

Approved pursuant to the Delegated Authority contained in Government Management Committee Item GM6.18 entitled "Policy with Respect to the Sale/Disposition of Land" adopted as amended by City Council on July 16, 17, 18 and 19, 2007. By-law No. 814-2007, enacted on July 19, 2007.

Prepared By:	Leila Valenzuela	Division:	Real Estate Services
Date Prepared:	June 22, 2016	Phone No.:	416-392-7174

<b>Purpose:</b>	<p>To declare surplus the following property interests to facilitate the construction of a new interregional bus terminal at Kipling Station and proposed modification to the TTC Kipling Station lands:</p> <ol style="list-style-type: none"> <li>1) Portions of City-owned properties municipally known as Nos. 95, 99 and 120 Subway Crescent, shown as Parts 1, 4, 6 and 7 on Sketch No. PS-2016-033 with the intended manner of disposal to be by way of an invitation of an offer to purchase Parts 1, 4, 6 &amp; 7 on the sketch from Metrolinx, and</li> <li>2) A permanent easement interest (term of 21 years or more) in and over a portion of City-owned lands municipally known as 95 and 99 Subway Crescent, shown as Parts 2 and 3 on Sketch No. PS-2016-033, with the intended manner of disposal to be by way of a permanent grant of easement to Metrolinx for the purpose of bus layover and bridge connection to GO platform. The City shall retain the fee simple interest.</li> </ol>								
<b>Properties:</b>	<p>Portions of City-owned property municipally known as 95, 99 and 120 Subway Crescent, shown as Parts 1, 2, 3, 4, 6, and 7 on Sketch No. PS-2016-033, illustrated on Appendix "A", as follows:</p> <ol style="list-style-type: none"> <li>1) Parts of City-owned properties municipally known as 95 &amp; 99 Subway Crescent and 120 Subway Crescent, shown as Parts 1, 4, 6 and 7 on Sketch No. PS-2016-033 (the "Properties") and</li> <li>2) Permanent easement interest in parts of 95 &amp; 99 Subway Crescent shown as Parts 2 and 3 on Sketch No. PS-2016-033 ("Easement Interest")</li> </ol>								
<b>Actions:</b>	<ol style="list-style-type: none"> <li>1. The Properties be declared surplus, and an offer to purchase the Properties be invited from Metrolinx.</li> <li>2. The Easement Interest be declared surplus, with the intended manner of disposal to be by way of a grant of permanent easement to Metrolinx.</li> <li>3. Notice be published in a newspaper in circulation in the area of the Properties and posted on the City's website.</li> <li>4. 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, be taken.</li> </ol>								
<b>Financial Impact:</b>	<p>There are no financial implications resulting from this approval. Deputy City Manager &amp; Chief Financial Officer has reviewed this DAF and agrees with the financial impact information.</p>								
<b>Background:</b>	<p>In December 2007, City Council authorized the execution of the Memorandum of Understanding (MOU) between the City, TTC, GO Transit and Mississauga Transit regarding the construction of a new interregional bus terminal at Kipling Station and proposed modification to the TTC Kipling Station lands (the "Project"). This MOU was never signed by the parties. Since that time, the Project was handed over to Metrolinx, and, furthermore, the design concept of the Project has since been changed resulting in changes to the location of the proposed bus terminal from the east side of Kipling Station lands to the west side. The City-owned properties at 95, 99 and 120 Subway Crescent are required to facilitate the new design of the Project. The Properties are currently being utilized as surface commuter parking lot.</p> <p>At its meeting of March 23, 2016, the TTC Board approved the "Metrolinx Kipling Interregional Bus Terminal Project" report which, among other recommendations, authorized staff to execute all necessary agreements to facilitate the Project and for City Real Estate Services to declare surplus and negotiate the sale of the Properties to Metrolinx.</p> <p>At its meeting on June 13, 2016, the Government Management Committee adopted recommendations in Item GM13.20 "New Memorandum of Understanding for Kipling Station Redevelopment" for City Council's consideration at its meeting on July 12 and 13, 2016. The new MOU sets out the business arrangements between the City, TTC, Metrolinx and City of Mississauga with respect to the new design of the Kipling Station Redevelopment, including the proposed transfer of required property interests to Metrolinx.</p>								
<b>Comments:</b>	<p>A circulation to the City's ABCDs was undertaken to ascertain whether or not there is any municipal interest in retaining the Properties or Easement. No municipal interest was expressed. Staff of the Affordable Housing Office has determined that there is no interest in the Properties for affordable housing. Accordingly, it is appropriate that the Properties and Easement be declared surplus. The Property Management Committee has reviewed this matter and concurs.</p>								
<b>Property Details:</b>	<table border="1"> <tr> <td><b>Ward:</b></td> <td>5 – Etobicoke - Lakeshore</td> </tr> <tr> <td><b>Assessment Roll No.:</b></td> <td>1919-03-020-02150, 1919-03-1-020, Part of 1919-01-8-990-00800</td> </tr> <tr> <td><b>Approximate Total Area:</b></td> <td>Properties: 5, 595.3 m<sup>2</sup> (60,229.3 ft<sup>2</sup>) Easement Interest: 4,186.6 m<sup>2</sup> (3,043 ft<sup>2</sup>)</td> </tr> </table> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Lands are located within the Green Space System or the Parks &amp; Open Space Areas of the Official Plan.</p>			<b>Ward:</b>	5 – Etobicoke - Lakeshore	<b>Assessment Roll No.:</b>	1919-03-020-02150, 1919-03-1-020, Part of 1919-01-8-990-00800	<b>Approximate Total Area:</b>	Properties: 5, 595.3 m <sup>2</sup> (60,229.3 ft <sup>2</sup> ) Easement Interest: 4,186.6 m <sup>2</sup> (3,043 ft <sup>2</sup> )
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**Pre-Conditions to Approval:**

