



**STAFF REPORT
ACTION REQUIRED
with Confidential Attachment**

**Toronto Water Land Acquisition for Source Water Protection –
Proposed Purchase of 21 Sunnybrae Crescent**

Date:	August 16, 2010
To:	City Council
From:	City Solicitor General Manager, Toronto Water
Wards:	Ward 11
Reason for Confidential Information:	This report is about a proposed or pending land acquisition by the City or one of its agencies, boards, and commissions, involves litigation or potential litigation that affects the City and contains advice or communications that are subject to solicitor-client privilege.
Reference Number:	

SUMMARY

This report has been prepared to obtain authority from City Council to purchase the property known municipally as 21 Sunnybrae Crescent using Toronto Water Capital funding.

RECOMMENDATIONS

The General Manager, Toronto Water and City Solicitor recommend that:

1. Toronto Water be authorized to apply to use the funds available in the approved Toronto Water 2010 Capital Budget to complete the acquisition of the property at 21 Sunnybrae Crescent.
2. The City enter into an Offer to Sell with the owners of 21 Sunnybrae Crescent substantially on the terms outlined in the confidential attachment and on such other terms and conditions as may be acceptable to the Chief Corporate Officer and in a form satisfactory to the City Solicitor.

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3. The Chief Corporate Officer and the Director of Real Estate Services be severally authorized to execute the Offers to Sell on behalf of the City.
4. The City Solicitor be authorized to complete the transaction on behalf of the City, including paying any necessary expenses, amending the closing, due diligence and other dates, and amending and waiving terms and conditions, on such terms as she considers reasonable.
5. The confidential attachment remains confidential as it contains information subject to solicitor/client and litigation privilege.
6. The appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.

Financial Impact

Funding is available to support the acquisition of properties in accordance with the City's Land Acquisition Criteria for Source Water Protection in the approved Toronto Water 2010 Capital Budget under WBS Element CWW473-01 Land Acquisition for Source Water Protection.

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

DECISION HISTORY

On November 30, December 1 and 2, 2004, City Council amended and adopted Clause 38 of Policy and Finance Committee Report 9, to create a new reserve called the 'Land Acquisition for Source Water Protection Reserve', for the purpose of providing funding for the acquisition of land to protect water sources to be controlled by Toronto Water. A copy of the Council Decision Document can be found at:

<http://www.toronto.ca/legdocs/2004/agendas/council/cc041130/cofa.pdf>

On November 19 and 20, 2007, City Council approved closing the Land Acquisition for Source Water Protection Reserve and including a Capital project titled "Land Acquisition for Source Water Protection" in Toronto Water's 2008 to 2012 Capital Budget and Council also modified the criteria to be used for the acquisition of land funded from the Capital Account. A copy of the Council Decision Document can be found at:

<http://www.toronto.ca/legdocs/mmis/2007/cc/decisions/2007-11-19-cc14-dd.pdf>

ISSUE BACKGROUND

The protection of Lake Ontario as the source of potable water for the City of Toronto is a high priority of the City. It is recognized that protecting and improving the water quality of the various river systems and watersheds that flow into Lake Ontario through the City of Toronto is an important objective in source water protection. Currently, Toronto Water

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is implementing the Council approved Wet Weather Flow Master Plan (WWFMP) to help meet this objective.

Another important tool to help meet this objective is the protection of the river systems and watersheds through acquisition of key parcels of land. Council has approved a list of properties that are eligible for funding from the Land Acquisition for Source Water Protection Reserve.

COMMENTS

Toronto Water has been involved along with other staff in discussions regarding the purchase of 21 Sunnybrae Crescent. This property borders a ravine. Toronto Water has determined that this property meets the criteria to be used for the acquisition of land funded from the Capital Account.

For the additional reasons set out in the confidential attachment, City staff are recommending that the City purchase the property at 21 Sunnybrae Crescent.

CONTACT

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SIGNATURE

Lou Di Gironimo
General Manager
Toronto Water

Anna Kinastowski
City Solicitor

ATTACHMENTS

Attachment 1: Confidential Information - 21 Sunnybrae Crescent