

**DELEGATED APPROVAL FORM
CHIEF CORPORATE OFFICER
DIRECTOR OF REAL ESTATE SERVICES**

TRACKING NO.: 2015-241

Approved pursuant to the Delegated Authority contained in City Council Item CC27.6 entitled "Metrolinx-City of Toronto-Toronto Transit Commission Master Agreement for Light Rail Transit Projects" adopted by City Council on October 30, 31 and November 1, 2012. City Council confirmatory By-law No. 1448-2012, enacted on November 1, 2012.

Prepared By:	Susan Lin	Division:	Real Estate Services
Date Prepared:	October 13, 2015	Phone No.:	392-4135

Chief Corporate Officer has approval authority to approve the disposal to Metrolinx of certain Transit Lands in accordance with the Real Estate Principles identified in the Master Agreement (on terms satisfactory to the Chief Corporate Officer and in a form acceptable to the City Solicitor).

Purpose To obtain approval to enter into a Transfer Agreement and grant a temporary licence for a term of 5 years on City-owned land located at 310 Chaplin Crescent, to Metrolinx as required for the implementation of the Eglinton-Scarborough Crosstown Light Rail Transit Project (the "Project").

Property A portion of City-owned land at 310 Chaplin Crescent, described as being Part of Lots 28 and 29, Plan 1044-Y, designated as Parts 1, 2, 3, 4 & 5 on Plan 66R-28255, shown in Appendix "A" (the "Property").

- Actions**
1. The City enter into a Transfer Agreement with Metrolinx, for Parts 1 & 2 on Plan 66R-28255, subject to granting easement requirements, and substantially on the terms and conditions set out below, as deemed appropriate by the Chief Corporate Officer, and in a form satisfactory to the City Solicitor.
 2. Authority be granted to enter into a permanent easement agreement with Metrolinx in, over, under, upon and through a portion of the Property, specifically described as Part 3 on Plan 66R-28255, for the purposes of support of the structure box and for maintenance of the station building entrance, vent shafts and all works related thereto ("Permanent Easement Agreement"), on terms and conditions satisfactory to the Chief Corporate Officer and in a form satisfactory to the City Solicitor.
 3. Authority be granted to enter into two (2) temporary licences in, over, under, upon and through Part 4 on Plan 66R-28255 until such Part is dedicated as public highway, and in, over, under, upon and through Part 5 on Plan 66R-28255 for a term of 5 years, in the amount of \$38,318.60 (exclusive of HST), for the construction of the Project (the "Temporary Licence") on terms and conditions as deemed appropriate by the Chief Corporate Officer or designate, and in a form satisfactory to the City Solicitor.
 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 appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.

Financial Impact There is no financial impact resulting from this DAF. No funds will be exchanged for the Transfer Agreement and Permanent Easement Agreement of the Property to Metrolinx. However, the City will be compensated by receiving ownership of 6 Gilgorm Road and 320 Chaplin Crescent to fulfill the requirement of Section 4.3.8 of the *Official Plan* Policy, through which a separate delegated authority will be secured. The proposed Temporary Licence will provide revenue to the City in the amount of \$7,663.72 (exclusive of HST) per annum for a total revenue of \$38,318.60 (exclusive of HST) for the five (5) year period.

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

Comments Pursuant to report CC27.6, entitled "Metrolinx-City of Toronto-Toronto Transit Commission Master Agreement for Light Rail Transit Projects," adopted by City Council at its meeting on October 30, 31 and November 1, 2012, City Council exempted from the requirements of the City of Toronto Municipal Code, Chapter 213, Sale of Real Property those lands determined by the Chief Corporate Officer to be required for the implementation of the Project. Metrolinx has identified the Property as required for the implementation of the Project.

