



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

500 Birchmount Road - Temporary Easement of a Portion of the Property to be used by the Toronto Public Library for Construction Staging

Date: June 19, 2020

To: General Government and Licensing Committee

From: Executive Director, Corporate Real Estate Management, and City Librarian,
Toronto Public Library

Wards: Ward 20 - Scarborough Southwest

REASON FOR CONFIDENTIAL INFORMATION

This report deals with a proposed or pending acquisition or disposition of land by the Toronto Public Library Board.

SUMMARY

This report requests City Council's approval of a temporary easement agreement between the Toronto Public Library Board and the owner of the property municipally known as 500 Birchmount Road (the "Owner").

The Albert Campbell District Library is located at 496 Birchmount Road and is currently under construction. A temporary easement as part of the property at 500 Birchmount Road is required to permit excavation at the north side of the library building to allow for the installation of new site services including a new weeping tile system and new building cladding. The required easement area is shown as "Part 1" of the Property Sketch in Appendix A.

Construction at the Albert Campbell District Library commenced in the fall of 2019, with contracted exterior work scheduled to begin in May 2020. It is estimated that the required exterior work will take 24 months to complete. To date, the Owner has agreed to the terms of the requested easement, although the City and the Owner have been unable to settle on the applicable easement fee. If the temporary easement is not obtained to enable construction to progress, the Toronto Public Library will incur significant construction costs.

RECOMMENDATIONS

The Executive Director, Corporate Real Estate Management, and City Librarian, Toronto Public Library, recommend that:

1. City Council authorize a temporary easement agreement between the owner of 500 Birchmount Road and the Toronto Public Library Board, for a period of twenty-four (24) months, in the amount outlined in Confidential Attachment 1, and on such other terms as may be satisfactory to the Executive Director, Corporate Real Estate Management and City Librarian, and in a form satisfactory to the City Solicitor.
2. City Council authorize the City Solicitor to complete the easement transaction, including the payment of any necessary expenses and amendment of necessary documentation as they deem reasonable.
3. City Council direct that the confidential information contained in the Confidential Attachment 1 remain confidential, as it relates to a proposed or pending acquisition or disposition of land by the Toronto Public Library Board.

FINANCIAL IMPACT

Funding for the renovation to the Albert Campbell District Library is included in the approved 2020-2029 Capital Budget and Plan for the Toronto Public Library. The costs of acquiring a temporary easement from the adjoining owner are a part of the approved 2020 Council Approved Operating Budget for the Toronto Public Library.

The Chief Financial Officer and Treasurer and Library Treasurer have reviewed this report and agree with the financial impact information.

DECISION HISTORY

At its meeting of February 26, 2018, the Toronto Public Library Board authorized renovations to the Albert Campbell District Library as part of 2018-2027 Capital Budget and Plan.

<https://www.torontopubliclibrary.ca/about-the-library/board/meetings/2018-feb-26.jsp>

At its meeting of September 23, 2019, and pursuant to Toronto Public Library's Purchasing Policy, a construction tender was awarded to and accepted by Pre Eng Contracting Ltd.

<https://www.torontopubliclibrary.ca/about-the-library/board/meetings/2019-sep-23.jsp>

COMMENTS

During the awarding of the construction tender, Toronto Public Library staff identified the need for additional access rights between the Albert Campbell District Library building and the adjoining owner's lot line to permit excavation equipment. Consequently, staff determined that a temporary easement would be required from the Owner.

Corporate Real Estate Management staff conducted an appraisal, reflecting fair market value. Negotiations with the Owner have been ongoing, and while the Owner is agreeable to entering into the necessary easement, an agreement has not been reached as of the date of the report, as the Owner is unwilling to provide a temporary easement at the appraised fair market value.

The Owner has not provided an independent appraisal, but has emphasized that exceeding the fair market value is justified according to the following reasons:

- Inconvenience caused to residents (there is a building with six residential units located on the property);
- The loss of two parking spaces currently leased to tenants, which has been argued, may result in tenants vacating their units;
- Restricted entrance to the parking area at the back of the building, which would only be accessible via a single laneway adjacent to the north of the building;
- The duration of the project, estimated to be approximately 24 months; and,
- Special consideration for snow removal and garbage removal, as bins would normally be placed on the proposed easement area.

The Toronto Public Library and Corporate Real Estate Management staff believe that it is reasonable to increase the offer of the compensation to the Owner in excess of the appraised fair market value, given that a failure to obtain the easement would result in significant construction costs.

