

**Proposed Permanent Closure and Sale of the Walkway  
Located between 48 and 50 Broadbridge Drive**

<b>Date:</b>	April 7, 2010
<b>To:</b>	Scarborough Community Council
<b>From:</b>	General Manager, Transportation Services and the Chief Corporate Officer
<b>Wards:</b>	44 – Scarborough East
<b>Reference Number:</b>	P:\2010\Cluster B\TRA\Scarborough\sc1042

**SUMMARY**

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This staff report is about a matter for which the Community Council does not have delegated authority from City Council to make a final decision.

The General Manager, Transportation Services and the Chief Corporate Officer request that the walkway located between 48 and 50 Broadbridge Drive be permanently closed, and that a portion of the walkway be sold to the adjacent land owners, at 48 Broadbridge Drive, Alan John Schnurr and Renee Denise Schnurr and at 50 Broadbridge Drive, Benedict K. Y. Chan and Regina Man Yee Chan, substantially on the terms and conditions outlined in Appendix “A” and “B”.

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 permanently close the public walkway located between 48 and 50 Broadbridge Drive, shown as Parts 1 and 2 on Sketch No. PS-2007-188 (the “Walkway”), 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 Walkway in accordance with the requirements of City of Toronto Municipal Code, Chapter 162, with the Scarborough 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 Walkway 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 website for at least five working days prior to the Scarborough Community Council meeting at which the proposed by-law to close the Walkway will be considered.
4. City Council accept the Offer to Purchase from Alan John Schnurr and Renee Denise Schnurr at 48 Broadbridge Drive to purchase approximately 51.1 square metres of land shown as Part 2 on Sketch No. PS-2007-188 in the amount of \$3,000.00 substantially on the terms and conditions outlined in Appendix “A” to this report.
5. City Council accept the Offer to Purchase from Benedict K. Y. Chan and Regina Man Yee Chan at 50 Broadbridge Drive to purchase approximately 51.1 square metres of land shown as Part 1 on Sketch No. PS-2007-188 in the amount of \$3,000.00 substantially on the terms and conditions outlined in Appendix “B” to this report.
6. 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.
7. City Council grant authority to direct a portion of the proceeds of closing to fund the outstanding expenses related to the completion of the sale transaction.
8. 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 City anticipates revenue in the amount of \$6,000.00, (exclusive of GST), less closing costs and the usual adjustments from this sale.

The Deputy City Manager and Chief Financial Officer have reviewed this report and agree with the financial impact statement.

## DECISION HISTORY

In accordance with the City’s Real Estate Disposal By-law, No. 814-2007, the Walkway was declared surplus on October 26, 2007 (DAF No. 2007-151) with the intended manner of disposal to be by inviting an offer to purchase a portion of the Walkway from the adjacent land owners at 48 and 50 Broadbridge Drive.

## ISSUE BACKGROUND

In 1980, the Walkway was conveyed to the former Corporation of the Borough of Scarborough pursuant to a subdivision agreement and was established to provide a pedestrian link for children and parents in the surrounding community to the Toronto Catholic District School Board (“TCDSB”) site located between East Avenue and Broadbridge Drive. The TCDSB site however was declared surplus to the TCDSB’s requirements in 2003 and subsequently sold to a developer, Genesis Homes. A residential subdivision was approved on the former TCDSB site which did not propose the retention of the Walkway. Since the school site has been disposed of by TCDSB, the original purpose of the Walkway no longer exists and as a result it can now be closed.

## COMMENTS

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

Details of the Walkway are as follows:

	Part 1 on Sketch No. PS-2007-188	Part 2 on Sketch No. PS-2007-188
<b>Approximate Size:</b>		
<b>east/west measurement:</b>	Frontage – 1.5 m (4.92 ft)	Frontage – 1.5 m (4.92 ft)
<b>north/south measurement:</b>	Depth - 16.75 m (54.95 ft)	Depth - 16.75 m (54.95 ft)
<b>Approximate Area:</b>	51.1 m <sup>2</sup> (550.0 ft <sup>2</sup> )	51.1 m <sup>2</sup> (550.0 ft <sup>2</sup> )
<b>Current status:</b>	Untravelled walkway dead ending on Genesis Homes development	Untravelled walkway dead ending on Genesis Homes development

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 Walkway.