Section 4.3 *Parks and Open Space Areas* ("POSA"), Policy 8 of the *Official Plan* states that the sale or disposal of publicly owned lands in POSA is discouraged and no City owned lands in POSA will be sold or disposed of. However, City owned land in POSA may be exchanged for other nearby land of equivalent or larger area and comparable or superior green space utility. Accordingly, Metrolinx has purchased 6 Gilgorm Road and 320 Chaplin Crescent (the "Purchased Properties") in exchange for the Property. The General Manager of Parks, Forestry and Recreation has confirmed that the Purchased Properties are nearby, of equivalent area, and comparable green space utility. The Chief Planner & Executive Director has advised that the proposed exchange of lands meets the intent of Section 4.3.8 of the *Official Plan*.

Negotiations with Metrolinx has resulted in a Transfer Agreement, Permanent Easement Agreement and a Temporary Licence that is being recommended for acceptance. Parks, Forestry & Recreation Division has been and will continue to work with Metrolinx on the Parks and Open Space properties which will be impacted by their requirements for the construction of the Project. Part 4 on Plan 66R-28255 will be retained by the City for public highway purposes after construction is completed. The Property Management Committee has reviewed Metrolinx' requirements of the Property and recommends that the Property be conveyed to Metrolinx subject to protection of the City or third-party infrastructure and/or utilities.

Terms	<p>Transfer Agreement:</p> <ul style="list-style-type: none"> (i) The City to take ownership of 6 Gilgorm Road and 320 Chaplin Crescent to satisfy the requirements of Section 4.3.8 of the <i>Official Plan Policy</i>. (ii) Toronto Water requires an easement for sanitary and storm sewer. (iii) A 3.44 m widening is required along Eglinton Avenue West frontage to satisfy the requirement of a 27 m wide right-of-way. <p>Temporary Licence:</p> <ul style="list-style-type: none"> (i) Term: Part 4 – until dedication as public highway; Part 5 – 5 years; (ii) Upon the expiration of the Term, Metrolinx must, at its sole cost, remove its equipment and debris from the Property and restore the Property to the satisfaction of the City; (iii) Metrolinx to repair all damage caused by any exercise of its rights under the Temporary Licence to the satisfaction of the Chief Corporate Officer; and (iv) Insurance provisions as per Schedule B to the Master Agreement, or such other insurance that is equal to or greater than the insurance provided as set out in Schedule B, together with such other conditions as the Chief Corporate Officer may deem appropriate.
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Property Details	Ward:	16 – Eglinton-Lawrence
	Assessment Roll No.:	Part of 1904-11-3-020-07100
	Approximate Size:	Irregular in shape
	Approximate Area:	
	Transfer Area: 519.3 m ² ± (5,589.70 ft ² ±) Permanent Easement Area: 189.7 m ² ± (2,041.91 ft ² ±) Temporary Licence Area: 515.9 m ² ± (5,553.10 ft ² ±)	
Other Information:		

Consultation with Councillor(s)									
Councillor:	Christin Carmichael Greb					Councillor:			
Contact Name:	Christin Carmichael Greb					Contact Name:			
Contacted by:	Phone	<input checked="" type="checkbox"/>	E-Mail		Memo		Other		
Comments:	October 13, 2015					Comments:			
Consultation with ABCDs									
Division:	PF&R					Division:	Financial Planning		
Contact Name:	David Douglas					Contact Name:	Filisha Mohammed		
Comments:	No comments (October 9, 2015)					Comments:	October 5, 2015 (Comments Incorporated)		
Legal Division Contact									
Contact Name:	Lisa Davies (2-7270) (Comments Incorporated – October 6, 2015)								

DAF Tracking No.: 2015-241	Date	Signature
Recommended by: Melanie Hale-Carter for Manager	Oct. 13, 2015	Melanie Hale-Carter
<input checked="" type="checkbox"/> Recommended by: Director of Real Estate Services <input type="checkbox"/> Approved by: Joe Casali	Oct. 14, 2015	Joe Casali
<input checked="" type="checkbox"/> Approved by: Chief Corporate Officer Josie Scioli	Oct. 14, 2015	Josie Scioli

Appendix "A"

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