

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:	Irina Fofanova	Division:	Real Estate Services
Date Prepared:	May 2, 2018	Phone No.:	416-397-0806

**Purpose:** To declare surplus a long-term easement interest (21 years or more) in the City-owned portion of the former CP Spur Lead running from Dupont Street to Cariboo Avenue with the intended manner of disposal to be by way of an easement to Metrolinx for access to Metrolinx's noise attenuation wall (the "Wall"), constructed on the lands adjacent to said City owned lands, for the purpose of inspecting, maintaining, repairing, altering and/or replacing its Wall.

**Property:** A permanent easement interest in the land, being Part of Lot 34, Concession 2 From the Bay, Township of York; Part of Block A, Plan D1356; Part of Blocks X and Z, Plan D1358; Part of Lots 30, 40 and 41, Plan 797, designated as Parts 2, 3, 8, 9, 10 and 11 on Reference Plan 16970, City of Toronto, part of PIN 21327-0301(LT) (the "Easement").

- Actions:**
1. The Easement be declared surplus with the intended manner of disposal to be by way of an easement to Metrolinx for access to the "Wall" for the purpose of inspecting, maintaining, repairing, altering and/or replacing.
  2. An exemption be granted from the requirement to give notice to the public with respect to the Easement.
  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.

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

**Background:** The subject lands was not acquired through expropriation proceedings. In July, 2003, the City of Toronto acquired from Canadian Pacific Railway (CPR) the abandoned spur line identified as PS LEAD extending southerly from Cariboo Avenue to Dundas Street West, in connection with the establishment of a network of pedestrian/bicycle pathways. Improvements to portion of the spur line for the pedestrian/bicycle multi-trail, now known as the West Toronto Railpath, have been completed.  
  
Metrolinx has constructed a noise attenuation wall (the "Wall") on its lands adjacent to the subject City's lands and has requested a permanent easement for access on, under, across and over these City's lands for the purpose of inspecting, maintaining, repairing, altering and/or replacing its Wall.

**Comments:** A circulation to the City's ABCDs was undertaken to ascertain whether or not there is any municipal interest in retaining the Easement. No municipal interest was expressed. Staff of the Affordable Housing Office has determined that there is no interest in the Easement for affordable housing. Accordingly, it is appropriate that the Easement be declared surplus. The Property Management Committee has reviewed this matter and concurs.

**Property Details:**

<b>Ward:</b>	18 - Davenport
<b>Assessment Roll No.:</b>	Part of 1904-01-3-690-00200
<b>Approximate Size:</b>	Irregular
<b>Approximate Area:</b>	3233.44 m <sup>2</sup> ± (34804.44 ft <sup>2</sup> ±)
<b>Other Information:</b>	

Yes  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.

