

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

Prepared By:	Mark Filice	Division:	Corporate Real Estate Management
Date Prepared:	March 8, 2022	Phone No.:	416-392-1830
<b>Purpose:</b>	To declare surplus a 155 square metre portion of City-owned land located at the rear of a property municipally known as 255 Avenue Road (the "Property"), with the intended manner of disposal to be by way of a permanent easement to Enbridge Gas Inc. to allow for the relocation of a Natural Gas District Station known as a "Station Box" currently located within the road right-of-way along the north boundary of the Property.		
<b>Property:</b>	A 155 square metre portion of the property municipally known as 255 Avenue Road and legally described as Part of Lot 4 on Registered Plan 166E City of Toronto, being part of PIN 21194-0086 and shown as Part 1 on the Draft Plan of Survey (Appendix B) (the "Easement Lands").		
<b>Actions:</b>	<ol style="list-style-type: none"> <li>1. The Easement Lands be declared surplus, with the intended manner of disposal to be by way of transfer of a permanent easement to Enbridge Gas Inc. to allow for the relocation of a Natural Gas District Station.</li>   <li>2. 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. The intended method of sale is for nominal consideration for which Council approval will be sought prior to proceeding with same.</p> <p>The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial impact information</p>		
<b>Background:</b>	<p>On January 2017, Enbridge Gas Inc. performed upgrades to their Station Box, located in the right-of-way adjacent to the City-owned park known as Jay Macpherson Green. The Station Box, which had previously been buried, was brought above-ground. Enbridge Gas Inc. raised the Station Box to address Ministry of Labour safety regulations regarding workers in confined spaces. The Station Box was also significantly enlarged to account for current and forecasted natural gas usage.</p> <p>The Ward Councillor held meetings with the local residents association, Enbridge Gas Inc., and City staff from the Transportation, Parks, and Planning divisions. These meetings resulted in a request that the Station Box be moved to the rear of the Property, where it will be less visible. Enbridge Gas Inc., alongside Transportation staff, have investigated the feasibility of relocation and have found that the Station Box can be moved successfully into the southwest corner of the Property with access thereto from the existing municipal lane. Enbridge is willing to complete this work provided that costs are largely born by the City.</p> <p>The Easement Lands were formerly situated within a Parks and Open Space designated area according to the Official Plan, as such, an Amendment (OPA) was required. On November 26, 2019 City Council approved TE10.7 to amend the Official Plan to add the Easement Lands to the list of properties in Site and Area Specific Policy No. 265 in order to allow for the relocation of the Station Box. A future staff report is planned to be brought to Council to secure authority to enter into a Service Agreement in order to allow Enbridge to carry out the relocation work and to grant a nominal easement in favour of Enbridge Inc.</p>		
<b>Comments:</b>	<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 Easement Lands. No municipal interest was expressed. Staff of the Housing Secretariat has determined that there is no interest in the Easement Lands for affordable housing. Accordingly, it is appropriate that the Easement Lands be declared surplus. PF&amp;R and the Ward Councillor have both expressed support for the relocation and permanent easement, which will require approval from Council as a whole.</p> <p>The Technical Review Committee has reviewed this matter and concurs.</p>		
<b>Property Details:</b>	<b>Ward:</b>	Ward 11 - University-Rosedale	
	<b>Assessment Roll No.:</b>	1904-05-2-530-00200	
	<b>Approximate Size:</b>	155m <sup>2</sup> (1668.41 ft sq)	
	<b>Approximate Area:</b>		
	<b>Other Information:</b>		
	<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:**

