



**STAFF REPORT
ACTION REQUIRED**

Sale of Portions of Public Highways and 1 Foot Reserves to the City of Mississauga for the Inter-Regional Bus Rapid Transit Line

Date:	July 28, 2010
To:	Government Management Committee
From:	Chief Corporate Officer
Wards:	Etobicoke Centre – Ward 3
Reference Number:	P:\2010\InternalServices\RE\Gm10060re (AFS11831)

SUMMARY

The purpose of this report is to authorize the sale of part of the public highway Indian Line in the City of Toronto and parts of the public highway Eglinton Avenue West and abutting 1 foot reserves located in the City of Mississauga, to The Corporation of the City of Mississauga (the “City of Mississauga”), for the Inter-Regional Bus Rapid Transit Line.

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

RECOMMENDATIONS

The Chief Corporate Officer recommends that:

1. City Council, subject to authorizing the permanent closure of that part of the public highway Indian Line, between Eglinton Avenue West and Renforth Drive, being part of the road allowance between Townships of Etobicoke and Toronto Gore, designated as Part 1 on Plan 66R-24324 and shown as Part 1 on Sketch No. PS-2010-037 (“Highway One”), authorize the City to enter into an Agreement of Purchase and Sale with the City of Mississauga for the sale of Highway One, in the amount of \$385,000.00, substantially on the terms and conditions outlined in Appendix “A” to this report, and on such other terms and conditions as may be approved by the Chief Corporate Officer.

2. City Council, subject to authorizing the permanent closure of portions of the public highway Eglinton Avenue West, in the City of Mississauga, between Oribitor Drive to west of Spectrum Way, being Part 1 on Plan 43R-13337, Blocks 11, 12 and 13 on Plan 43M-793 and Part 3 on Plan 43R-14617 and shown as Part 2 on Sketch No. PS-2009-080, Part 2 on Sketch No. PS-2009-081 and Part 2 and Part 4 on Sketch No. PS-2009-082a (collectively “Highway Two”), authorize the City to enter into an Agreement of Purchase and Sale with the City of Mississauga for the sale of Highway Two, and also for the one foot reserves abutting Highway Two to the north, said reserves shown as Part 1 on Sketch Nos. PS-2009-080 and PS-2009-081 and Parts 1 and 3 on Sketch No. PS-2009-082a (the “Reserves”), all for nominal consideration, substantially on the terms and conditions outlined in Appendix “B” to this report, and on such other terms and conditions as may be approved by the Chief Corporate Officer.
3. City Council authorize each of the Chief Corporate Officer and the Director of Real Estate Services severally to execute on behalf of the City.
4. City Council grant authority to direct a portion of the proceeds of closing of Highway One to fund the outstanding expenses related to the sale of Highway One, Highway Two, the Reserves and the completion of the sale transactions.
5. City Council authorize the City Solicitor to complete the transactions on behalf of the City, including paying any necessary expenses, amending the closing, due diligence and other dates, and amending or waiving terms and conditions, on such terms as she considers reasonable.

Financial Impact

Revenue in the amount of \$385,000.00 (net of HST), less closing costs and the usual adjustments, is anticipated from the sale of Highway One.

There will be no revenue realized from the sale of Highway Two and the Reserves as they are proposed to be sold to the City of Mississauga for nominal consideration.

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, Highway One was declared surplus on January 28, 2010, (DAF No. 2010-023) with the intended manner of disposal to be a sale of Highway One to the City of Mississauga and Highway Two was declared surplus on January 28, 2010 (DAF No. 2010-021) along with the Reserves (DAF No. 2010-022) with the intended manner of disposal to be a conveyance to the City of Mississauga for nominal consideration.

In accordance with the City’s Real Estate Delegation of Authority By-law, No. 532-2010, on July 13, 2010, the Chief Corporate Officer initiated the process to permanently close Highway One and Highway Two and authorized the General Manager of Transportation Services to give notice of proposed by-law to close Highway One and Highway Two (DAF No. 2010-152).

ISSUE BACKGROUND

Highway One was established and owned by the City since 1858 and it is currently an un-travelled road allowance.

In 1984 City of Mississauga recommended that the Municipality of Metropolitan Toronto (“Metro”) protect Highway Two and the Reserves for the Province of Ontario’s Advanced Light Rail Transit (GO ALRT) corridor, and that the necessary right-of-way widenings be obtained along the north side of Eglinton Avenue West. Highway Two and the Reserves were acquired by Metro in the 1980’s through development approvals, for nominal consideration, to meet the City of Mississauga’s Official Plan’s designated 50 metre right-of-way for the proposed transit corridor. As Eglinton Avenue West was under the jurisdiction of Metro, the parcels were transferred to Metro instead of the City of Mississauga, and except for one foot reserves abutting Highway Two, were dedicated as public highway.

City of Mississauga and Metrolinx (formerly GO Transit) are working in partnership with Transportation Canada and the Province of Ontario to implement the first phase of the Inter-Regional Bus Rapid Transit Line (“BRT”) from Winston Churchill Boulevard to Erin Mills Parkway in the west, and from Mississauga City Centre to Renforth Drive in the east.

The City of Mississauga has requested that the City sell Highway One, Highway Two and the Reserves, to accommodate the BRT.

COMMENTS

Transportation Services has reviewed the feasibility of closing Highway One and Highway Two and have determined that Highway One and Highway Two can be permanently closed. Transportation Services is submitting a report to the Etobicoke York Community Council meeting scheduled for August 17, 2010, recommending that Highway One and Highway Two be closed.

Details of Highway One, Highway Two and the Reserves are as follows:

Highway One	2654.9m ² +/- (28,577 ft ²) +/-
Highway Two	15,338.5m ² +/- (165,091.5 ft ²) +/-
Reserves	345.3m ² +/- (3,716.8 ft ²) +/-

Negotiations between the City and the City of Mississauga are being completed and the City of Mississauga and City staff has agreed that the value of Highway One is \$385,000.00. Additional details of terms of the proposed sale of Highway One are set out in Appendix “A” and are considered to be fair, reasonable and reflective of market value.

Highway Two and the Reserves were acquired by the City for nominal consideration in order to ensure that they were protected from development until the transit routes were chosen. The City is proposing to sell Highway Two and the Reserves to the City of Mississauga for nominal consideration as the City of Mississauga will be using the roads for their intended purpose, the BRT.

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. A recommendation is included in this report to direct a portion of the sale proceeds to fund the outstanding expenses related to Highway One.

CONTACT

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SIGNATURE

Bruce Bowes, P. Eng.
Chief Corporate Officer

ATTACHMENTS

Appendix “A” – Terms and Conditions of the Sale of Highway One
Appendix “B” – Terms and Conditions of the Sale of Highway Two and Reserves
Appendix “C” – Site Map and Sketches