

## **Licence Agreement with the Minister of Energy and Infrastructure for the Use of Provincial Lands in Flemington Park**

<b>Date:</b>	February 13, 2009
<b>To:</b>	Government Management Committee
<b>From:</b>	Chief Corporate Officer
<b>Wards:</b>	Ward 26 – Don Valley West
<b>Reference Number:</b>	P:\2009\Internal Services\F&re\Gm09021F&re – (AFS 9160)

### **SUMMARY**

---

The purpose of this report is to obtain authority to enter into a licence Agreement with Ontario Realty Corporation, acting as agent on behalf of Her Majesty the Queen in right of Ontario as represented by the Minister of Energy and Infrastructure (“the Licensor”), for the use of lands in Flemington Park for recreational purposes. The proposed License Agreement is for a five (5) year term, commencing retroactively on December 1<sup>st</sup>, 2007.

### **RECOMMENDATIONS**

---

#### **The Chief Corporate Officer recommends that:**

1. Council authorize entering into a licence Agreement (the “**Licence**”) with the Licensor for non-exclusive use of approximately 33.14 acres of land in Flemington Park, (the “**Lands**”), substantially on the terms and conditions as set out in Appendix “A” and on such other terms and conditions as approved by the Chief Corporate Officer, or his or her designate, and in a form and content acceptable to the City Solicitor.

2. The Chief Corporate Officer be authorized to administer and manage the License including the provision of any consents, approvals, notices and notices of termination provided that the Chief Corporate Officer may, at any time, refer consideration of such matters (including their content) to City Council for its determination and direction.

### **Financial Impact**

The proposed agreement will require the City to pay a fee in the sum of \$5.00 for the five (5) year term. The City will also be responsible for 50% of all taxes, rates or grants in lieu levied against the lands for each year during the term. The City's share of taxes are estimated to be \$33,847.21 annually. Funding for 2009 is included in the 2009 Recommended Budget for Parks, Forestry and Recreation. Funding requirements for 2010-2012 will be included in the respective year's operating budget submission for Parks, Forestry and Recreation and accommodated within approved operating budget targets.

The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial impact information.

### **DECISION HISTORY**

The City of North York utilized the Licensed Lands for a number of years prior to 1986. At its meeting on September 22, 1986, North York City Council adopted resolution 86-29, authorizing an agreement that extended the City's use from January 1, 1986 to December 31, 1990. The City of North York entered into an additional License Agreement for the period of January 1, 1991 to December 31, 1995, and a further Agreement for a term commencing on January 1, 1996 and ending on December 31, 2000. The current License Agreement has remained in overholding since January 1, 2001.

### **ISSUE BACKGROUND**

Flemingdon Park is an approximately 40 acre park, consisting of five (5) blocks of leased/licensed and City-owned parkland. The City of North York began utilizing 33.14 acres of Licensed Lands (as shown in Appendix "B") over twenty (20) years ago for public recreational purposes. Through previous licence terms, the City constructed a number of improvements to the site, including soccer fields, baseball diamonds and a large basketball court. Some of these improvements are in immediate need of repair and the City requires that the term of the Licence be secured for the next five years in order to proceed with the capital work.

## **COMMENTS**

Facilities & Real Estate, in consultation with Parks, Forestry & Recreation, propose that the Licence be authorized substantially on the terms and conditions outlined in Appendix “A” and on such further terms and conditions acceptable to the Chief Corporate Officer and/or City Solicitor. Facilities and Real Estate staff consider the terms and conditions to be fair and reasonable, and at market rates.

## **CONTACT**

Joe Casali  
Director, Real Estate Services  
Tel: (416) 392-7202  
Fax: (416) 392-1880  
[jcasali@toronto.ca](mailto:jcasali@toronto.ca)

## **SIGNATURE**

---

Bruce Bowes, P. Eng.  
Chief Corporate Officer

## **ATTACHMENTS**

Appendix “A” - Summary of Licence Terms  
Appendix “B” - Location Map