

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>	Mario Lanzillotta	<b>Division:</b>	Real Estate Services										
<b>Date Prepared:</b>	April 4, 2017	<b>Phone No.:</b>	416-338-0804										
<b>Purpose:</b>	To declare surplus, subject to the reservation of an easement for existing Toronto Water infrastructure, a strip of City-owned land abutting the north side of the property municipally known as 9 Hendrick Avenue and abutting the south side of the properties known as 233 and 235 Benson Avenue and to authorize the invitation of an offer to purchase the property from the owners of 9 Hendrick Avenue, 233 Benson Avenue and 235 Benson Avenue.												
<b>Property:</b>	Vacant land abutting the north side of the property at 9 Hendrick and the south side of the properties at 233 and 235 Benson Avenue, legally described as PT LT 31 PL 1356 TORONTO AS IN OF76074 EXCEPT WD92213; CITY OF TORONTO (the "Property"). The general location of the Property is shown on the Location Map and Aerial Picture attached as Appendix "A" and shown as Parts 1, 2 and 3 on Sketch No. PS-2014-125 attached as Appendix "B".												
<b>Actions:</b>	<ol style="list-style-type: none"> <li>1. The Property be declared surplus subject to the reservation of an easement for existing Toronto Water infrastructure, and an offer to purchase the Property be invited from the owners of 9 Hendrick Avenue, 233 Benson Avenue and 235 Benson Avenue.</li> <li>2. Notice be published in a newspaper in circulation in the area of the Property and posted on the City's website.</li> <li>3. 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>	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.												
<b>Background:</b>	In 1912, the former Corporation of the City of Toronto acquired the property for the Wychwood Sewer System. Since late 1950's, portions of the property have been occupied under separate lease agreements made between the City and the owners of 9 Hendrick Avenue, 233 Benson Avenue and 235 Benson Avenue for gardening purposes. From time to time, the lease agreements were assigned to subsequent owners, however, not to the current owners. The owners of 9 Hendrick Avenue, 233 Benson Avenue and 235 Benson Avenue have been polled and each has expressed an interest in purchasing that part of the Property that is currently enclosed within their respective property.												
<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 Property. No municipal interest was expressed, subject to the retention of permanent easement over the entire property for storm sewer operation/maintenance purposes (as per Toronto Water).</p> <p>The Property Management Committee has reviewed this matter and concurs and authorizes the invitation of offers to purchase parts of the property from the owners of 9 Hendrick Avenue, 233 &amp; 235 Benson Avenue, and if, in the opinion of staff, recommendable offers are not received in respect of any parts, then an offer to purchase for any or all of the parts be invited from any owners, as deemed appropriate by the CCO.</p> <p>Accordingly, it is appropriate that the Property be declared surplus.</p>												
<b>Property Details:</b>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;"><b>Ward:</b></td> <td>21 – St. Paul's</td> </tr> <tr> <td><b>Assessment Roll No.:</b></td> <td>1904-05-3-630-01600</td> </tr> <tr> <td><b>Approximate Size:</b></td> <td>3.0 m (9.84 ft) x 40.1 m (131.56 ft)</td> </tr> <tr> <td><b>Approximate Area:</b></td> <td>123.2 m<sup>2</sup> ± (1326.11 ft<sup>2</sup> ±)</td> </tr> <tr> <td><b>Other Information:</b></td> <td>Vacant Land</td> </tr> </table>			<b>Ward:</b>	21 – St. Paul's	<b>Assessment Roll No.:</b>	1904-05-3-630-01600	<b>Approximate Size:</b>	3.0 m (9.84 ft) x 40.1 m (131.56 ft)	<b>Approximate Area:</b>	123.2 m <sup>2</sup> ± (1326.11 ft <sup>2</sup> ±)	<b>Other Information:</b>	Vacant Land
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<b>Other Information:</b>	Vacant Land												
	<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:**

