

## **TERMS AND CONDITIONS OF TRANSFER FOR ALL PROPERTIES**

1. Closing on October 30, 2009, or such earlier or later date as the parties may agree.
2. Property being transferred “as is,” for nominal consideration, with Build Toronto to assume and be responsible for any and all liabilities arising from or connected with the state, quality, matter or condition of the property, whether or not known, including, but not limited to, any expense or costs incurred in connection with or relating to the environmental condition of the property.
3. Build Toronto will be responsible for all costs associated with development.
4. Build Toronto will pay any applicable Land Transfer Tax, GST, registration charges that would normally be for the account of the purchaser in a transaction of purchase and sale, and other taxes and costs.
5. Build Toronto will provide such usual closing documents as the City may require.
6. The City makes no representations about permitted use, zoning, Official Plan designation or any similar matter.
7. Build Toronto will obtain from any purchaser or tenant of the property an agreement releasing Build Toronto and the City from liability for environmental contamination, and an indemnity in favour of Build Toronto and the City in respect of claims arising on the basis of environmental contamination.
8. Nothing in the transfer agreement will interfere with the exercise by the City of all of its rights as a municipality, or prejudice the City in carrying out its statutory rights and responsibilities, including planning rights and responsibilities.
9. No dealings between the City and Build Toronto as parties to the transfer agreement will relieve Build Toronto from the responsibility of discharging its obligations imposed by any shareholder direction, statute, regulation, by-law or in any other lawful manner.
10. Build Toronto will consult with the local councillor in planning the development of the property.

## Appendix 2

### 120 and 130 Harbour Street

#### BACKGROUND

The property forms a triangular area bounded by the Gardiner Expressway to the north, Harbour Street to the south and York Street to the east. 120 Harbour Street is currently operated by Toronto Parking Authority (TPA) as a paid parking lot. 130 Harbour Street is currently operated by A Towing Service Ltd. under contract to Toronto Police Services Board (TPS) as a vehicle impound lot.

#### DETAILS OF PROPERTY

Legal Description: Part of Block 2, Plan 657E, designated as Parts 6 & 7 on Plan 63R-424, City of Toronto and shown as Parts 1 & 2 on Sketch No. PS-2009-013

Approximate Site Area: 2571.4 m<sup>2</sup> (0.6 ac)

