

Approved pursuant to the Delegated Authority contained in Government Management Committee Item GM6.18 entitled "Policy with Respect to the Sale/Disposition of Land", as adopted by City Council on July 16, 17, 18 & 19, 2007. City of Toronto Municipal Code Chapter 213, Real Property, Sale of, adopted by By-law No. 814-2007.

Prepared By:	Mike Saffran	Division:	Real Estate Services
Date Prepared:	April 17, 2019	Phone No.:	(416) 392-7205

Purpose: To declare surplus an L-shaped portion of the City-owned public lane adjacent to and east of 1095-1107 Yonge Street, south of 5 Scrivener Square, and 10R Price Street, and north of 8-10 Price Street, subject to the retention of any required easements by the City. The public lane is to be declared surplus, conditional on City Council approving the permanent closure of the public lane, and to authorize the invitation of an offer to purchase the public lane from the adjacent owner of 5 Scrivener Square, 10R Price Street and 8-10 Price Street.

Property: Portion of the L-shaped Public Lane shown on the draft Reference Plan dated March 28, 2019 (the "Draft Plan") as Parts 1, 2, 3, 5, 6, 7, 8, 9, and 10 (the "Lane") also shown on the attached "Appendix "A."

- Actions:**
1. The portion of the Lane shown as Parts 1, 2, 5, 6, 7, and 8 on the Draft Plan be declared surplus, conditional upon City Council approving the permanent closure of the Lane, subject to the reservation by the City of any required easements.
 2. Such portion of that part of the L-shaped lane shown as Parts 3, 9 and 10 on the Draft Plan (collectively, the "Tunnel Lands"), as the TTC determines, upon its review, is not required for its purposes, be declared surplus, conditional upon City Council approving the permanent closure of the Lane, subject to the reservation by the City of any required easements.
 3. A permanent easement be declared surplus for micropiles, caissons and other structural supports in such portion of that part of the Lane shown as Part 9 and/or Part 10 on the Draft Plan as the TTC determines, upon its review, are not required to remain unencumbered for its purposes, conditional upon City Council approving the permanent closure of the Lane.
 4. Permanent easements be declared surplus in such portions of the Tunnel Lands as the TTC determines, upon its review, are necessary to enable the adjacent owner of 5 Scrivener Square, 10R Price Street and 8-10 Price Street (the "Adjacent Owner") to install, inspect, maintain and/or otherwise access any structures and facilities, as the TTC, determines upon its review, is appropriate to facilitate the safe, efficient and harmonious operation of subway infrastructure in the Lane and the proposed development to be constructed on the Lane, conditional upon City Council approving the permanent closure of the Lane.
 5. An offer to purchase the land and permanent easements declared surplus in this DAF be invited from the Adjacent Owner.
 6. Notice be published in a newspaper in circulation in the area of the Lane and be posted on the City's website.
 7. 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 Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial impact information.

continued on Page 3

Property Details:	Ward:	11 – University Rosedale	
	Assessment:	N/A	
		Parts (on Draft Plan):	Areas (on Draft Plan):
	Surplus Lands	Parts 1, 5, 6, 7 and 8	349m ² (3756.7 ft ²)
	Surplus Lands subject to reservation of negative support easement	Parts 2, 3, 9 and 10*	55 m ² (592 ft ²) (Part 2 only)
	Surplus easement lands for structural supports	Part 9 and/or Part 10**	N/A
	Surplus easement lands for operations	Parts 3, 9 and 10*	N/A
	Retained as public highway	Parts 4 and 11	124 m ² (1,334.7 ft ²)

*Part of Parts 3, 9 and 10 may be surplus lands, subject to reservation of negative support easement with remainder to be retained by City and possibly subject to an easement for operations, as determined by the TTC.
 **Parts 9 and/or 10 (or parts thereof) may be surplus easement lands for structural supports, as determined by the TTC. TTC Technical Review to be completed by December 2019 (see Background on Page 3).