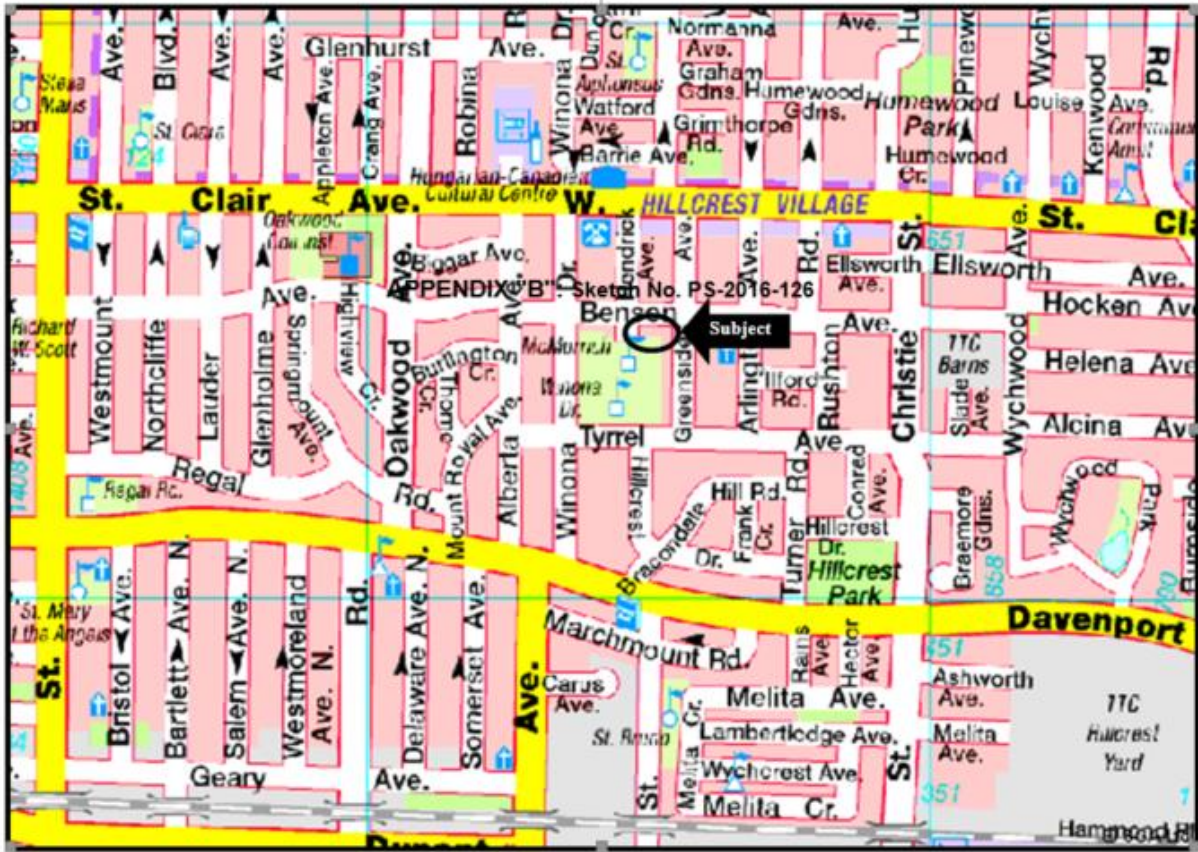
- A (1) declaring land surplus and approving the intended manner or process by which the sale of the land will be carried out, provided that the local Councillor does not require the matter to be determined by Council through the Government Management Committee (§ 213-6).
  - Councillor does not require 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
  - 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	Apr. 18, 2017	Nick Simos
Director	May 2, 2017	Joe Casali
Chief Corporate Officer	May 2, 2017	Josie Scioli
<b>Return to:</b>		
Mario Lanzillotta Real Estate Services <b>Metro Hall - 55 John Street</b>		
<b>DAF Tracking No.: 2017-097</b>		