- (1) **Highways** - The GM of Transportation Services has concurred in the Highway being declared surplus conditional upon City Council approving the permanent closure of the Highway.
- (2) **Lands located within the Green Space System and the Parks & Open Space Areas of the Official Plan** - The Chief Planner & Executive Director and the GM of Parks, Forestry & Recreation have confirmed that the land being exchanged is (i) nearby land of equivalent or larger area, and (ii) of comparable or superior green space utility.

**Chief Corporate Officer has approval authority for:**

- A (1)** declaring land surplus and approving the intended manner or process by which the sale of the land will be carried out, provided that the local Councillor does not require the matter to be determined by Council through the Government Management Committee (§ 213-6).
  - Councillor does not require the declaration of surplus or the intended manner or process by which the sale of the land will be carried out to be determined by Council.
- (2)** determining the method of giving notice to the public, following consultation with the local Councillor (§ 213-7)
  - Councillor has been consulted regarding method of giving notice to the public.
- (3)** exempting sales to the following public bodies from the requirement for an appraisal, provided that the local Councillor (or if the land abuts other wards, the local Councillors) does not require the determination to be made by Council (§ 213-4):
  - (a) a municipality
  - (b) a local board, including a school board and a conservation authority
  - (c) the Crown in right of Ontario or Canada and their agencies
  - n/a Councillor(s) agrees with exemption from appraisal. **[Revise box to an x if any of (3)(a)-(c) applies.]**
- (4)** exempting the sale of land in the following classes from the requirement for an appraisal and/or for notice to the public, provided that the local Councillor(s) (if the land abuts other wards) does not require the determination to be made by Council (§ 213-5):
  - (a) land 0.3 metres or less in width acquired in connection with an approval or decision under the *Planning Act*
  - (b) closed highways if sold to an owner of land abutting the closed highways
  - (c) land formerly used for railway lines if sold to an owner of land abutting the former railway land
  - (d) land does not have direct access to a highway if sold to the owner of land abutting that land
  - (e) land repurchased by an owner in accordance with section 42 of the *Expropriations Act*
  - (f) easements
  - n/a Councillor(s) agrees with exemption from appraisal. **[Revise box to an x if any of (4)(a)-(f) applies.]**
  - n/a Councillor(s) agrees with exemption from notice to the public. **[Revise box to an x if any of (4)(a)-(f) applies.]**
- (5)** revising the intended manner of sale
- (6)** rescinding the declaration of surplus authority

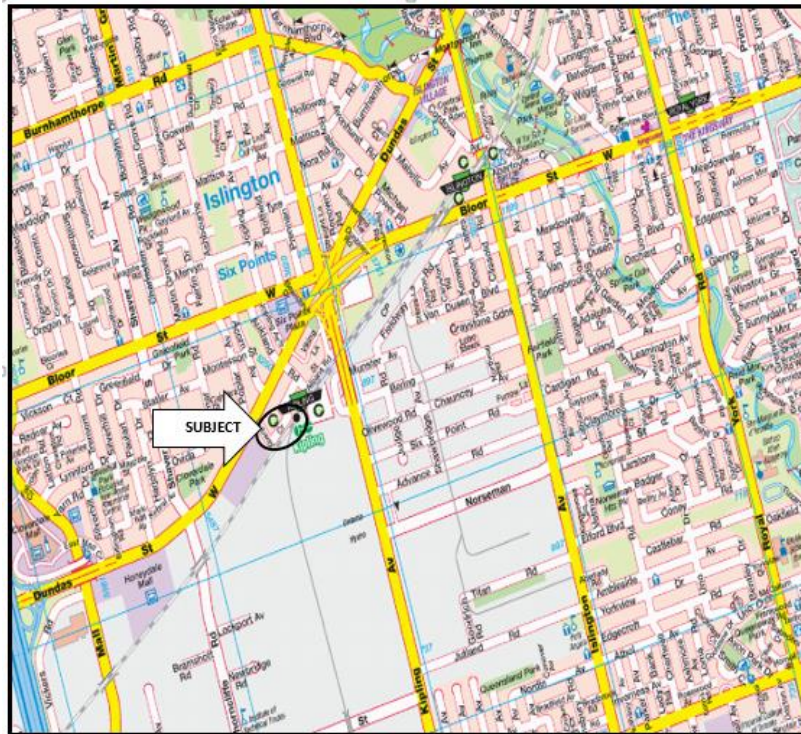
Title	Date	Recommended/ Approved
Manager	June 23, 2016	Brian Varner
Director	June 24, 2016	Joe Casali
Chief Corporate Officer	June 27, 2016	Josie Scioli
<b>Return to:</b> Leila Valenzuela (392-7174) Real Estate Services 2 <sup>nd</sup> Floor, Metro Hall		
<b>DAF Tracking No.: 2016-131</b>		