**Deputy City Manager, Internal Corporate Services has approval authority for:**

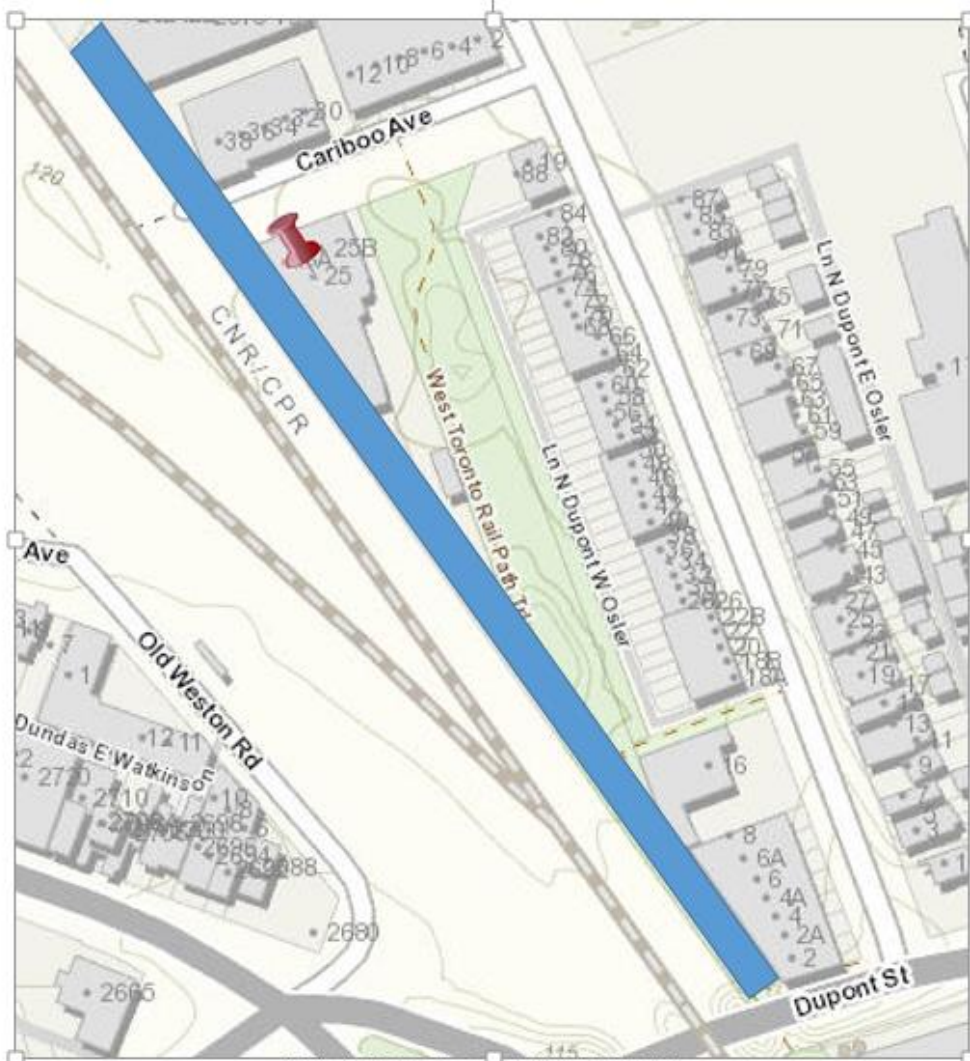
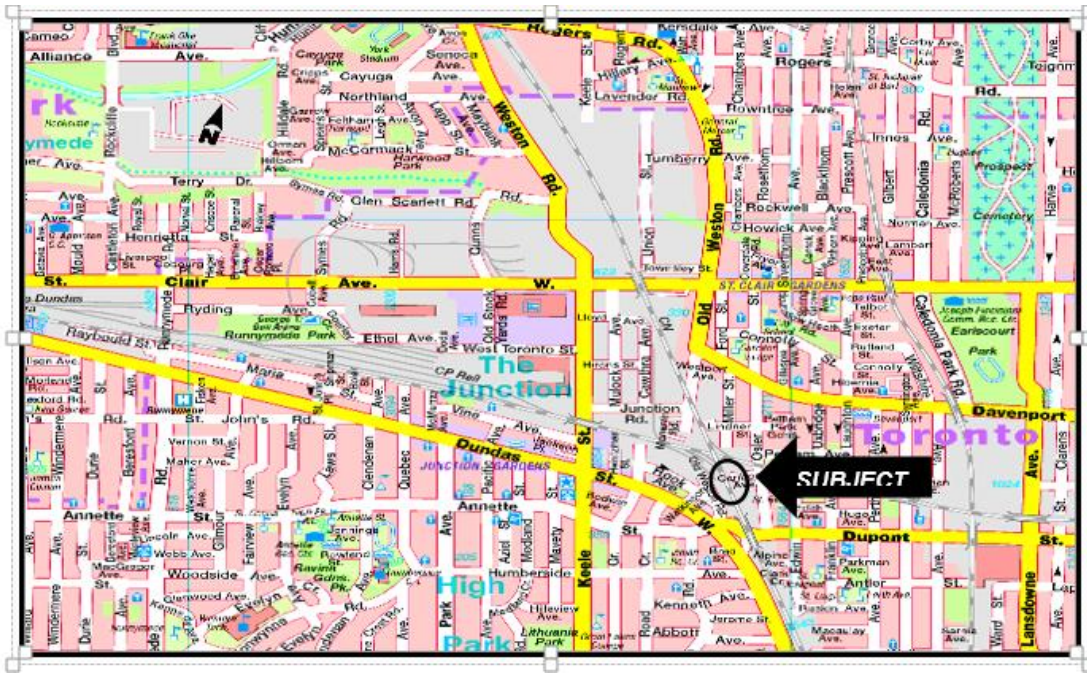
- A (1)** declaring land surplus and approving the intended manner or process by which the sale of the land will be carried out, provided that the local Councillor does not require the matter to be determined by Council through the Government Management Committee (§ 213-6).
  - Councillor does not require 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	May 3, 2018	Tim Park
Director	May 3, 2018	David Jollimore
Deputy City Manager, Internal Corporate Services	May 8, 2018	Josie Scioli
<b>Return to:</b>		
Irina Fofanova, Property Officer, RES		
<b>DAF Tracking No.: 2018 - 178</b>		

