

## TERMS AND CONDITIONS OF TRANSFER

### 45 Strachan Avenue, 10, 11 and 25 Ordnance Street – Ward 19

#### BACKGROUND

Portions of the property were acquired separately and were not expropriated. They constitute the majority of a triangle of land located east of Strachan Avenue between two rail corridors.

45 Strachan is occupied Municipal Licensing and Standards. 11 Ordnance Street is operated by Eva's Phoenix as a shelter for homeless youth. 25 Ordnance is occupied partially by Eva's Phoenix and Clay and Paper Theatre, with the remainder of the building being vacant.

10 Ordnance Street is currently vacant. City Council declared this property surplus on October 24 and 25, 2011.

#### DETAILS OF PROPERTY

Legal Description	Part of Lot 1, Plan D1453 described as Part 1 on Plan 63R-4800 (45 Strachan Avenue); Part of Lots 3 and 4, Plan D1453, described as Parts 1-3 on Plan 63R-4238; Parcel 13-3, Section A – Ordnance Reserve; Part of Plan Ordnance Reserve (known as Block 13, east of Strachan between the railways), described as Parts 1-5 on Plan 66R-15428, subject to the reservation of an easement over the whole of this property for access and for the construction and maintenance of a bridge structure and park facility (10 Ordnance Street); Lots 5 and 6, Plan D1453 (11 and 25 Ordnance Street); shown as Parts 1-4 on Sketch PS-2011-031 (the "Sketch"), collectively (the "Property")
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Approximate Site Area	24, 313 m <sup>2</sup> (6 acres)
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#### TERMS AND CONDITIONS OF TRANSFER

1. Build Toronto will address the affordable housing interest in this Property subject to the terms of a Memorandum of Understanding entered into by Build Toronto and the Deputy City Manager responsible for the Affordable Housing Office dated May 20, 2010, as it may be amended from time to time.
2. Build Toronto will be required to implement the terms and conditions of the letter agreement with Eva's Initiatives and Whitecastle New Urban Fund attached as Appendix 3 to this Report.

3. Build Toronto will acknowledge that:
  - a. the construction of the Fort York Pedestrian and Cycle Bridge alternatives A1, A2 and A5 (if approved by City Council) will require support structures and crossing of Part 3 on the Sketch;
  - b. City Council has directed City Planning staff to initiate the rezoning of 10 Ordnance Street to (G) Park Land with the adoption of TE30.42 on January 26 and 27, 2010.
  
4. Title to the Property will be taken "as is" and 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 reservation of an easement over the whole of 10 Ordnance Street for access and for the construction and maintenance of a bridge structure and park facility;
  - b. WF53749 – covenants;
  - c. C30400 – provides for a right-of-way;
  - d. E267999 – provides for a right-of-way;
  - e. CT967172 – provides for a right-of-way;
  - f. CT570048 - provides for a right-of-way;
  - g. CA618279 – provides for a right-of-way; and
  - h. a licence agreement for a 10 year term in favour of Metrolinx for purposes of permitting the installation and operation of Air Quality Monitoring Station (Licence Agreement) over a portion of Part 3 on the Sketch, a 54 m<sup>2</sup> (581 ft<sup>2</sup>) area at the northeast corner of 10 Ordnance Street (Licensed Area). The Property will be transferred to Build Toronto subject to the Licence Agreement and Build Toronto will be required to provide Metrolinx with reasonable access to the Licensed Area.
  
4. Build Toronto will accommodate on the Property the construction of the Fort York Pedestrian Bridge, to be provided for in PW9.12, as it may be amended, which is before Council for its consideration at the same time as this Report. Build Toronto will be required to work with the Executive Director, Technical Services, the Chief Planner and Executive Director, City Planning, the Acting Director, Waterfront Secretariat and the CCO to incorporate the design and construction of the pedestrian bridge, on behalf of the City, consistent with the planning objectives outlined in the Report (November 1, 2011) from the Executive Director, Technical Services, in conjunction with area development.
  
5. The lands shown as Part 3 on the Sketch will be subject to an easement in favour of the City to permit the City to complete the construction of the Fort York Pedestrian Bridge should Build Toronto fail to cause it to be constructed in accordance with the Transfer Agreement and the City's requirements.
  
6. Build Toronto will cause to be delivered a park on the majority of the 10 Ordnance Street property, details of which will be finalized during the normal planning approvals process, to the satisfaction of the General Manager of Parks, Forestry and Recreation. If the park has not been completed and dedicated to the City through a registered plan of subdivision within 5 years of the date the Property is conveyed to Build Toronto, 10 Ordnance Street will be re-conveyed to the City for park purposes.

7. Build Toronto be required pay the cost for MLS to relocate to an alternate facility, including moving costs, and fit-out (both design and construction) of new premises. The City will work cooperatively with Build Toronto by assisting to mitigate the costs through a review of alternative accommodations in another City-owned facility. Build Toronto will allow MLS to occupy 45 Strachan Avenue until it is required for development purposes and will provide at least 6 months notice of the date on which MLS must vacate the property.

45 Strachan Avenue, 10, 11 and 25 Ordance Street

