



## STAFF REPORT ACTION REQUIRED

### Permanent Closure of a Stratified Portion of the Public Lane abutting 10 Nelson Street and 181, 199 and 203 Richmond Street West

<b>Date:</b>	October 16, 2012
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Acting Director, Transportation Services, Toronto and East York District
<b>Wards:</b>	Trinity-Spadina – Ward 20
<b>Reference Number:</b>	Ts2012199te.top

#### SUMMARY

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Transportation Services recommends that a stratified portion of the public lane abutting 10 Nelson Street and 181, 199 and 203 Richmond Street West be permanently closed.

#### RECOMMENDATIONS

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**Transportation Services recommends that:**

1. City Council, permanently close the portion of the public lane, designated as Part 1 on Reference Plan 66R-26274 and shown as Part 1 on Sketch No. PS-2011-040 (the "Lane"), attached to the report, dated October 16, 2012, from the Acting Director, Transportation Services, Toronto and East York District.
2. City Council enact a by-law substantially in the form of the draft by-law attached as Appendix "A" to the report, dated October 16, 2012, from the Acting Director, Transportation Services, Toronto and East York District.

#### Financial Impact

The closing of the Lane will not result in any costs to the City as the purchasers of the Lane are responsible to pay all costs associated with the closing of the Lane.

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 Lane was declared surplus on September 20, 2011 by DAF No. 2011-273, conditional upon the Lane being permanently closed, with the intended manner of disposal to be by inviting an offer to purchase the Lane from the abutting owners of 181-203 Richmond Street West and 10 Nelson Street.

By DAF No. 2011-416, dated January 5, 2012, the Chief Corporate Officer authorized the Acting General Manager, Transportation Services, 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 and the Municipal Class Environmental Assessment for Schedule "A+" activities. By DAF No. 2011-400, dated January 12, 2012, the Deputy City Manager and Chief Financial Officer authorized the sale of the Lane, conditional upon City Council approving the permanent closure of the Lane.

## **ISSUE BACKGROUND**

Transportation Services staff received a request from the lawyer of the owners of 181-203 Richmond Street West and 10 Nelson Street to investigate the feasibility of closing the Lane for incorporation into a proposed mixed-use development on the abutting lands.

## **COMMENTS**

Transportation Services has reviewed the feasibility of closing the Lane and has determined that the Lane can be permanently closed.

The upper boundary of the stratified Lane parcel is 130 metres above grade. There is no lower boundary. Councillor Adam Vaughan requested that an upper boundary be created for the Lane so that the City could retain ownership and control of the air space extending above the stratified Lane parcel.

There is a 450 mm diameter combined storm sewer that runs the entire length of the public lane adjoining the development site. Development Engineering staff requested that the portion of the storm sewer located within the Lane be abandoned and that a new sewer connection to 140 Simcoe Street be constructed at the applicant's expense. Development Engineering staff has confirmed that this work has been completed by the applicant in accordance with the approved drawings and City specifications.

The Lane also contained a Bell Canada pole line with cable and terminals that were required to be removed at the applicant's expense. Bell Canada has confirmed that this work has been completed to the satisfaction of Bell Canada.

## **Closing Process**

The closing process now requires only one approval from City Council. The draft by-law is now an Appendix to the report that recommends the closure of the Lane and is tabled at

the same Toronto and East York Community Council meeting that the public has the opportunity to speak to the matter if they wish to do so.

The requirement of the Municipal Class Environmental Assessment for Schedule "A+" activities will be met during the posting of the public notice on the notice page of the City's Web site for at least five working days prior to the Toronto and East York Community Council meeting, which the proposed by-law to close the Lane will be considered.

## **CONTACT**

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## **SIGNATURE**

Jacqueline White, P. Eng.  
Acting Director, Transportation Services  
Toronto and East York District

## **ATTACHMENTS**

Sketch No. PS-2011-040, dated April 11, 2011  
Appendix "A" – Draft By-law

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