

## **Encroachment Agreement for City-Owned Lands Abutting 70 Forest Manor Road**

<b>Date:</b>	October 25, 2013
<b>To:</b>	North York Community Council
<b>From:</b>	Chief Corporate Officer
<b>Wards:</b>	33 – Don Valley East
<b>Reference Number:</b>	P:\2013\Internal Services\RE\Ny13030re (AFS #18531)

### **SUMMARY**

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The purpose of this report is to obtain authority for the City to enter into an Encroachment Agreement for an encroachment on City-owned lands, with Emerald City Developments I Inc., owner of abutting property municipally known as 70 Forest Manor Road. The encroachment will provide a landscaping buffer between City-owned land and the abutting residential development. Community Council has delegated authority to make a final decision with respect to encroachments.

### **RECOMMENDATIONS**

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**The Chief Corporate Officer recommends that:**

1. Community Council grant authority to enter into an Encroachment Agreement with Emerald City Development I Inc. (the "Licensee") in the amount of \$27,500.00 (exclusive of applicable taxes and fees) regarding City-owned lands being Part of Block J, Plan 7239 North York, designated as Parts 2, 6, 7, 12, 14 and 15 on Reference Plan 66R-25106; City of Toronto (North York), being all of PIN: 10085-1344 in the Land Registry Office of Toronto (No. 66) in Land Titles Division and shown as Part 1 in attached Appendix "B" (the "City Lands"), substantially on the terms and conditions outlined in Appendix "A" of this Report, and in a form acceptable to the City Solicitor.

2. Community Council grant authority to the Chief Corporate Officer to administer and manage the Encroachment Agreement, 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 matter (including their content) to City Council for its determination and direction.

### **Financial Impact**

The proposed Encroachment Agreement provides that the Licensee will pay a licence fee in the amount of \$27,500.00, exclusive of applicable taxes and fees to the City of Toronto. The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial impact information.

### **ISSUE BACKGROUND**

The Licensee has made an application for development of a multi-storey condominium building on its property at 70 Forest Manor Road. A condition of the site plan agreement requires that the Licensee enter into an encroachment agreement to provide a landscape buffer between the development and the entrance to the Don Mills subway station. The encroachment will include hard and soft landscaping features, and the Licensee is required to install and maintain the encroachment in a state of good repair.

### **COMMENTS**

Staff from the TTC has reviewed the Licensee's request and confirm that they have no objection to the City entering into an Encroachment Agreement with the Licensee. The main terms and conditions of the Encroachment Agreement are set out in the attached Appendix "A". The Licensee has agreed to compensate the City in the amount of \$27,500.00 for the encroachment, and this compensation is considered fair, reasonable and reflective of market value.

### **CONTACT**

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### **SIGNATURE**

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Josie Scioli  
Chief Corporate Officer

### **ATTACHMENTS**

Appendix "A" – Encroachment Agreement Major Terms and Conditions  
Appendix "B" – Site Map and Sketch