

Permanent Closure of a Stratified Parcel of Public Lane Located to the West of 375 Queen Street West

Date: January 31, 2022
To: Toronto and East York Community Council
From: Director, Transportation Planning and Capital Program
Transportation Services
Wards: Ward 10, Spadina-Fort York

SUMMARY

As this report proposes to permanently close a portion of a public highway, City Council approval of this report is required.

Transportation Services recommends that a stratified portion of the public lane (known as Ln1 W Peter N Jack Cooper) located to the west of 375 Queen Street West, which consists of Parts 5 & 6 on PLAN 66R-32180, as shown in Appendix "A", be permanently closed. Once closed, the stratified portion of the public lane will be sold to the adjoining property owner, 375-381 Queen Street West Inc.

RECOMMENDATIONS

The Director, Transportation Planning and Capital Program, Transportation Services recommends that:

1. City Council authorize the permanent closure of the stratified parcel of public lane located to the west of 375 Queen Street West, shown as Parts 5 and 6 on PLAN 66R-32180 (the "Lane"), attached as Appendix "A" to the report dated January 31, 2022, from the Director, Transportation Planning and Capital Program, Transportation Services; and
2. City Council enact a by-law substantially in the form of the draft by-law attached as Appendix "B" to the report dated January 31, 2022, from the Director, Transportation Planning and Capital Program, Transportation Services.

FINANCIAL IMPACT

The permanent closure of the Lane will not result in any costs to the City as the purchaser, 375-381 Queen Street West Inc. as nominee and bare trustee for Allied Properties Real Estate Investment Trust (the "Purchaser"), is responsible for all costs associated with the closure.

The Chief Financial Officer and Treasurer has reviewed this report and agrees with the financial impact information.

DECISION HISTORY

In accordance with the City's Real Estate Disposal By-law, Number 814-2007 (Municipal Code Chapter 213), the Lane was declared surplus by way of Delegated Approval Forms ("DAF") No. 2020-012 and DAF No. 2021-167, as amended by DAF No. 2022-018, as authorized by the Deputy City Manager, Corporate Services on February 6, 2020, November 19, 2021 and January 14, 2022, respectively, conditional upon City Council approving the permanent closure of the Lane. The intended manner of disposal is by way of a sale of the Lane to the Purchaser.

By DAF 2021-038, the Executive Director, Corporate Real Estate Management ("ED, CREM") authorized the sale of Part 6 on PLAN 66R-32180 ("Part 6"), conditional upon City Council approving the permanent closure of Part 6 and authorized the General Manager, Transportation Services to give notice to the public of a proposed by-law to close Part 6 in accordance with the requirements of the City of Toronto Municipal Code, Chapter 162, with the 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. The General Manager, Transportation Services, is further authorized to advise the public of the proposed closure of the Part 6 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's Website for at least five (5) working days prior to the Toronto and East York Community Council meeting at which the proposed by-law to close the Part 6 will be considered.

COMMENTS

Transportation Services has reviewed the feasibility of closing the Lane and has determined that the Lane can be closed and sold to the Purchaser so that it can be incorporated into the redevelopment of the adjoining site.

The Ontario Municipal Board, issued its decision on December 24, 2014 approving the amendment of the City of Toronto Zoning By-law No. 438-86, permitting the redevelopment of lands municipally known as 375, 375R, 379 and 381 Queen Street West.

Any municipal or public utilities located within the Lane will be subject to the reservation of permanent easements, if applicable, or relocation by the Purchaser at no cost to the City.

The closing process requires approval from City Council. The draft by-law is an Appendix to this report that recommends the closure of the Lane which will be tabled at the same Toronto and East York Community Council meeting where the public will have 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 website for at least five (5) 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.

The ED, CREM will authorize the sale of Part 5 on PLAN 66R-32180 ("Part 5") to be conditional upon City Council approving the permanent closure of Part 5 and authorize the General Manager, Transportation Services to proceed with the necessary steps to provide notice to the public (as set out above in the Decision History with respect to Part 6) upon the expiry of the notice period in connection with DAF No. 2022-018. The Director, Transportation Planning and Capital Program, Transportation Services will deliver a supplementary report prior to the Toronto and East York Community Council Meeting on February 16, 2022 to provide information regarding the authorization of the sale of Part 5 and confirmation that the requirements with respect to the notice to the public of the sale have been satisfied in accordance with City of Toronto Municipal Code, Chapter 162.