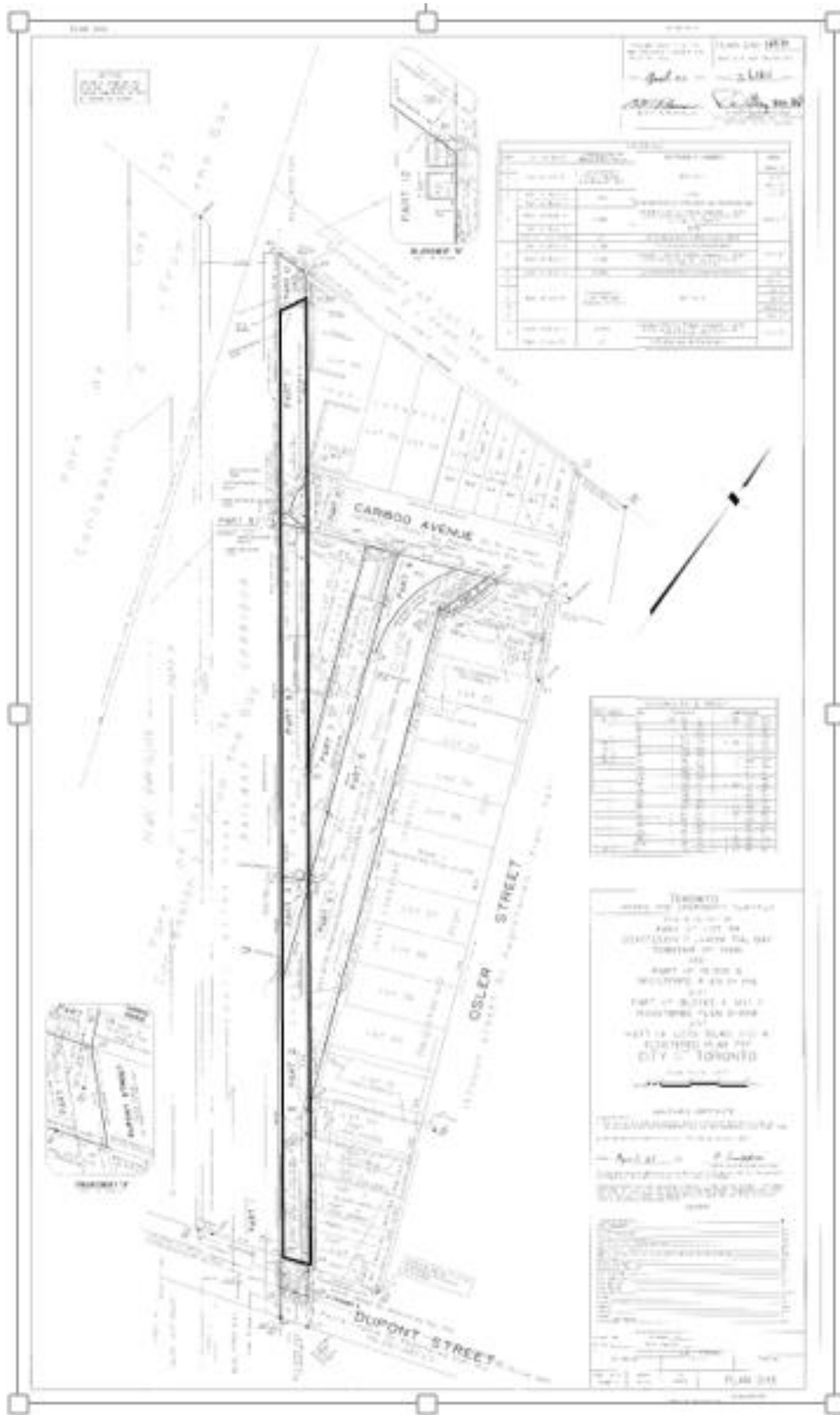
Consultation with Councillor(s):					
Councillor:	Ana Baião				
Contact Name:	Robert Cerjanec – May 2, 2018				
Contacted by	X	Phone		E-mail	
				Memo	
					Other
Comments:	<b>[to obtain Councillor concurrence to the following:]</b> <ul style="list-style-type: none"> <li>• No objections with recommendations</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		E-mail	
				Memo	
					Other
Comments:					