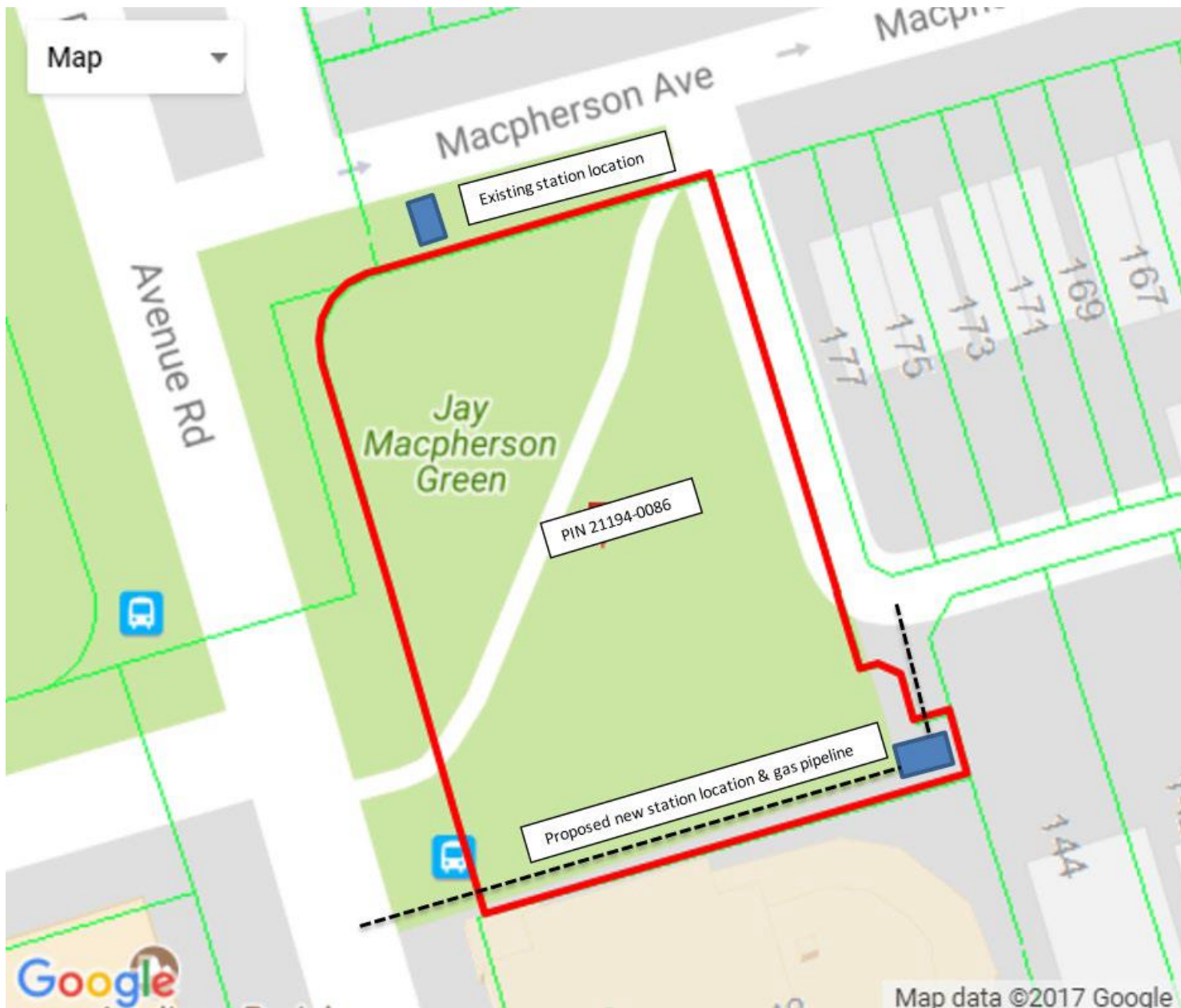
- (1) declaring land surplus and approving the intended manner or process by which the sale of the land will be carried out, provided that the local Councillor does not require the matter to be determined by Council through the General Government and Licensing Committee (§ 213-6).
  - Councillor does 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/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
  - Councillor(s) agrees with exemption from appraisal. **[Revise box to an x if any of (4)(a)-(f) applies.]**
  - 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
Scott Delahunt Manager, Real Estate Services	Mar. 16, 2022	Signed by Scott Delahunt
Alison Folosea Director, Real Estate Services	Mar. 22, 2022	Signed by Alison Folosea
Patrick Matozzo, Executive Director, Corporate Real Estate Management	Mar. 22, 2022	Signed by Patrick Matozzo
Josie Scioli Deputy City Manager, Corporate Services	Mar. 24, 2022	Signed by Josie Scioli
<b>Return to:</b>		

Consultation with Councillor(s):	
Councillor:	Mike Layton
Contact Name:	
Contacted by	Phone <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Memo <input type="checkbox"/> Other <input type="checkbox"/>
Comments:	No Objection March 10, 2022
Councillor:	
Contact Name:	
Contacted by	Phone <input type="checkbox"/> E-mail <input type="checkbox"/> Memo <input type="checkbox"/> Other <input type="checkbox"/>
Comments:	

Consultation with other Division(s):			
Division:	Parks, Forestry & Recreation	Division:	Finance & Treasury Services
Contact Name:	Jason Bragg	Contact Name:	Ciro Tarantino
Comments:	Concurrence	Comments:	Concurrence
Real Estate Law Contact:	Tammy Turner	Date:	March 7, 2022
		Date:	March 8, 2022

APPENDIX A – PROPERTY/EASEMENT LOCATION AND MAP



# APPENDIX B – DRAFT PLAN OF SURVEY