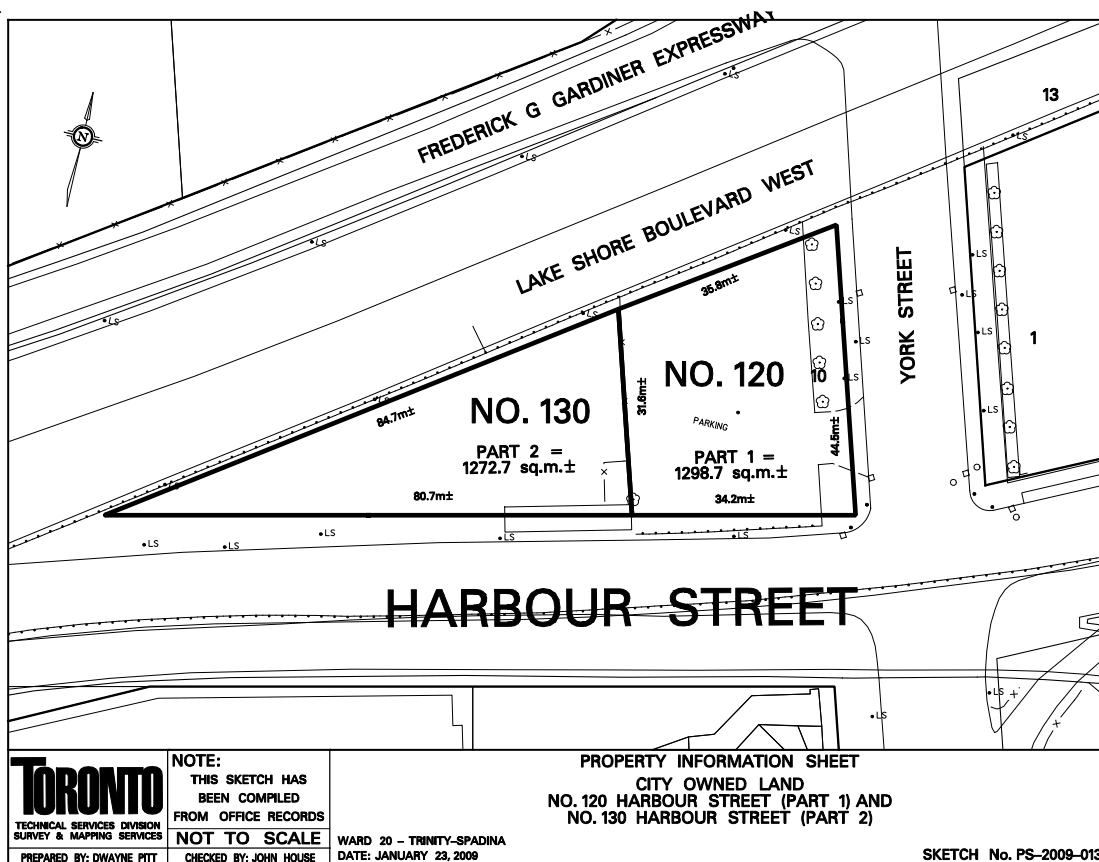
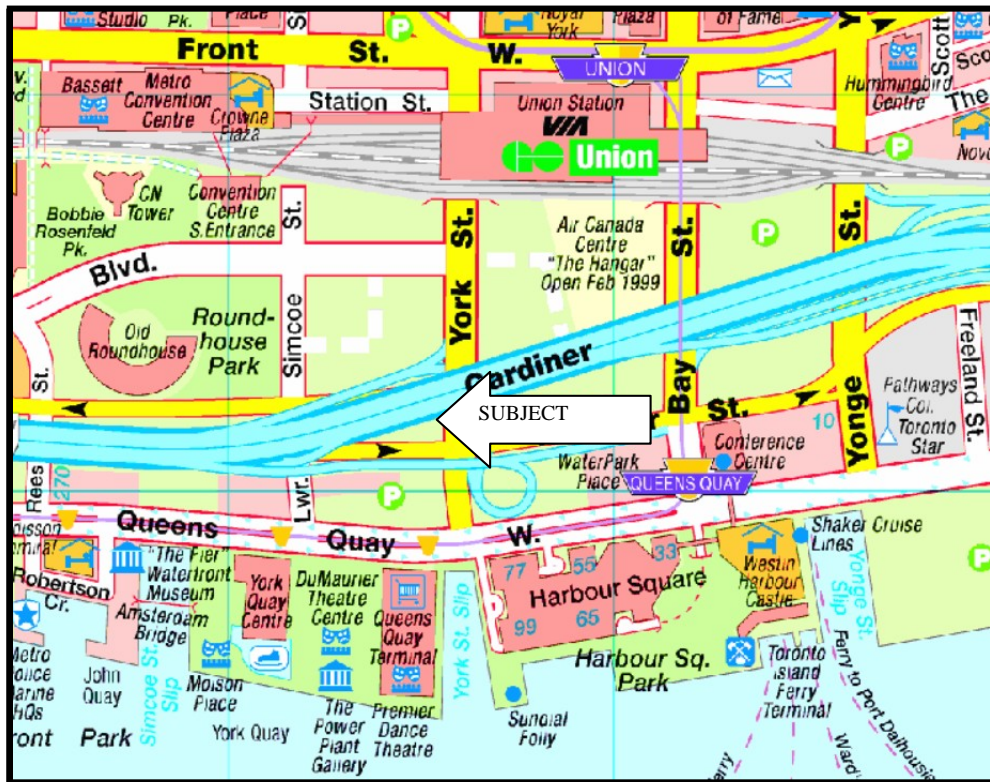
#### TERMS AND CONDITIONS OF TRANSFER

