



## DELEGATED APPROVAL FORM DECLARE SURPLUS

TRACKING NO.: 2016-078

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>	Neubert Li	<b>Division:</b>	Real Estate Services
<b>Date Prepared:</b>	April 13, 2016	<b>Phone No.:</b>	(416) 392-1243
<b>Purpose:</b>	To declare surplus the public highway municipally known as Cusack Court, shown as Part 1 on attached Sketch No. PS-2012-014, conditional upon City Council approving the permanent closure of the highway, two one-foot reserve strip of lands along the northerly lot boundary of No. 2 Cusack Court and No. 14 Cusack Court, shown as Parts 2 and 3 respectively on Sketch No. PS-2012-014 attached, and to authorize the invitation of an offer to purchase the highway lands and the two one-foot reserves from the abutting land owner, 2299650 Ontario Inc. (the "Developer").		
<b>Property:</b>	The public highway municipally known as Cusack Court (the "Highway"), a one-foot reserve abutting the northerly lot boundary of No. 2 Cusack Court and a one-foot reserve abutting the northerly lot boundary of No. 14 Cusack Court (Collectively referred to as the "One-Foot Reserve Lands"), shown as Parts 1, 2 and 3 respectively on Sketch No. PS-2012-014 attached.		
<b>Actions:</b>	<ol style="list-style-type: none"> <li>1. The Highway be declared surplus conditional upon City Council approving the permanent closure of the Highway.</li> <li>2. The One-Foot Reserve Lands be declared surplus with the intended manner of disposal to be by way a sale to the Developer.</li> <li>3. An offer to purchase the Highway and the One-Foot Reserve Lands be invited from the Developer.</li> <li>4. Notice be published in a newspaper in circulation in the area of the Highway and the One-Foot Reserve Lands and be posted on the City's website.</li> <li>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.</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>	<p>The Highway is a cul-de-sac providing vehicular and pedestrian access to 7 residential properties known as 2 – 14 Cusack Court. The Developer has assembled all of the 7 residential properties abutting the Highway and is in the process of obtaining Site Plan Approval to provide for a 6/8-storey, 163-unit residential condominium apartment building with commercial space on the ground floor. The development would be subject to the Developer having successfully secured the closing and sale of the Highway to form part of its development site.</p> <p>The Highway was not acquired through expropriation proceedings.</p>		
<b>Comments:</b>	See Page (5)		
<b>Property Details:</b>	<b>Ward:</b>	24 – Willowdale	
	<b>Assessment Roll No.:</b>	N/A	
	<b>Approximate Size:</b>	Irregular	
	<b>Approximate Area:</b>	Part 1 (Cusack Court): 1267.9 m <sup>2</sup> (13,647.68 ft <sup>2</sup> ) Part 2 (One Foot Reserve): 12.3 m <sup>2</sup> (132.40ft <sup>2</sup> ) Part 3 (One Foot Reserve): 8.3 m <sup>2</sup> (89.34ft <sup>2</sup> )	
	<b>Other Information:</b>	Public Highway	
		<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:**