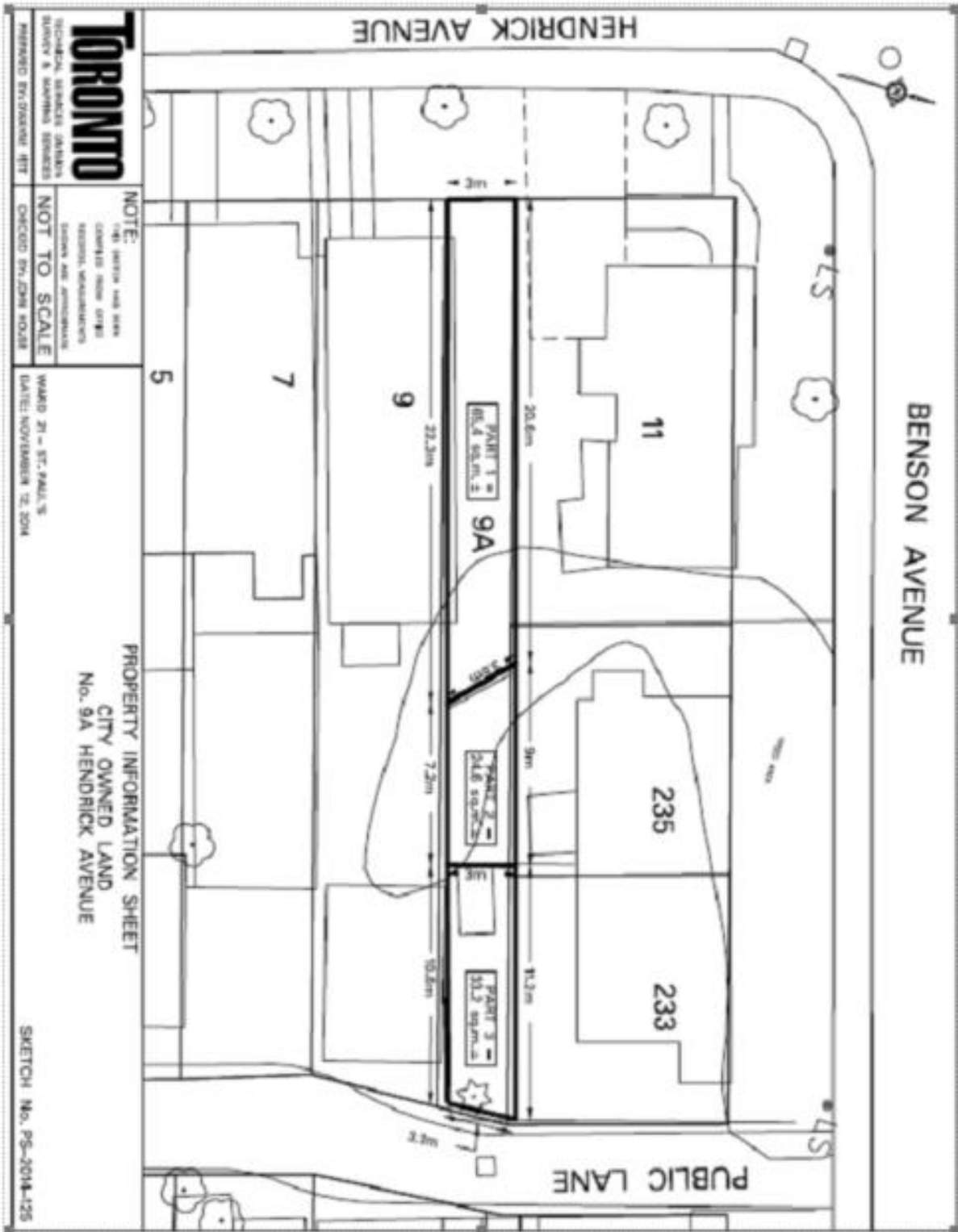
Consultation with Councillor(s):	
Councillor:	Joe Mihevc
Contact Name:	Michelle Maron – April 13, 2017
Contacted by	Phone <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Memo <input type="checkbox"/> Other <input type="checkbox"/>
Comments:	<b>[to obtain Councillor concurrence to the following:]</b> <ul style="list-style-type: none"> <li>• Concurs with recommendation</li> <li>• Does not require the matter to be determined by Council</li> <li>• Does not require further consultation re: public notice</li> </ul>
Councillor:	
Contact Name:	
Contacted by	Phone <input type="checkbox"/> E-mail <input type="checkbox"/> Memo <input type="checkbox"/> Other <input type="checkbox"/>
Comments:	

Consultation with other Division(s):			
Division:	Toronto Water	Division:	Finance
Contact Name:	Paul Albanese – April 10, 2017	Contact Name:	Filisha Jenkins - April 10, 2017
Comments:	No objections; need to ensure that the Buyers are aware the under no conditions would any building or structures be permitted within the future easement lands.	Comments:	No objections – reviewed and approved
Real Estate Law Contact:	Vanessa Bacher	Date:	April 11, 2017

APPENDIX "A": LOCATION MAP & SKETCH



APPENDIX "B"



**TORONTO**

TECHNICAL SERVICES DIVISION  
SURVEY & MAPPING SERVICES  
PREPARED BY: DICKSON HIR

**NOTE:**  
THIS SKETCH HAS BEEN  
CORRECTED FROM OTHER  
REVISED WORKSHEETS  
SHOWING THE APPROXIMATE

**NOT TO SCALE**  
WARD 21 - ST. PAUL'S  
DATE: NOVEMBER 12, 2014

**PROPERTY INFORMATION SHEET**  
CITY OWNED LAND  
No. 9A HENDRICK AVENUE

SKETCH No. PS-2014-125