1. Build Toronto acknowledges:
  - a. the property is located adjacent to an old landfill site known as the St. Lawrence Site;
  - b. concrete from the Gardiner Expressway may fall onto the property.
2. TPA will be permitted to continue to operate a parking lot on 120 Harbour Street until December 31, 2009, or such earlier date as TPA determines, and the revenue and costs of this parking operation will be for the account of the City of Toronto until December 31, 2009.
3. TPS will be permitted to continue to operate an impound lot on 130 Harbour Street under contract to A Towing Service Ltd. until December 31, 2009, or such later date as agreed to by Build Toronto, and the revenue and costs of this impound lot operation will be for the account of the TPS until December 31, 2009.
4. Title to the property will be subject to existing interests and to such easements or other interests as are required for existing and future utility installations and municipal services on the property, including, but not limited to:
  - a. Instrument No. ES52942, registered on October 8, 1961, containing a restrictive covenant that the use of the lands, including display of advertising, location of buildings, fences and signs, shall be subject to the approval of the Chief Executive Officer of The Toronto Harbour Commissioners or their successors and assigns and that nuisance or

detrimental uses are not allowed. This covenant and restriction runs with and binds the property, and Build Toronto will, on transferring, disposing of or otherwise dealing with the property, obtain from any person to whom the property may be transferred, disposed of or otherwise dealt with a similar covenant and also a separate covenant in favour of The Toronto Harbour Commissioners or their successors and assigns;

- b. Agreements Nos. EW2218 and E2303 with The Toronto Harbour Commissioners;
- c. a month-to-month sign agreement dated December 15, 1995 with Gould Outdoor Advertising, effective October 1, 1995. Either party may terminate the agreement by giving thirty (30) days written notice to the other party;
- d. an easement three (3) metres in width in favour of the City along the north limit of the property for access/maintenance for the ramp and bridge structure of the Gardiner Expressway.

## 120 and 130 HARBOUR STREET – WARD 20



## **150 Symes Road**

### **BACKGROUND**

The property, located in the former City of York, was acquired in 1931 for the construction of the Symes Road Garage Transfer/Incinerator and Fleet Garage, and has been used for the purposes of receiving, dumping, and disposing of waste. It is a two (2) hectare property, containing four buildings. The largest building, fronting Symes Road, is the former transfer station, which was originally built as an incinerator. The property is currently vacant.

