

Permanent Closure of the Public Lane at the Rear of 738-782 Bathurst Street, Extending Between Bloor Street West and Lennox Street

Date: August 14, 2017
To: Toronto and East York Community Council
From: Acting Director, Transportation Services, Toronto and East York District
Wards: Ward 19 – Trinity-Spadina

SUMMARY

Transportation Services recommends that the public lane at the rear of 738-782 Bathurst Street, extending between Bloor Street West and Lennox Street be permanently closed.

RECOMMENDATIONS

Transportation Services recommends that:

1. City Council authorize the permanent closure of the public lane at the rear of 738-782 Bathurst Street, extending between Bloor Street West and Lennox Street, designated as Parts 15, 16, 17, 18 and 19 on Reference Plan 66R-29394, and shown as Part 1 on Sketch No. PS-2015-144 (the "Lane"), attached to the report dated August 14, 2017, 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 August 14, 2017, 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 purchaser of the Lane is 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 (City of Toronto Municipal Code Chapter 213), the Lane was declared surplus on May 9, 2017 by DAF No. 2017-087, conditional upon City Council approving the permanent closure of the Lane. The intended manner of disposal is by inviting an offer to purchase the Lane from the owner, 500 Bloor Street Property Inc. (the "Applicant"), of the adjoining properties of 571-592 Bloor Street West, 738-782 Bathurst Street (except 756 and 758 Bathurst Street), 26-38 Lennox Street, 581-603 and 588-612 Markham Street.

City Council, at its meeting of July 4, 2017, adopted Item MM31.69, which, among other things, authorized the City to accept the Offer received from the Applicant for the purchase of the Lane, and authorized the General Manager, Transportation Services, to give notice to the public of a proposed by-law to permanently close the Lane, in accordance with the requirements of the City of Toronto Municipal Code, Chapter 162, with Toronto and East York Community Council to hear any member of the public who wishes to speak to the matter during consideration of the proposed by-law.

COMMENTS

The Lane abuts the properties known municipally as 738-782 Bathurst Street and provides access to their rear yards. The Applicant owns all of the abutting properties except for 756 and 758 Bathurst Street. The Applicant has advised that it will complete its purchase of the property known as 756 Bathurst Street in September, 2017.

The Agreement of Purchase and Sale authorized by Item MM31.69, requires the Applicant to use commercially reasonable efforts to provide the City with a release from the owner of 758 Bathurst Street with respect to the potential closure of the Lane. To date, the City has not received the release in respect of 758 Bathurst Street.

The Applicant has provided an Indemnity to the City in respect of all claims and demands arising from the permanent closure of the Lane, which may be brought against the City, including any potential claims of the owner of 758 Bathurst Street.

The following municipal services and public utilities are located within the Lane and will either have to be removed or relocated or will require easement protection following the closure of the Lane.

Toronto Water – City owned catch basins and catch basin lead are located within the Lane. Any alteration of these assets would be reviewed at the site plan phase.

Toronto Hydro – underground plant at the north end of the Lane;

Rogers Cable – buried plant at the south end of the Lane;

Bell Canada – pole and aerial cable on south-east side of the Lane.

If necessary, the cost for the removal or relocation of any of the above-noted municipal services or public utilities are the sole responsibility of the Applicant.

Transportation Services has reviewed the feasibility of closing the Lane and has determined that as the Lane is required to form part of a larger development approved by City Council, and given that the Applicant has provided the City with an Indemnity in respect of any potential lane closing claims, the Lane can be closed and sold to the Applicant.

The closing process requires approval from City Council. The draft by-law is an Appendix to this report 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.

The requirements of 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 Lane will be considered.

CONTACT

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SIGNATURE

Dave Twaddle, Acting Director
Transportation Services
Toronto and East York District

ATTACHMENTS

Attachment 1 – Appendix "A" – Draft By-law
Attachment 2 – Sketch No. PS-2015-144, dated November 18, 2015

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Authority: Toronto and East York Community Council Item _____ as adopted by City of Toronto Council on October 2, 3 and 4, 2017

CITY OF TORONTO

Bill No.

BY-LAW No. -2017

**To permanently close the public highway known as
Honest Ed's Alley in the City of Toronto**

Whereas it is recommended that the public lane known as Honest Ed's Alley, legally described as Lane on Plan 93 Toronto North of Lennox Street, Between Markham Street & Bathurst Street, City of Toronto, designated as Parts 15, 16, 17, 18 and 19 on Plan 66R-29394, be permanently closed as a public highway; and

Whereas notice of the proposed by-law to permanently close 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 6, 2017;

The Council of the City of Toronto enacts:

1. The lane known as Honest Ed's Alley, legally described below, is hereby permanently closed as a public highway:

PIN 21254-0218 (LT)

Lane on Plan 93 Toronto North of Lennox Street, Between Markham Street & Bathurst Street, City of Toronto, designated as Parts 15, 16, 17, 18 and 19 on Plan 66R-29394.

Enacted and passed on _____, 2017.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