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 General Manager 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 of City Planning and the General Manager 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, 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, Daran Somas	April 17, 2019	Signed by Daran Somas
Director, Nick Simos	April 18, 2019	Signed by Nick Simos
Deputy City Manager, Corporate Services, Josie Scioli	April 23, 2019	Signed by Josie Scioli
Return to: Mike Saffran, Project Manager Transaction Services Metro Hall, 2 nd floor DAF 2019-002		

Consultation with Councillor(s):	
Councillor:	Mike Layton
Contact Name:	Marco Bianchi/Angela Surdi
Contacted by	<input checked="" type="checkbox"/> Phone <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Memo <input checked="" type="checkbox"/> Other
Comments:	No objection – April 16, 2019
Councillor:	
Contact Name:	
Contacted by	<input type="checkbox"/> Phone <input type="checkbox"/> E-mail <input type="checkbox"/> Memo <input type="checkbox"/> Other
Comments:	

Consultation with other Division(s):			
Division:	Transport. Serv: L. Pawlowski – April 10, 2019	Division:	TTC – Michael Lipkus – April 11, 2019
Division:	Planning: K Friedrich – April 11, 2019	Division:	Financial Planning: Lauren Birch – April 10, 2019
Division:	Eng & Const Serv: S Birritteri April – 11, 2019	Division:	Toronto Water: N Salkauskis - April 11, 2019
Comments:	Provided comments and concurs with submission.	Comments:	Provided comments and concurs with submission. Concurs with FIS.
Real Estate Law Contact:	Charlene Farrugia	Date:	April 8, 2019

Background	<p>Continued from Page 1</p> <p>In May 2017, Diamond Corp. and Tricon Capital Group, which own lands adjacent to the Lane through a related corporation, made an application for Official Plan and Zoning By-law Amendments proposing a mid-rise building on the northern parcel municipally known as 5 Scrivener Square and 10R Price Street and a 26 storey building on the southern parcel municipally known as 8-10 Price Street adjacent to the Lane. The application was revised in a settlement offer to the City that incorporated the Lane into the development site maintained the mid-rise component on the northern portion of the site and proposed a 21 storey tower component on the southern portion. City Council accepted this settlement offer at its meeting of July 23-31, 2018.</p> <p>Parts 1, 2, 5, 6, 7, and 8 on the Draft Plan are to be declared surplus and proposed to be sold, as is, to the Adjacent Owner for incorporation into the proposed development. Part 2 on the Draft Plan is proposed to be sold subject to a negative support easement to protect the subway tunnel infrastructure below, shown within Part 3 on the Draft Plan, which is part of TTC's Yonge-University-Spadina line. Such portions of the Tunnel Lands as the TTC determines is not required for its purposes is also to be declared surplus and proposed to be sold subject to a negative support easement for the subway, with the remainder to remain in City ownership and to benefit from the negative support easement above.</p> <p>A permanent easement for micropiles and other structural supports in such portions of Parts 9 and/or 10 as TTC determines is not required to remain unencumbered for its purposes is also to be declared surplus and granted to the Adjacent Owner. The portion of the Tunnel Lands, if any, that is not required for TTC purposes and the portion of Parts 9 and/or 10, if any, that is not required by TTC to remain unencumbered, will be determined through a technical review process being undertaken by TTC regarding the proposed development.</p> <p>Lastly, a permanent easement is to be declared surplus in the retained portion of the Tunnel Lands, or portions thereof as determined by the TTC, in order to address issues and requirements related to the future operation of the subway and proposed development that may be identified by TTC through the technical review process. The TTC commenced its technical review process on March 22, 2019 with an anticipated completion of this review by December 31, 2019.</p>
Comments	<p>A circulation to the City's ABCDs was undertaken to ascertain whether or not there is any municipal interest in retaining the Lane or the proposed easements. No municipal interest was expressed, save and except for the TTC's interest in retaining the strata shown as Parts 3, 9 and 10 on the Draft Plan, or some portion thereof. Transportation Services has determined that Parts 4 and 11 on the Draft Plan should be retained by the City as public highway, as Part 4 bisects the Scrivener Square public lane and Part 11 will be integrated into the north-south leg of Scrivener Square once it is widened in conjunction with the proposed development.</p> <p>Staff of the Affordable Housing Office has determined that there is no interest in the Lane for affordable housing. Transportation Services has reviewed this request and has determined that the Lane is surplus to its requirements and can be permanently closed.</p> <p>Accordingly, it is appropriate that the lands and interests in part of the Lane set out herein be declared surplus. The Technical Review Committee has reviewed this matter and concurs.</p>

Appendix "A"



