

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.

<b>Prepared By:</b>	Leila Valenzuela	<b>Division:</b>	Real Estate Services
<b>Date Prepared:</b>	June 15, 2016	<b>Phone No.:</b>	(416) 392-7174

**Purpose:** Conditional upon City Council approving the new MOU for the Kipling Station Redevelopment and the permanent closure of a portion of the public highway known as Subway Crescent, south of Dundas Street West, shown as Parts 1 & 2 on Sketch No. PS-2016-034, to (1) declare surplus easement interests in and over Parts 1 & 2 on Sketch, grant permanent easements to Hydro One, Toronto Hydro and any existing utility provider, in and over Parts 1 & 2, if required, and (2) declare surplus a portion of Subway Crescent shown as Part 2 on the Sketch, subject to the reservation by the City of easements for watermain and sewer purposes, and invite an offer to purchase Part 2 lands from Metrolinx.

**Property:** A portion of Subway Crescent, south of Dundas Street West, shown as Parts 1 and 2 on Sketch No. PS-2016-034 (the "Highway"), illustrated on Appendix "A", as follows:  
 (1) Easement interests, shown as Parts 1 & 2 on the Sketch ("Easement") and  
 (2) Portion of Subway Crescent shown as Part 2 on the sketch ("Surplus Road"), subject to the reservation by the City for watermain and sewer purposes.

**Actions:** Conditional upon City Council approving the new MOU for Kipling Station Redevelopment and the permanent closure of the Highway Lands:

1. The Easement be declared surplus and easements be granted to Hydro One, Toronto Hydro and other utility provider, if required in and over the Highway Lands for nominal consideration and on terms and conditions satisfactory to the CCO.
2. The Surplus Road be declared surplus, subject to any required easements and an offer to purchase the Surplus Road be invited from Metrolinx.
3. An exemption be granted from the requirement to give notice to the public and obtain an appraisal with respect to the Easement.
4. Notice be published with respect to the Surplus Road in a newspaper in circulation in the area of the Property and on the City's website.
5. 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.

**Financial Impact:** There are no financial implications resulting from this approval. The Deputy City Manager & Chief Financial Officer has reviewed this DAF and agrees with the financial impact information.

**Background:** In December 2007, City Council authorized 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 of the TTC Kipling Station lands ("Kipling Station Redevelopment"). Included in the 2007 modification of the Kipling Station lands is the proposed closure of certain portions of Subway Crescent. This MOU was never signed by the parties, and the design concept of the Kipling Station Redevelopment has since been changed.

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 on 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, which now require the closure of the Highway, of which Part 1 on the Sketch will form part of the reconfigured Kipling Station parking lot and passenger pick-up and drop-off land area and Part 2 is required for the construction of the interregional bus terminal. Metrolinx is requesting the closure and purchase of the Surplus Road.

**Comments:** Transportation Services has no objection to permanently closing the Highway. Transportation Services advised that Toronto Hydro and Hydro One will require easements for their existing utilities within the Highway. Toronto Water has advised that an active 150 mm diameter watermain and an active 525 mm diameter storm sewer are located within the Highway and that reservation of easement over the Highway is required if the lands were sold.

Accordingly, it is appropriate that the Easement and Surplus Road be declared surplus, subject to the reservation by the City of an easement over the Surplus Road for watermain & storm sewer purposes, the granting of easement to Hydro One, Toronto Hydro and any existing utility provider. The Property Management Committee has reviewed this matter and concurs.

<b>Property Details:</b>	<b>Ward:</b>	5 – Etobicoke - Lakeshore
	<b>Assessment Roll No.:</b>	n/a Public Highway
	<b>Approximate Area of Surplus Road</b>	3,875.8 m <sup>2</sup> ± (41,720 ft <sup>2</sup> ±)
	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No   Lands are located within the Green Space System or the Parks & Open Space Areas of the Official Plan.	

**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
  - Councillor(s) agrees with exemption from appraisal. **[Revise box to an x if any of (4)(a)-(f) applies.]**
  - 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 27, 2016	Tim Park
Director	June 27, 2016	Joe Casali
Chief Corporate Officer	June 28, 2016	Josie Scioli
<b>Return to:</b> <b>Leila Valenzuela</b> <b>Real Estate Services</b> <b>Metro Hall, 55 John Street, 2<sup>nd</sup> Fl</b> <b>(416) 392-7174</b>		
<b>DAF Tracking No.: 2016-132</b>		

Consultation with Councillor(s):						
Councillor:	Justin Di Ciano					
Contact Name:	Jacqueline Czajka					
Contacted by	Phone	x	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:	Transportation Services	Division:	Financial Planning
Contact Name:	Laurie Robertson	Contact Name:	Filisha Mohammed
Comments:	Concurs (June 15/16)	Comments:	Fine with the financial impact
Real Estate Law Contact:	Lisa Davies (June 15/16)	Date:	June 14/16