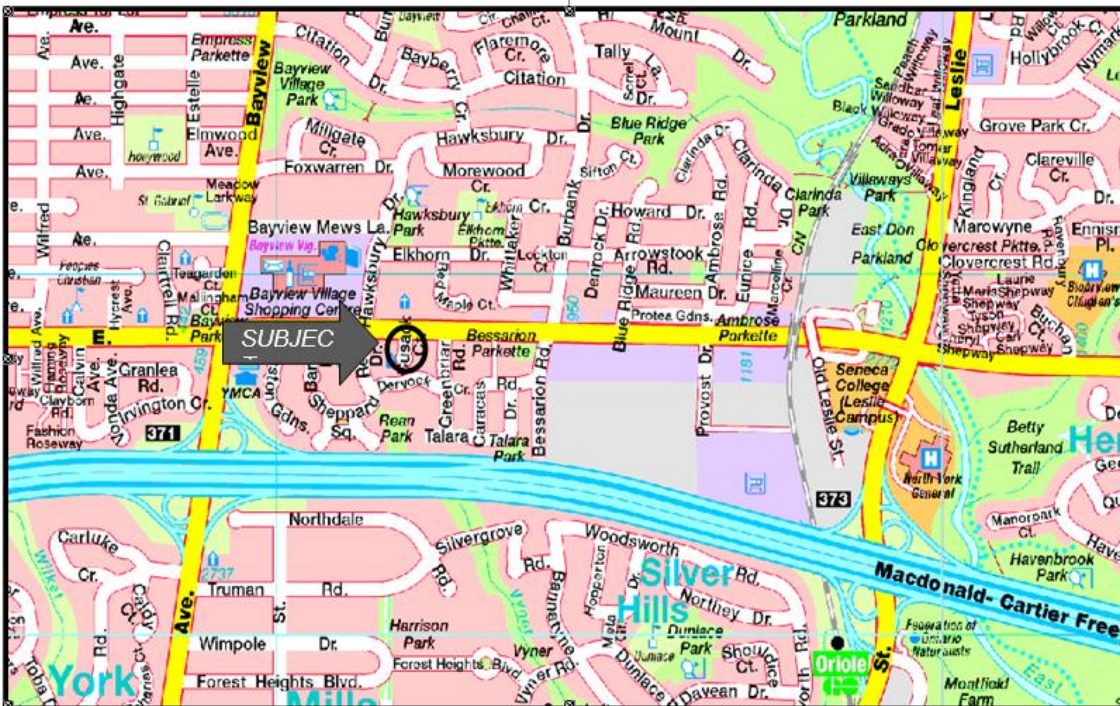
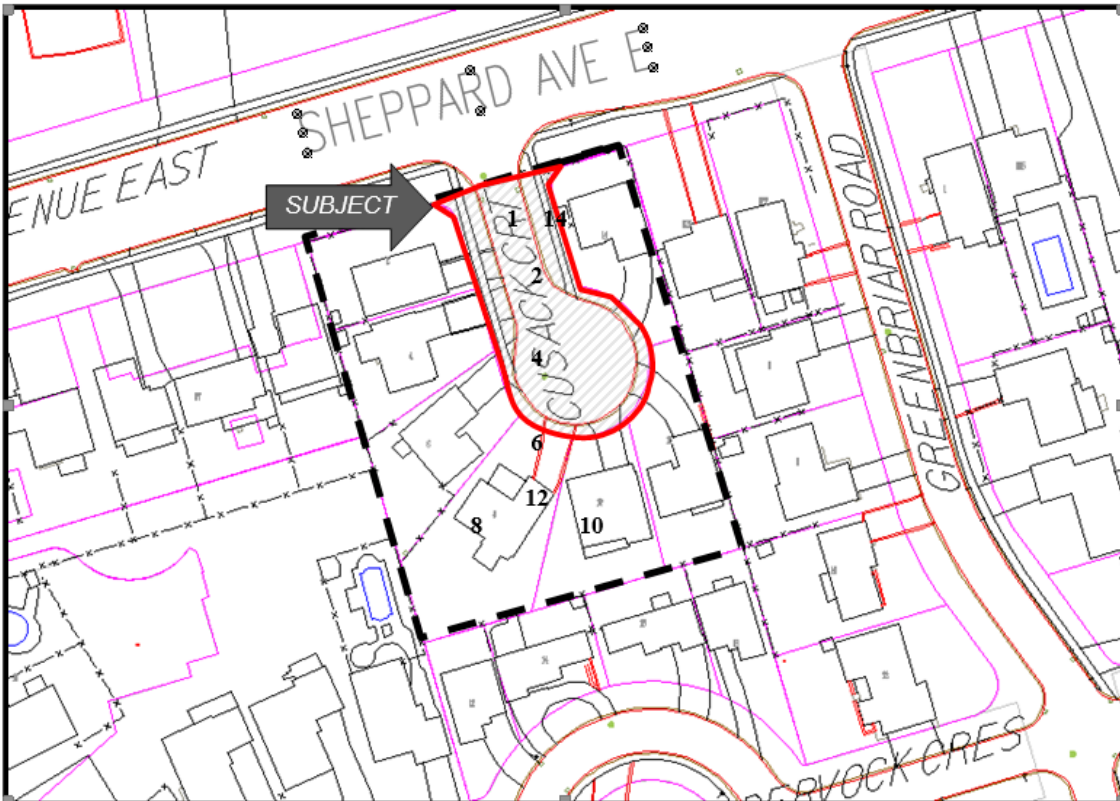
- A (1) declaring land surplus and approving the intended manner or process by which the sale of the land will be carried out, provided that the local Councillor does not require the matter to be determined by Council through the Government Management Committee (§ 213-6).
- Councillor does not require 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	April 13, 2016	Tasse Karakolis
Director	April 15, 2016	Joe Casali
Chief Corporate Officer	April 19, 2016	Josie Scioli
<b>Return to: Neubert Li Real Estate Services Metro Hall, 55 John Street, 2<sup>nd</sup> Fl (416) 392-8160</b>		
<b>DAF Tracking No.: 2016-078</b>		