CONTACT

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SIGNATURE

for



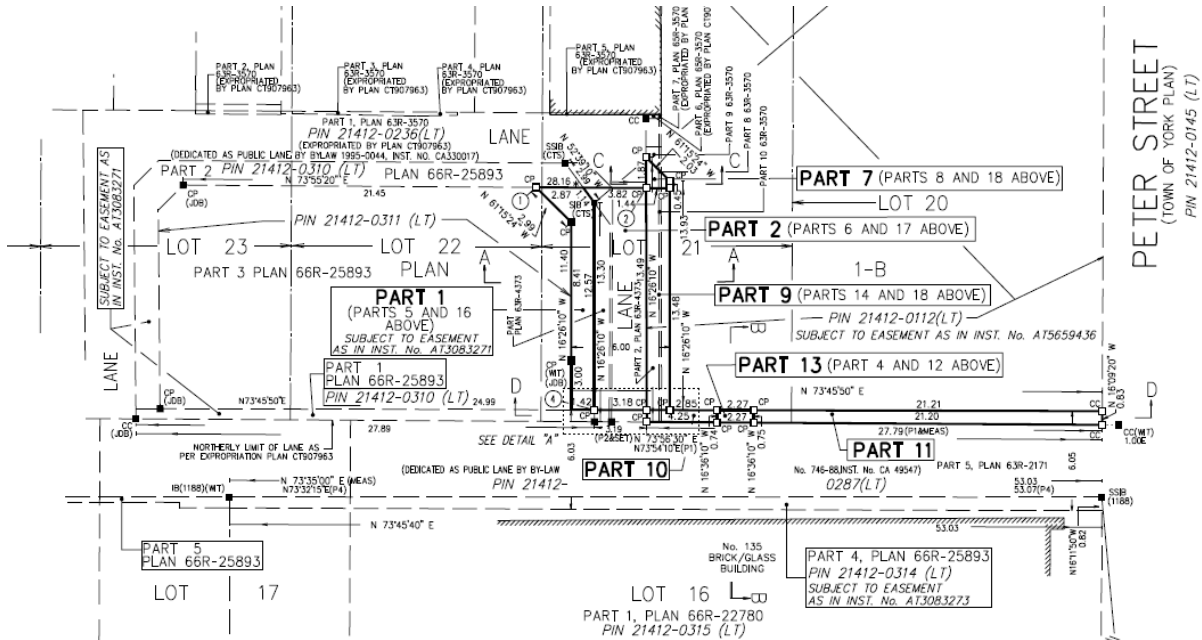
Ashley Curtis, Director
Transportation Planning and Capital Program
Transportation Services

ATTACHMENTS

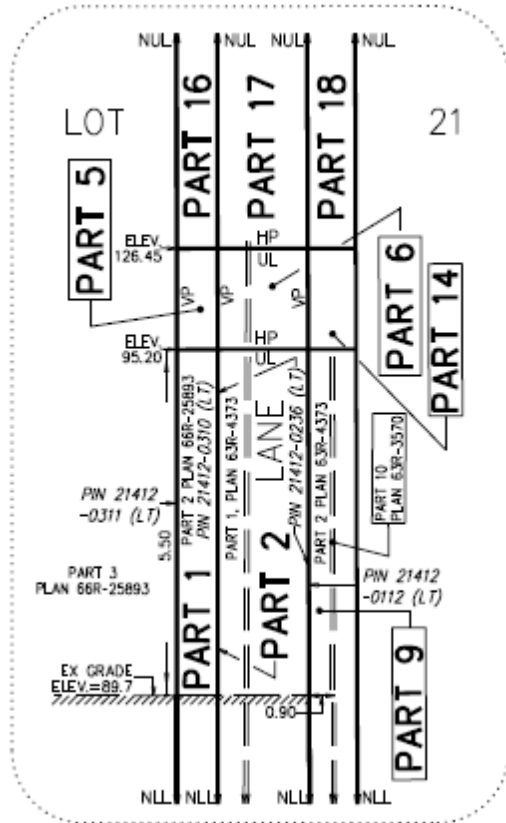
Attachment 1 – Appendix "A" – Excerpt of PLAN 66R-32180

Attachment 2 – Appendix "B" – Draft By-law

Attachment 1 – Appendix "A" – Excerpt of PLAN 66R-32180



SECTION A-A
(NOT TO SCALE)



Attachment 2 – Appendix "B" – Draft By-law

Authority: Toronto and East York Community Council Item ____, as adopted by City of Toronto Council on _____, 2022.

CITY OF TORONTO

Bill

BY-LAW -2022

To permanently close a stratified parcel of the public lane located to the west of 375 Queen Street West.

Whereas it is recommended that a stratified parcel of the public lane located to the west of 375 Queen Street West be permanently closed as a public lane; and

Whereas notice of the proposed by-law to permanently close part of the said lane 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 February 16, 2022;

The Council of the City of Toronto enacts:

1. A stratified parcel of the public lane located to the west of 375 Queen Street West, and described as follows, is hereby permanently closed as a public lane:

Part of PIN 21412-0236 (LT)
Part of Lot 21 Plan 1B, City of Toronto
Designated as Part 6 on Plan 66R-32180
Land Titles Division of the Toronto Registry Office (No. 66)

Part of PIN 21412-0310 (LT)
Part of Lots 21 and 22 Plan 1B, City of Toronto

Designated as Part 5 on Plan 66R-32180, subject to an easement over parts 1 and 2 on Plan 66R-25893 in favour of Part 3 on Plan 66R-25893 until such time as the said Parts 1 and 2 have been dedicated for public lane purposes as in AT3083271 Land Titles Division of the Toronto Registry Office (No. 66)

Enacted and passed on _____, 2022.
Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)