

**Easement in City-owned Property Between 71 and 75
Thorncliffe Park Drive**

Date:	September 28, 2009
To:	City Council
From:	Chief Corporate Officer & General Manager, Parks, Forestry and Recreation
Wards:	26 – Don Valley West
Reference Number:	P:\2009\Internal Services\F&re\Cc09082F&re – (AFS 10629)

SUMMARY

The purpose of this report is to obtain authority to grant a temporary easement to the owner of 71, 75 and 79 Thorncliffe Park Drive for a term of 20 years, without any right of renewal, in a portion of the park access road leading to Ernest Thompson Seton Park, located between 71 and 75 Thorncliffe Park Drive, shown as Part 1 on Sketch No. PS-2009-093.

RECOMMENDATIONS

The Chief Corporate Officer and the General Manager, Parks, Forestry and Recreation recommend that:

1. Council grant authority to enter into a temporary easement agreement with the owner of 71, 75 and 79 Thorncliffe Park Drive (the “Owner”) for a term of twenty (20) years, for buried utilities, without any right of renewal, in a portion of the park access road leading to Ernest Thompson Seton Park, shown as Part 1 on Sketch No. PS-2009-093 (the “Property”), on payment of a fee of \$9,500.00 together with such terms and conditions as may be approved by the Chief Corporate Officer in consultation with the General Manager, Parks, Forestry and Recreation, in a form satisfactory to the City Solicitor.

Financial Impact

The City will receive revenue in the amount of \$9,500.00 plus GST, if applicable, by entering into the temporary easement agreement. This revenue will be directed to the Corporate Land Acquisition Reserve Fund (XR1012).

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

ISSUE BACKGROUND

ConRes II G P Number One Inc. is the owner of three apartment buildings located at 71, 75 and 79 Thorncliffe Park Drive. Each building currently has its own boiler plant located in its basement. The boilers are inefficient and oversized and the domestic hot water storage tanks are undersized.

The new heating plan for Parkway Place, which is currently underway, is to combine the three separate boiler plants into one plant and to install high efficiency boilers and large domestic hot water storage tanks. The central boiler plant will create hot water which will be piped to each of the three buildings for heating and domestic hot water. The central boiler plant will be located in the existing boiler room of 75 Thorncliffe Park Drive. Two pipes will go from the central plant to each of 71 and 79 Thorncliffe Park Drive. A short segment will run under the park access road leading into Ernest Thompson Seton Park and the Owner is therefore requesting an easement from the City.

The Owner originally requested a permanent easement for the pipelines. However, as the Property is located in the Parks and Open Space Areas in the Official Plan, the disposal of such (by sale or easement over 21 years) is prohibited by the Official Plan. Therefore the term of the easement is for 20 years with no right of renewal. It should be noted, however, that the Owner might subsequently apply for an amendment to the Official Plan and request the City to consider granting a permanent easement.

COMMENTS

The plan to heat the buildings using one combined heating system will improve the efficiency of the heating system and reduce the amount of fuel consumed to heat the three buildings. It is appropriate for City Council to encourage projects that result in the reduction of the generation of greenhouse gases.

The Owner will, among other things, be required to indemnify the City, to obtain liability insurance in the minimum amount of five million dollars (\$5,000,000.00), and to remove the pipes at the end of the term at its sole cost. In addition to the fee of \$9,500.00 for the easement, the Owner will be required to pay for any necessary reference plan, any registration costs and a legal administration fee of \$500.00 plus GST.

Completion of the transaction will generate revenue for the City which is reflective of market value and considered fair and reasonable.

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SIGNATURE

Bruce Bowes, P. Eng.
Chief Corporate Officer

Brenda Patterson
General Manager, Parks, Forestry and Recreation

ATTACHMENTS

Appendix “A” – Sketch & Map