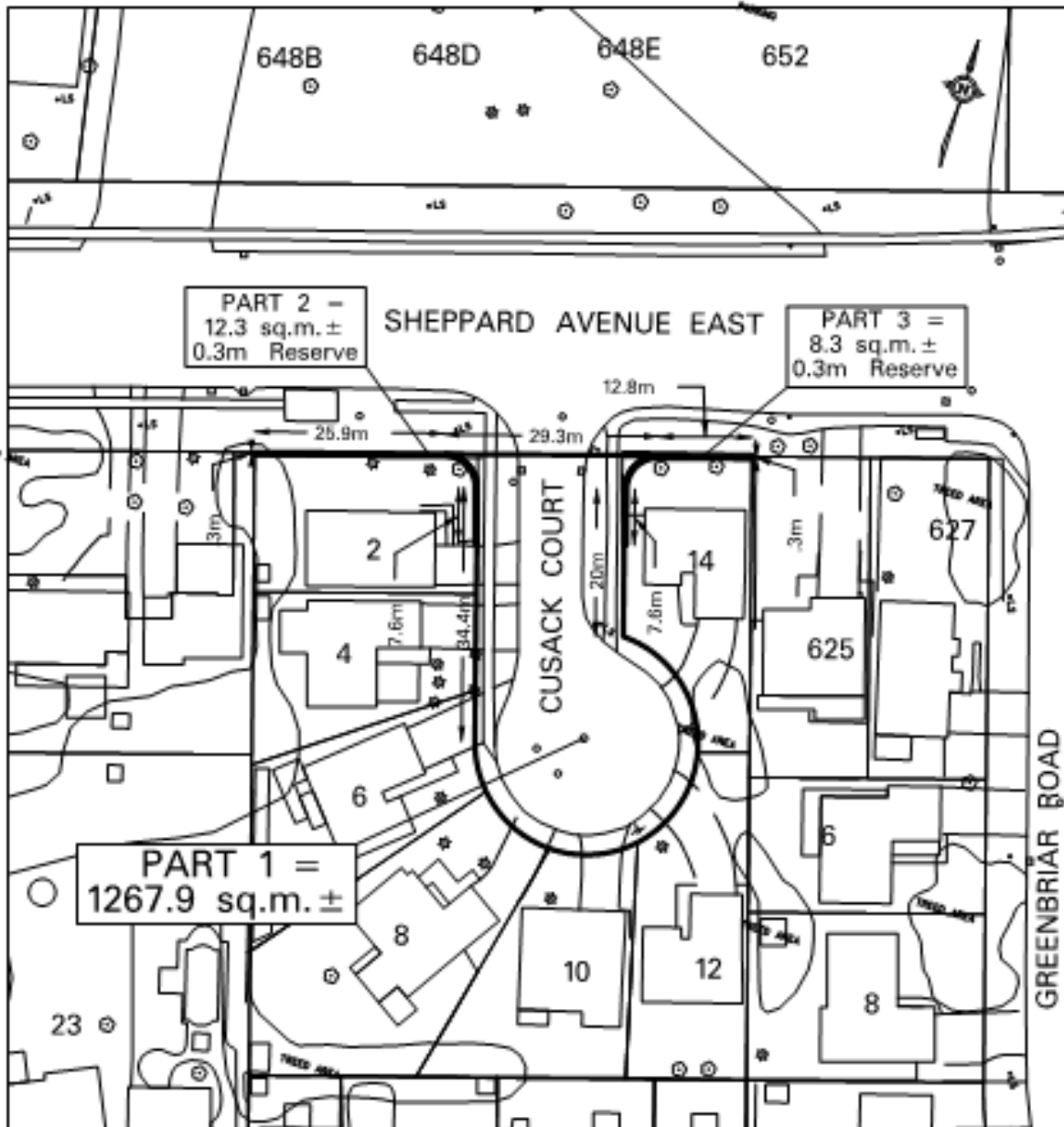
Consultation with Councillor(s):						
Councillor:	David Shiner					
Contact Name:	Will Pennell					
Contacted by	Phone	<input checked="" type="checkbox"/>	E-mail	<input type="checkbox"/>	Memo	<input type="checkbox"/>
Comments:	Confirmed no objection to the matter proceeding on April 8, 2016.					
Councillor:						
Contact Name:						
Contacted by	Phone	<input type="checkbox"/>	E-mail	<input type="checkbox"/>	Memo	<input type="checkbox"/>
Comments:						

