

Approved pursuant to the Delegated Authority contained in Article 1 of City of Toronto Municipal Code Chapter 213, Real Property

Prepared By:	Joseph Sergnese	Division:	Corporate Real Estate Management
Date Prepared:	October 19, 2020	Phone No.:	416.392.1857
Purpose:	To declare surplus the City-owned parcels of land located at 105 Spadina Avenue and 363 Adelaide Street West, and to authorize the invitation of an offer to purchase the property from the abutting owner(s) of 101 Spadina Avenue (the "Developer"), for incorporation into a new mixed-use development (collectively, the "Project Lands") which will include a TPA underground public parking facility and a new City park.		
Property:	Land located at 105 Spadina Avenue and 363 Adelaide Street West, being Part of Lot 7 and Lot 8 on Plan D160 (105 Spadina Avenue), and Part of Lots 5, 7, 26 and 29, Lots 6, 27 and 28 on Plan D160 (363 Adelaide Street West), as shown in Appendix B (the "Properties").		
Actions:	<ol style="list-style-type: none"> 1. The Properties be declared surplus, and to authorize the invitation of an offer to purchase the Properties from the Developer, for incorporation into a new mixed-use development 2. Notice be published in a newspaper in circulation in the area of the Properties 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:	<p>There are no financial implications resulting from this approval.</p> <p>The Chief Financial Officer and Treasurer has reviewed this report and agrees with the financial implications as identified in the Financial Impact section.</p>		
Background:	The Properties were acquired by the Toronto Parking Authority ("TPA") in 2001 and 2005 for operation as municipal surface parking lots. The Properties were not acquired through expropriation proceedings. Preliminary title searches of the property at 101 Spadina Avenue indicate the registered owner as DevGreat Inc. In 2017, TPA was approached by the then prospective owner of the adjacent lands at 101 Spadina Avenue, to purchase the Properties for inclusion in its proposed mixed-use development. The proposed mixed-use development is intended to include a new City park and an underground public parking garage located within the Project Lands, both of which will be transferred to City ownership upon completion.		
Comments:	<p>A circulation to the City's Divisions and Agencies was undertaken to ascertain whether or not there is any municipal interest in retaining the Properties. TPA initiated the circulation with an interest in declaring the Properties surplus in order to double their parking space presence on site through the proposed redevelopment. Parks, Forestry & Recreation expressed an interest in establishing a new public park on a portion of the Properties (corner of Spadina Avenue and Adelaide Street West). Consequently, any future transaction between the Developer and the City must include a 1000 square metre public park and below grade public parking garage.</p> <p>Accordingly, it is appropriate that the Properties be declared surplus. The Technical Review Committee has reviewed this matter and concurs.</p>		
Property Details:	Ward:	10 – Spadina-Fort York	
	Assessment Roll No.:	105 Spadina Ave. - 1904-06-2-330-00200 363 Adelaide St. W. - 1904-06-2-330-00300	
	Approximate Size:	105 Spadina Ave. - 30.48 m x 15.24 m ± (100 ft x 50 ft ±) 363 Adelaide St. W. – 14.37 m x 45.72 m ± (47.16 ft x 150 ft ±)	
	Approximate Area:	105 Spadina Ave. - 464.5 m ² ± (5,000 ft ² ±) 363 Adelaide St. W. – 780.9 m ² ± (8,405 ft ² ±)	
	Other Information:		
		<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 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:

- (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 General Government and Licensing 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/ 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/ Councillor(s) agrees with exemption from appraisal. **[Revise box to an x if any of (4)(a)-(f) applies.]**
 - n/ 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, Real Estate Services: Melanie hale Carter	Oct. 19, 2020	Signed by Melanie Hale-Carter
Director, Real Estate Services Alison Folosea	Nov. 3, 2020	Signed by Alison Folosea
Executive Director, Corporate Real Estate Management: Pat Matozzo	Nov. 3, 2020	Signed by Patrick Matozzo
Deputy City Manager, Corporate Services: Josie Scioli	Nov. 3, 2020	Signed by Josie Scioli
Return to:		

Consultation with Councillor(s):					
Councillor:	Joe Cressy (no objection October 15, 2020)				
Contact Name:	Brent Gilliard				
Contacted by	Phone	X	E-mail	Memo	Other
Comments:					
Councillor:					
Contact Name:					
Contacted by	Phone		E-mail	Memo	Other
Comments:					

Consultation with other Division(s):			
Division:	Toronto Parking Authority, Parks Forestry and Recreation	Division:	Financial Planning
Contact Name:	Patricia Pearsall-Mills, Andrea Bake	Contact Name:	Patricia Libardo
Comments:	Concurs (October 16, 2020), Concurs (October 16, 2020)	Comments:	Concurs (October 15, 2020)
Real Estate Law Contact:	Kathleen Kennedy	Date:	October 14, 2020

APPENDIX "A": LOCATION MAP



