto.on.ca

(Map on file)