### **DETAILS OF PROPERTY**

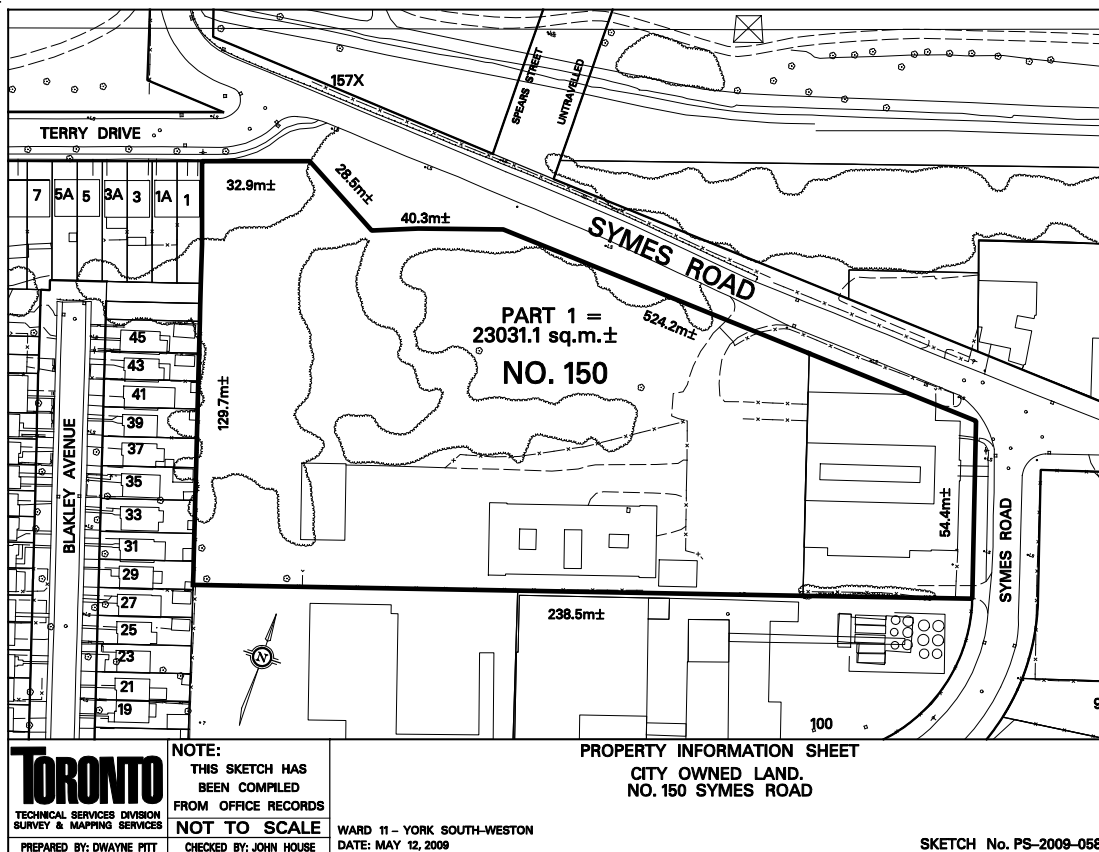
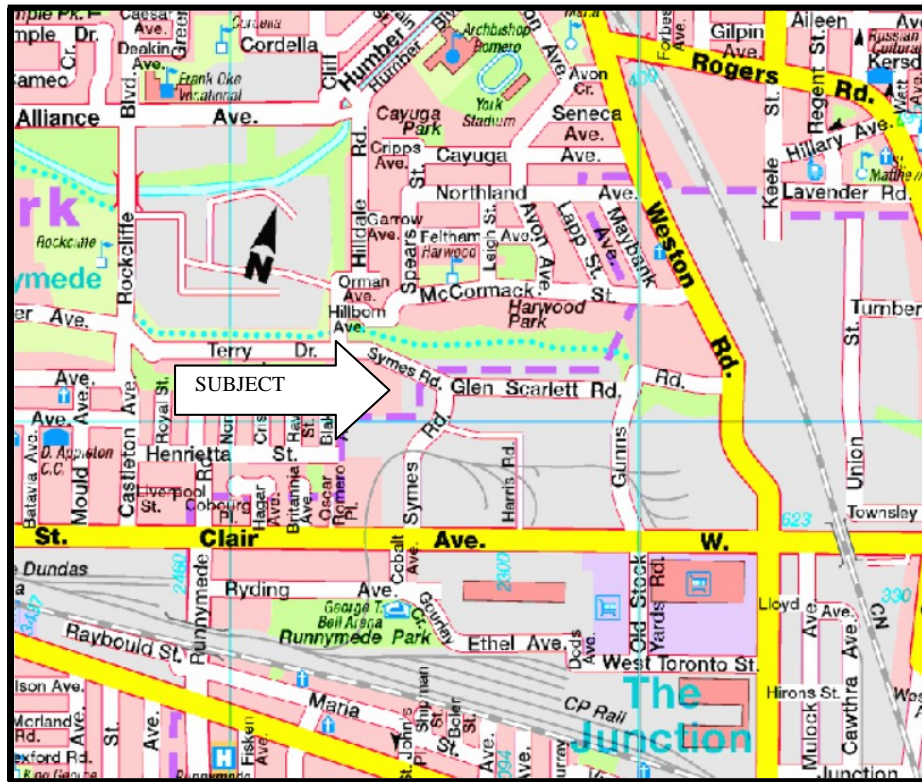
Legal Description: Block A, Plan 2707; Part of Lot 36, Concession 3 From The Bay and Parcel C-1, Section M-1918, being Block C, Plan M-1918, shown as Part 1 on Sketch No. PS-2009-058

Approximate Site Area: 23031.1 m<sup>2</sup> (5.7 ac)

### **TERMS AND CONDITIONS OF TRANSFER**

1. Build Toronto acknowledges that the property formed part of an old landfill site.
2. Title to the property will be subject to existing interests and to such easements or other interests as are required for existing and future utility installations and municipal services on the property, including, but not limited to:
  - a. By-laws registered as Instruments Nos. CY471549, CY522016, WF55169;
  - b. an easement for access purposes as set out in CY571961;
  - c. applications to change name registered as AT2065074 and AT2065075;
  - d. an easement in favour of Bell Canada in Part 1, Plan 66R-14225, as set out in C267749; and
  - e. agreements registered as CY189408 and A809102.