Consultation with Councillor(s):					
Councillor:	Justin Di Ciano				
Contact Name:	Jacqueline Czajka				
Contacted by	Phone	<input checked="" type="checkbox"/>	E-mail	Memo	Other
Comments:	May 19/16 • Concurs with recommendation • Does not require the matter to be determined by Council • Does not require further consultation re: public notice				
Councillor:					
Contact Name:					
Contacted by	Phone		E-mail	Memo	Other
Comments:					

Consultation with other Division(s):			
Division:	TTC	Division:	Financial Planning
Contact Name:	Michael Stevenson	Contact Name:	Filisha Mohammed
Comments:	No issue	Comments:	Fine with the financial impact
Real Estate Law Contact:	Lisa Davies / Jennifer Davidson (June 22/16)	Date:	June 22/16

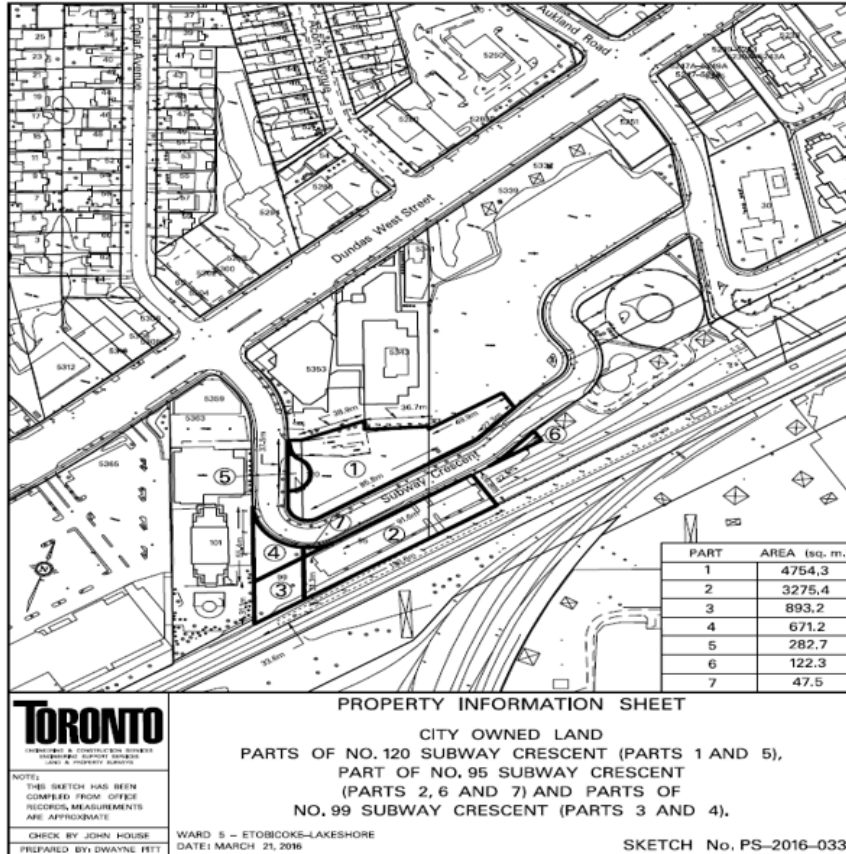
APPENDIX "A"

LOCATION MAP



APPENDIX "B"

Sketch of City-owned Properties & Easement Interest Required by Metrolinx



- Parts 1, 4, 6 & 7 – Proposed conveyance to Metrolinx for the Kipling Interregional bus terminal
- Parts 2 & 3 – Permanent easement to be granted in favour of Metrolinx for bus layover and bridge connection to GO platform. City to retain fee simple interest.
- Part 5 – to be dedicated as public highway to form part of proposed Subway Crescent cul-de-sac