



## DELEGATED APPROVAL FORM DECLARE SURPLUS

TRACKING NO.: 2016-029

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>	Susan Lin	<b>Division:</b>	Real Estate Services								
<b>Date Prepared:</b>	March 21, 2016	<b>Phone No.:</b>	416-392-4135								
<b>Purpose:</b>	To declare surplus a parcel of City-owned public highway located on the east side of Lower Jarvis Street, north of Lake Shore Boulevard East, conditional upon City Council approving the permanent closure of the public highway, and to authorize the invitation of an offer to purchase from Metrolinx.										
<b>Property:</b>	Part of George Street (unopened) and part of the Reserve for Lake Street (unopened) on the east side of Lower Jarvis Street, north of Lake Shore Boulevard East, described as PIN No. 21398-0047 (LT), being Lot 23 on Plan 12161, Toronto, shown as Part 1 on Sketch No. PS-2014-066 in Appendix "A" (the "Highway").										
<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 Property as a public highway, and an offer to purchase the Highway be invited from Metrolinx.</li> <li>2. Notice be published in a newspaper in circulation in the area of the Highway and 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>	<p>There are no financial implications resulting from this approval.</p> <p>The Deputy City Manager &amp; Chief Financial Officer has reviewed this DAF and agrees with the financial impact statement.</p>										
<b>Background:</b>	<p>The City acquired a portion of the Highway in 1905 by Quitclaim Deed from His Majesty the King as represented by the Government of Canada upon trust that the City, its successors and assigns, would forever use the land as and for a public highway. The City acquired the remaining portion of the Highway in 1928 by Quitclaim Deed from His Majesty the King as represented by the Government of Canada, but no similar trust was imposed on this portion of the Highway. Title to the Highway is subject to the 1924 Viaduct Agreement between the City, Canadian National Railway Company ("CN"), Canadian Pacific Railway Company ("CP") and The Toronto Harbour Commissioners, pursuant to which provision was made for railway facilities to be constructed and maintained on various lands in the City and for the apportionment of costs incurred in the construction and maintenance of the viaduct and works contemplated in the Agreement. In June, 2000, CN's and CP's rights and obligations under the Viaduct Agreement were assigned to and assumed by Metrolinx. In addition, in June 2000, the City granted an easement to CN over part of the Highway (known as the CN High Line Easement) for CN's rail operations.</p> <p>Metrolinx, the owner of the lands to the east and west of the Highway, has expressed interest in purchasing the Highway for the construction of a new operations and maintenance facility. As a portion of the Highway is subject to the trust imposed by the Government of Canada in the 1905 deed, it will be necessary to obtain a release from the Government of Canada if the City wishes to permanently close this portion of the Highway and sell it to Metrolinx. Staff has contacted Public Works and Government Services Canada to inquire if the Government of Canada is willing to release the trust imposed in the 1905 deed and has been advised that a release of the trust will be provided to the City, subject to the release documentation being reviewed and approved by the Government of Canada's lawyers. If Metrolinx is invited to submit an offer to purchase, the offer will be made conditional upon the City obtaining the release from the Government of Canada.</p>										
<b>Comments:</b>	A circulation to the City's ABCDs was undertaken to ascertain whether or not there is any municipal interest in retaining the Highway. No municipal interest was expressed. Staff of the Affordable Housing Office has determined that there is no interest in the Highway for affordable housing. Accordingly, it is appropriate that the Highway be declared surplus. The Property Management Committee has reviewed this matter and concurs.										
<b>Property Details:</b>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 40%;"><b>Ward:</b></td> <td>28 – Toronto Centre-Rosedale</td> </tr> <tr> <td><b>Assessment Roll No.:</b></td> <td>Part of 1904-07-5-990-05000</td> </tr> <tr> <td><b>Approximate Size:</b></td> <td>20.1 m x 70.1 m (66 ft x 230 ft)</td> </tr> <tr> <td><b>Approximate Area:</b></td> <td>1,411 m<sup>2</sup> ± (15,188 ft<sup>2</sup> ±)</td> </tr> </table>			<b>Ward:</b>	28 – Toronto Centre-Rosedale	<b>Assessment Roll No.:</b>	Part of 1904-07-5-990-05000	<b>Approximate Size:</b>	20.1 m x 70.1 m (66 ft x 230 ft)	<b>Approximate Area:</b>	1,411 m <sup>2</sup> ± (15,188 ft <sup>2</sup> ±)
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	<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		
Director		
Chief Corporate Officer		
<b>Return to:</b>		
Susan Lin Real Estate Services Metro Hall, 2 <sup>nd</sup> Floor (416) 392-4135		
<b>DAF Tracking No.: 2016-029</b>		

Consultation with Councillor(s):					
Councillor:	Pam McConnell				
Contact Name:	Pam McConnell				
Contacted by	Phone	<input checked="" type="checkbox"/>	E-mail		Other
Comments:	<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> <li>• Concurs (March 21, 2016)</li> </ul>				
Councillor:					
Contact Name:					
Contacted by	Phone		E-mail		Other
Comments:					

Consultation with other Division(s):			
Division:	Transportation Services	Division:	Financial Planning
Contact Name:	Laurie Robertson	Contact Name:	Filisha Mohammed
Comments:		Comments:	No issues (February 8, 2016)
Real Estate Law Contact:	Jacqueline Vettorel	Date:	February 5, 2016