# 150 SYMES ROAD – WARD 11



## **383–425 Old Weston Road**

### **BACKGROUND**

The majority of the property was assembled in 1946-1947, and contains two buildings. The property was previously used as a yard and is currently vacant.

### **DETAILS OF PROPERTY**

Legal Description: Part of Lots 34 and 35, Concession 3 From The Bay, and shown as Part 1 on Sketch No. PS-2005-091

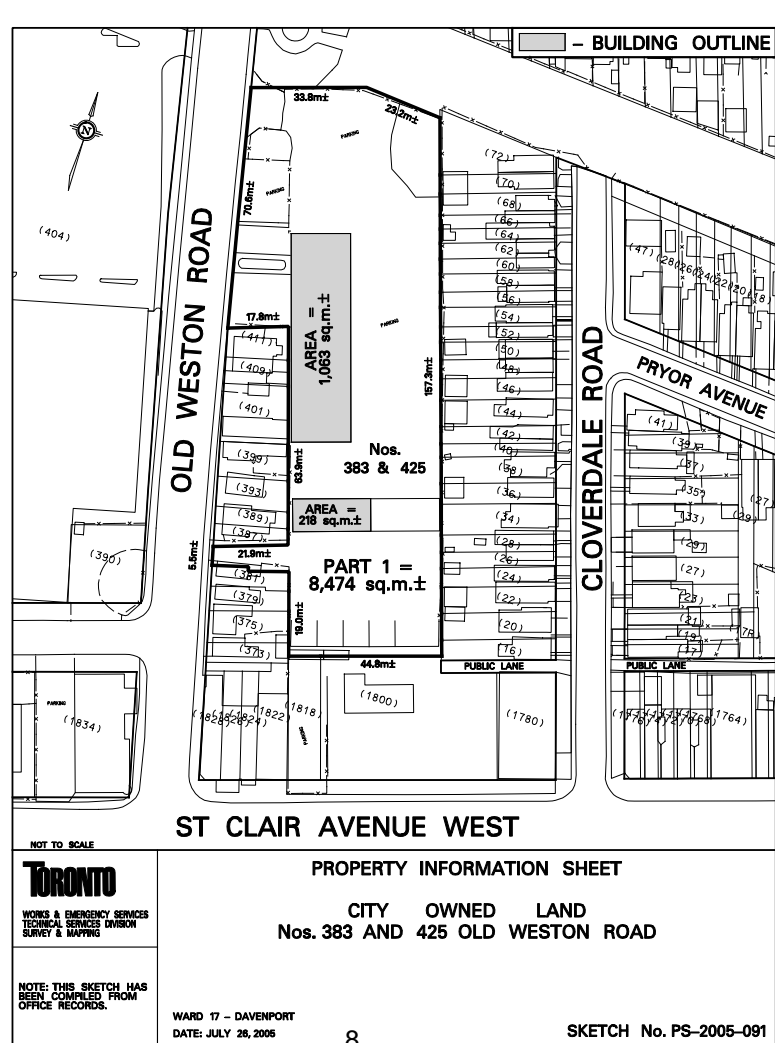
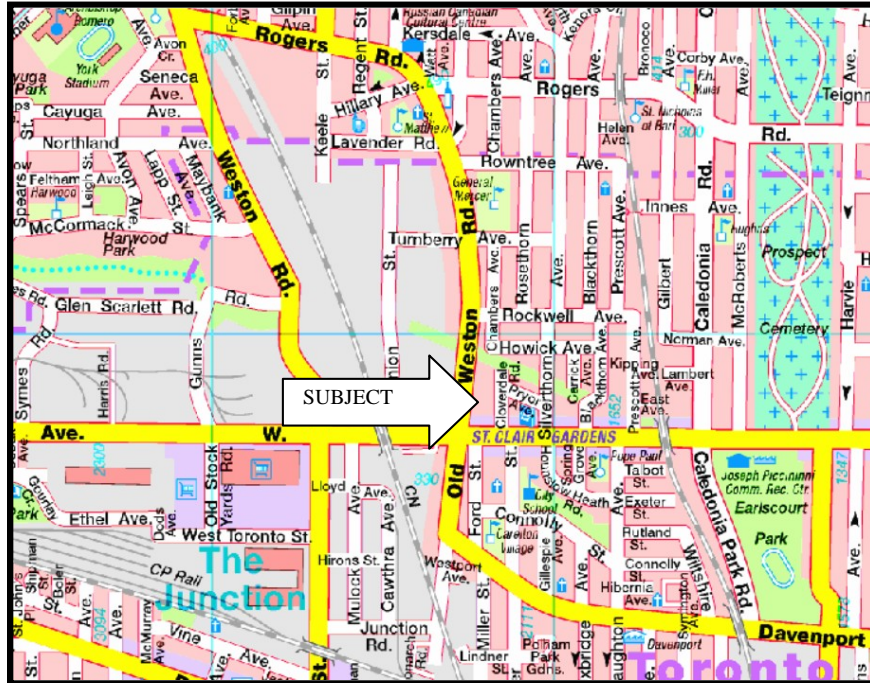
Approximate Site Area: 8,474 m<sup>2</sup> (2.1 ac)