CONTACT

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Larry Hughsam, Director, Finance, Toronto Public Library Board, 416-397-5946, lhughsam@tpl.ca

SIGNATURE

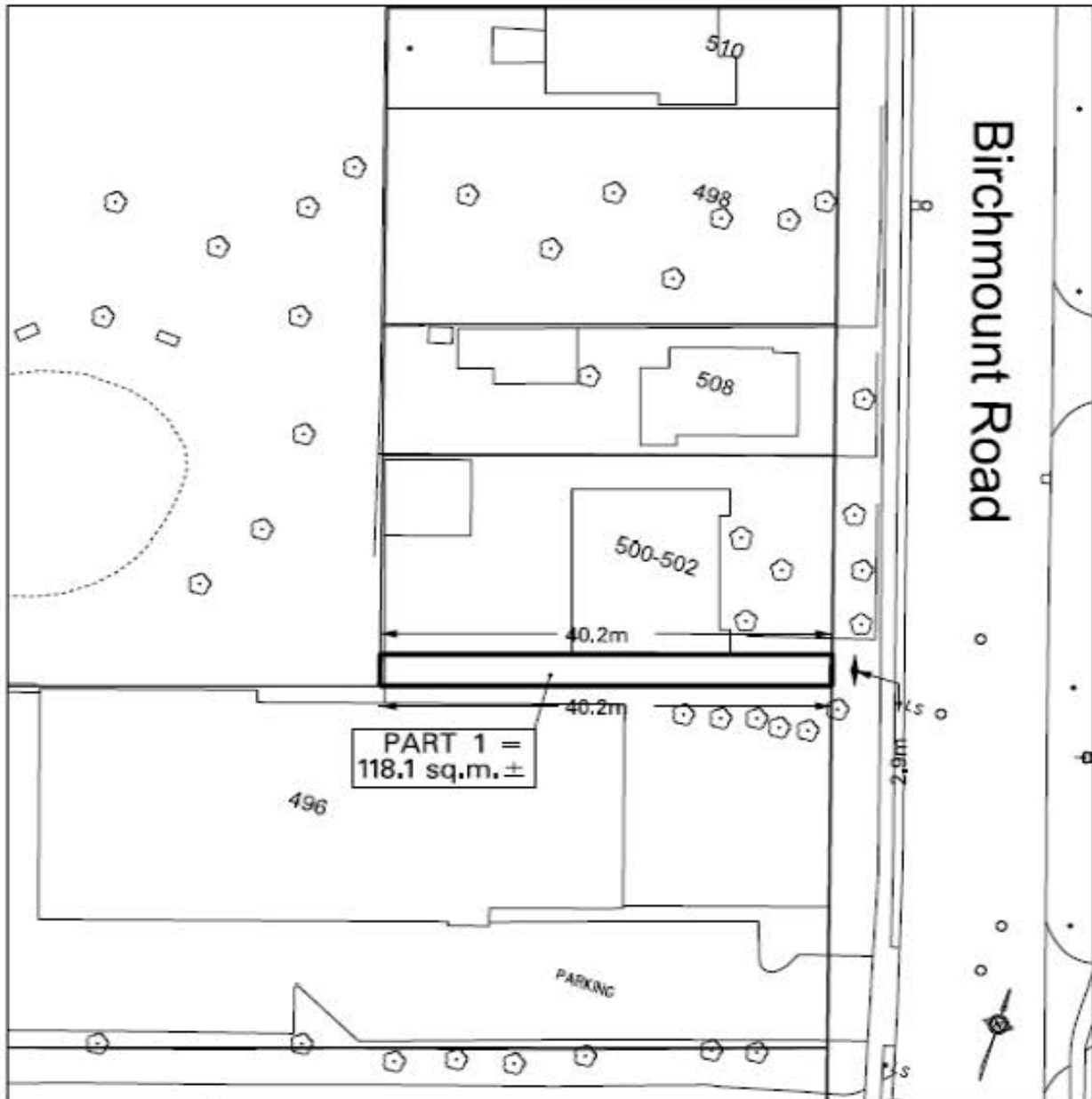
Patrick Matozzo
Executive Director, Corporate Real Estate Management

Vickery Bowles
City Librarian, Toronto Public Library

ATTACHMENTS

Appendix A - Property Sketch
Confidential Attachment 1

APPENDIX A - PROPERTY SKETCH



**PROPERTY INFORMATION SHEET
 SKETCH SHOWING A PORTION OF
 NO. 500-502 BIRCHMONT ROAD**

NOTE:
 THIS SKETCH HAS BEEN
 COMPILED FROM OFFICE
 RECORDS, MEASUREMENTS
 ARE APPROXIMATE

CHECK BY JOHN HOUSE
 PREPARED BY: DWAYNE PITT

WARD 20 - SCARBOROUGH SOUTHWEST
 DATE: NOVEMBER 27, 2019

SKETCH No. PS-2019-138