



STAFF REPORT ACTION REQUIRED

Permanent Closure of a Below-Grade Portion of Harbour Street Abutting the South Limit of 120-130 Harbour Street and 10 York Street

Date:	August 27, 2013
To:	Toronto and East York Community Council
From:	Director, Transportation Services, Toronto and East York District
Wards:	Toronto-Centre Rosedale – Ward 28
Reference Number:	Ts2013156te.top

SUMMARY

Transportation Services recommends that a below-grade portion of Harbour Street abutting the south limit of 120-130 Harbour Street and 10 York Street, be permanently closed.

RECOMMENDATIONS

Transportation Services recommends that:

1. City Council permanently close the portion of the public highway Harbour Street, formerly known as Fleet Street, designated as Part 1 on the draft Reference Plan prepared by I.M. Pastushak Limited, dated August 1, 2013 and shown as Part 1 on Sketch No. PS-2013-028 (the "Highway"), both of which are attached to the report dated August 27, 2013, from the 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 August 27, 2013, from the Director, Transportation Services, Toronto and East York District, following the deposit of the attached Reference Plan in the Land Titles Division of the Toronto Registry Office (No. 66) and the insertion of the Plan Number in the draft by-law.

Permanent closure of a below-grade portion of Harbour Street

Financial Impact

The closing of the Highway will not result in any costs to the City as the purchaser of the Highway is responsible to pay all costs associated with the closing 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 August 23, 2013 by DAF No. 2013-182, conditional upon the Highway being permanently closed, with the intended manner of disposal to be by way of a transfer to Build Toronto on an "as is" basis, for nominal consideration.

By DAF No. 2013-183, dated August 23, 2013, the Chief Corporate Officer authorized the General Manager, Transportation Services, 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 and the Municipal Class Environmental Assessment for Schedule "A+" activities.

ISSUE BACKGROUND

Transportation Services staff received a request from Build Toronto Inc., owners of a beneficial interest in 120-130 Harbour Street and 10 York Street, to close and convey the Highway. Build Toronto Inc. is partnering with Deltera Inc. in a joint venture for the development of a mixed use building with underground parking on the site.

COMMENTS

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

The Highway contains the services of Rogers Cable and three hydro poles owned by Toronto Hydro. The cost to remove/relocate the infrastructure of both Rogers Cable and Toronto Hydro will be the responsibility of Build Toronto Inc.

In addition, the closure of the Highway will interfere with the required horizontal separation of 3.0 metres from the centre of the existing 300mm watermain within the Harbour Street road allowance and will require the relocation of the watermain. The cost to relocate the watermain will be the responsibility of Build Toronto Inc..

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 Highway and is tabled at the same Toronto and East York Community Council meeting at which the public has the opportunity to speak to the matter if they wish to do so.

Permanent closure of a below-grade portion of Harbour Street

The requirement for the Municipal Class Environmental Assessment for Schedule "A+" activities will be met during the posting of the public notice 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.

CONTACT

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SIGNATURE

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

ATTACHMENTS

Appendix "A" – Draft By-law
Sketch No. PS-2013-028, dated March 27, 2013.
Draft Reference Plan prepared by I.M. Pastushak Limited, dated August 1, 2013

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APPENDIX "A"

Authority: Toronto and East York Community Council, Item _____, as adopted by City of Toronto Council on _____, 2013

CITY OF TORONTO

Bill No.

BY-LAW No. -2013

**To permanently close a below-grade portion of Harbour Street
abutting the south limit of 120-130 Harbour Street and 10 York Street**

Whereas it is recommended that a below-grade portion of Harbour Street, formerly known as Fleet Street, abutting the south limit of 120-130 Harbour Street and 10 York Street be permanently closed as a public highway; and

Whereas notice of the proposed by-law to permanently close part of the said highway was posted on the notices page of the City's web site in accordance with the requirements of City of Toronto Municipal Code, Chapter 162 and the Toronto and East York Community Council heard any person who wished to speak to the matter at its meeting held on September 10, 2013;

The Council of the City of Toronto enacts:

1. A below-grade portion of Harbour Street abutting the south limit of 120-130 Harbour Street and 10 York Street, described as follows, is hereby permanently closed as a public highway:

Part of PIN 21395-0209 (LT)
PT FLEET ST., PLN 616E TORONTO; CITY OF TORONTO
designated as Part 1 on Plan 66R-_____

Enacted and passed on _____, 2013.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

Permanent closure of a below-grade portion of Harbour Street