### **TERMS AND CONDITIONS OF TRANSFER**

1. Build Toronto covenants and agrees to provide 48 units of affordable housing on the property or such other number of units as may be agreed by Build Toronto and the Deputy City Manager responsible for the Affordable Housing Office, on terms (including financial terms), and in a location or locations, satisfactory to the Deputy City Manager responsible for the Affordable Housing Office.
2. There is an agreement with Mediacom Incorporated in respect of a sign on the property with the agreement to be assigned to Build Toronto with the transfer of the property.
3. Build Toronto acknowledges that:
  - a. the buildings on the property contain asbestos pipe fittings;
  - b. the ground water in portions of the property has been contaminated by xylene and Build Toronto will be required to continue the remediation programs in place;
  - c. the City is in discussions with Sanscon Construction Ltd. in respect of a short-term licence agreement for use of a portion of the property for storage and construction staging purposes that, if finalized, would be assumed by Build Toronto on closing.
4. Title to the property will be subject to existing interests and to such easements or other interests as are required for existing and future utility installations and municipal services on the property, including, but not limited to:
  - a. application to change name registered as AT2073737.



# 383-425 OLD WESTON ROAD – WARD 17





## **51 Power Street**

### **BACKGROUND**

51 Power Street was acquired in 1962 for the Don Valley Parkway-Duke Duchess Interchange. It was closed as a road allowance in 1986 and has remained vacant. Recently, it was brought to the attention of staff, but not confirmed, that the property may have been a part of a cemetery (1822-1855) associated with the historical St. Paul's Roman Catholic Church.

### **DETAILS OF PROPERTY**

Legal Description: Part of Block A, Roman Catholic Church Block, south side of Queen Street, York, Plan 108, designated as Parts 3, 4 & 5 on Plan 63R-3836 and shown as Part 1 on Sketch No. PS-2008-042

Approximate Site Area: 3550 m<sup>2</sup> (0.9 ac)

### **TERMS AND CONDITIONS OF TRANSFER**

1. Build Toronto will enter into an agreement with the City, on terms and conditions satisfactory to the Chief Corporate Officer, in consultation with General Manager of Parks, Forestry & Recreation, providing that the property may be used by the public as an off-leash dog walk area until such time as Build Toronto provides 60 days written notice to the City and to the public that such use will no longer be permitted. Such notice cannot be given by Build Toronto until 2 years after the transfer of the property to Build Toronto. The City will be responsible for the maintenance of the property while it is being used as an off-leash dog walk area. Build Toronto will erect signs on the property advising the public that the use of the property as an off-leash dog walk area is temporary only.
2. Title to the property will be subject to existing interests and to such easements or other interests as are required for existing and future utility installations and municipal services on the property, including but not limited to:
  - a. the possibility that portions of the site may have been used as a cemetery (1822-1855) associated with the historical St. Paul's Roman Catholic Church, with respect to which further investigations may be required.

# 51 POWER STREET – WARD 28