**Closing Process:**

The closing process requires two separate approvals from City Council. The first approval initiates the process to close the Walkway and authorizes the terms and conditions of the sale of the Walkway. 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 Scarborough 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**

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Gary Welsh, P. Eng.  
General Manager,  
Transportation Services

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Bruce Bowes, P. Eng.  
Chief Corporate Officer

**ATTACHMENTS**

1. Appendix “A” and “B” – Terms and Conditions of Offer to Purchase
2. Appendix “C” – Site Map and Sketch No. PS-2009-064

**Appendix “A”**  
**Terms and Conditions of Offer to Purchase**

Subject Property:	A portion of the walkway located between 48 and 50 Broadbridge Drive.
Legal Description:	Part of PIN 06502-0070 (LT) Part of Block 219 on Plan M1983, as approximately shown as Part 2 on Sketch PS-2007-188, City of Toronto collectively known as (the “Walkway”);
Purchaser:	Alan John Schnurr and Renee Denise Schnurr, owners of 48 Broadbridge Drive
Purchase Price:	\$3,000.00
Balance:	Cash or certified cheque on closing
Deposit:	\$300.00
Irrevocable Date:	90 <sup>th</sup> day following execution of the Offer to Purchase by the Purchaser
Closing Date:	45 days following enactment of the by-law permanently closing the Walkway as a public walkway. In the event that <b>(i)</b> Council has not enacted the closing by-law on or before July 31, 2011; or <b>(ii)</b> prior to July 31, 2011, Council has considered the proposed closing by-law and has decided not to enact it, the Agreement of Purchase and Sale shall be at an end and the deposit returned to Purchaser.
Lane Closing Requirements and Sale Conditions:	<ol style="list-style-type: none"> <li>1. Purchaser to represent and warrant that it is the sole registered owner of the lands abutting the Walkway and that it shall be the sole registered owner of such lands on closing, failing which the agreement of purchase and sale shall be at an end.</li> <li>2. Purchaser shall accept the Walkway in “as is” condition and, on closing shall execute and deliver a release in favour of the City, in a form satisfactory to the City Solicitor, in respect of all loss, costs, damages, liability or actions relating to the environmental condition of the Walkway.</li> <li>3. Purchaser shall indemnify the City against all loss, costs, damages or actions including injurious affection claims, resulting from the closure of the Walkway as a public highway.</li> <li>4. Purchaser shall comply with such other terms and conditions as the City Solicitor and the General Manager of Transportation Services may deem advisable to protect the City’s interests.</li> </ol>

**Appendix “B”  
Terms and Conditions of Offer to Purchase**

Subject Property:	A port ion of the walkway located between 48 and 50 Broadbridge Drive.
Legal Description:	Part of PIN 06502-0070 (LT) Part of Block 219 on Plan M1983, as approximately shown as Part 1 on Sketch PS-2007-188, City of Toronto collectively known as (the “Walkway”);
Purchasers:	Benedict K.Y. Chan and Regina Man Yee Chan, owners of 50 Broadbridge Drive
Purchase Price:	\$3,000.00
Balance:	Cash or certified cheque on closing
Deposit:	\$300.00
Irrevocable Date:	90 <sup>th</sup> day following execution of the Offer to Purchase by the Purchaser
Closing Date:	45 days following enactment of the by-law permanently closing the Walkway as a public walkway. In the event that (i) Council has not enacted the closing by-law on or before July 31, 2011; or (ii) prior to July 31, 2011, Council has considered the proposed closing by-law and has decided not to enact it, the Agreement of Purchase and Sale shall be at an end and the deposit returned to Purchaser.
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