

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:	Avery Carr	Division:	Real Estate Services
Date Prepared:	September 17, 2019	Phone No.:	416-338-3250

Purpose: To declare surplus a City-owned parcel of land located at 44 Marshlynn Avenue and shown as Part 1 on Drawing No. 2811-6SK, and to authorize the invitation of an offer to purchase Part 1 on Drawing No. 2811-6SK from the owner of 1780 Lawrence Avenue West by way of a land exchange that will result in a portion of Part 2 on Drawing No. 2811-6SK being conveyed to the City, to expand Upwood Greenbelt Park.

Property: Green space located at 44 Marshlynn Avenue, being Part of Block A, Plan 2525 and Part of Block B, Plan M-849, shown as Part 1 on Drawing No. 2811-6SK attached as Appendix "A" and legally described as Parcel 17638 Section West York; Block B on Municipal Plan M849 North York, save and except Parts 1, 2, 3 and 4 on 66R-14428 (the "Property").

- Actions:**
1. The Property be declared surplus with the intended manner of disposal to be by way of an exchange of land with the owner of Part 2 on Drawing No. 2811-6SK, conditional upon Internal Corporate Services approving that the land being exchanged is (i) nearby land of equivalent or larger area and (ii) of comparable or superior green space utility.
 2. Notice be published in a newspaper in circulation in the area of the Property and be posted on the City's website.
 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 Chief Financial Officer has reviewed this DAF and agrees with the financial impact information.

Background: The Property was not acquired through expropriation proceedings. The property was transferred to the Corporation of the Township of North York in 1960 for \$0 for parkland purposes.

A developer and PF&R have agreed to a land exchange to facilitate the development of 1780 Lawrence Avenue West. A portion of Upwood Greenbelt Park will be transferred to the developer for the purpose of a public road allowance that the developer is required to provide as part of the development approval process. In exchange, the developer will provide lands of equal size to the City. These lands are adjacent to the parkland dedication to be conveyed to the City and will expand Upwood Greenbelt Park.

PF&R agrees that the land exchange is beneficial as the newly created park space is of equivalent or larger area, will offer greater parkland utility and expands the size of the parkland dedication. PF&R and City Planning confirm that the land exchange complies with the policies of the Official Plan.

Comments: 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. Staff of the Affordable Housing Office has determined that there is no interest in the Property for affordable housing. Accordingly, it is appropriate that the Property be declared surplus. The Technical Review Committee has reviewed this matter and concurs.

Property Details:

Ward:	5 – York South-Weston
Assessment Roll No.:	1908 022 300 01900
Approximate Size:	Irregular shape
Approximate Area:	56 m ² ± (603 ft ² ±)
Other Information:	

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	Oct. 16, 2019	Signed by Daran Somas
Director	Oct. 18, 2019	Signed by Nick Simos
Deputy City Manager, Corporate Services	Oct. 22, 2019	Signed by Josie Scioli
Return to: Avery Carr Real Estate Services Metro Hall (55 John Street) 2 nd Floor (416) 338-3250		
DAF Tracking No.: 2019 - 299		

Consultation with Councillor(s):					
Councillor:	Frances Nunziata				
Contact Name:	Jennifer Cicchelli				
Contacted by	Phone	<input checked="" type="checkbox"/>	E-mail	Memo	Other
Comments:	Email response on October 4, 2019 <ul style="list-style-type: none"> No objections with recommendations Does not require the matter to be determined by Council Does not require further consultation re: public notice 				
Councillor:					
Contact Name:					
Contacted by	Phone		E-mail	Memo	Other
Comments:					

Consultation with other Division(s):			
Division:	Parks, Forestry & Recreation	Division:	Financial Planning
Contact Name:	Jennifer Kowalski	Contact Name:	Filisha Jenkins
Comments:	No concerns (October 2, 2019)	Comments:	No concerns
Real Estate Law Contact:	Luxmen Aloysius (October 1, 2019)	Date:	September 30, 2019