Consultation with other Division(s):			
Division:	PFR/Toronto Water	Division:	Financial Planning
Contact Name:	Mark Felice/Paul Albanese – March 14, 2018	Contact Name:	Patricia Libardo
Comments:	Included	Comments:	No objections
Real Estate Law Contact:	Michele Desimone- April 30, 2018	Date:	April 19, 2018

SCHEDULE "A" - LOCATION MAP & AERIAL PICTURE



SCHEDULE "B" - REFERENCE PLAN



DATE: 03/20/04

PROJECT NO. 100-100-100  
 DRAWING NO. 100-100-100  
 SHEET NO. 100-100-100

NO.	DESCRIPTION	DATE	BY	CHECKED
1	ISSUED FOR PERMIT	03/20/04	J. SMITH	M. JONES
2	REVISED PER CITY COMMENTS	04/15/04	J. SMITH	M. JONES
3	REVISED PER ENGINEER COMMENTS	05/10/04	J. SMITH	M. JONES
4	REVISED PER ARCHITECT COMMENTS	06/05/04	J. SMITH	M. JONES
5	REVISED PER CITY COMMENTS	07/01/04	J. SMITH	M. JONES
6	REVISED PER ENGINEER COMMENTS	08/01/04	J. SMITH	M. JONES
7	REVISED PER ARCHITECT COMMENTS	09/01/04	J. SMITH	M. JONES
8	REVISED PER CITY COMMENTS	10/01/04	J. SMITH	M. JONES
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TORONTO  
 100-100-100  
 PART OF LOT 100  
 DISTRICT 7, LAMBTON PARISH  
 TORONTO 100-100-100  
 AS SHOWN ON THE  
 PART OF LOT 100 &  
 DISTRICT 7, LAMBTON PARISH  
 DISTRICT PLAN 100-100-100  
 PART OF LOT 100 &  
 DISTRICT 7, LAMBTON PARISH  
 CITY OF TORONTO

DATE: 03/20/04  
 DRAWING NO. 100-100-100  
 SHEET NO. 100-100-100  
 PROJECT NO. 100-100-100  
 ARCHITECT: J. SMITH  
 ENGINEER: M. JONES  
 CITY OF TORONTO  
 PLAN 100-100-100