Consultation with other Division(s):			
Division:	Transportation Services	Division:	Financial Planning
Contact Name:	Andre Filippetti	Contact Name:	Anthony Ng
Comments:	Incorporated into DAF June 18, 2012	Comments:	Incorporated into DAF,
Real Estate Law Contact:	Michele Desimone	Date:	April 8, 2016

APPENDIX "A": LOCATION MAP & SKETCH



APPENDIX "B": PS-SKETCH



**Toronto**  
TECHNICAL SERVICES DIVISION  
SURVEY & UTILITY MAPPING

NOTE:  
THIS SKETCH HAS BEEN  
COMPILED FROM OFFICE  
RECORDS, MEASUREMENTS  
AND APPROXIMATE

CHECK BY JOHN HOUSE  
PREPARED BY DWAYNE FITZ

PROPERTY INFORMATION SHEET

SKETCH SHOWING THE PUBLIC HIGHWAY  
CUSACK COURT (PART 1) AND CITY OWNED LAND  
(PARTS 2 AND 3) ABUTTING  
NOS. 2 TO 14 CUSACK COURT

WARD 24 - WILLOWDALE  
DATE: MARCH 07, 2012

SKETCH No. PS-2012-014

<b>Comments</b>	<p>Staff of Transportation Services has advised that the road allowance is surplus to their requirements and have no objections to permanently closing the road allowance, subject to the following:</p> <ul style="list-style-type: none"><li>- Enbridge Gas requires that the Developer pay for the cost of disconnecting the 7 gas services and abandon the main within Cusack Court;</li><li>-</li><li>- Rogers Cable requires that the Developer pay for the cost of removing of equipment and pedestals including relocation of one pedestal and coax plant;</li><li>-</li><li>- Toronto Hydro requires that the Developer pay for cost of supplying labor and equipment for underground hydro plant recovery;</li><li>-</li><li>- City Technical Services requires the Developer pay for the cost of removing a 250mm sanitary sewer, a 375mm storm sewer, a 150mm water main and a hydrant within the subject lands;</li><li>-</li><li>- Bell Canada requires two months advance notice prior to demolition of homes on Cusack Court.</li><li>- Toronto Fire Services requires that Cusack Court remains accessible until all existing structures have been removed from the site.</li></ul> <p>Accordingly, it is appropriate that the Highway be declared surplus. The Property Management Committee has reviewed this matter and concurs.</p>
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