

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

TRACKING NO.: 2015-091

<input checked="" type="checkbox"/> Approved pursuant to the Delegated Authority contained in Executive Committee Item EX43.7 entitled "Delegation of Authority in Certain Real Estate Matters" adopted by City Council on May 11 and 12, 2010. City Council confirmatory By-law No. 532-2010, enacted on May 12, 2010.			
<input type="checkbox"/> Approved pursuant to the Delegated Authority contained in Executive Committee Item EX33.44 entitled "Union Station Revitalization Implementation and Head Lessee Selection" adopted by City Council on August 5 and 6, 2009. City Council confirmatory By-law No. 749-2009, enacted on August 6, 2009.			
Prepared By:	Neubert Li	Division:	Real Estate Services
Date Prepared:	April 15, 2015	Phone No.:	2-1243
Purpose	To obtain authority to convey the public highway Monarch Road and a portion of Old Weston Road south of Junction Road, shown as Parts 11 to 20 inclusive on Reference Plan 66R-24300, conditional upon City Council approving the permanent closure of the highways.		
Property	Monarch Road, described as being formerly Mill Road on Plan 1136Y, and a portion of Old Weston Road south of Junction Road described as being Part of Lot 35, Concession 2 From the Bay, and designated as Parts 11 to 20 on Reference Plan 66R-24300 (collectively referred herein as the "Highway"), also shown on Appendices "A" & "B".		
Actions	<ol style="list-style-type: none"> 1. The City accept the Offer to Purchase from Metrolinx to purchase a portion of the Highway, shown as Parts 11 to 15 inclusive and Parts 18 to 20 inclusive on Reference Plan 66R-24300, in the amount of \$438,750.00, plus HST and costs incidental to the completion of transaction and substantially on the terms and conditions outlined on Appendix "D" 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. 2. The City accept the Offer to Purchase from 2216198 Ontario Inc. to purchase a portion of the Highway, shown as Parts 16 and 17 on Plan 66R-24300, in the amount of \$200,000.00, plus HST and costs incidental to completion of the transaction and substantially on the terms and conditions outlined on Appendix "E" 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. 3. The City grant a permanent easement in favour of Metrolinx over Part 16 on Plan 66R-24300 for vehicular and pedestrian access for a consideration of \$32,500.00 Plus HST prior to Part 16 being sold to 2216198 Ontario Inc. 4. A portion of the proceeds of closing be directed to fund the outstanding expenses related to the completion of the sale transactions. 5. The City Solicitor be authorized to complete the transactions 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. 6. The appropriate City Officials be authorized and directed to take the necessary action to give effect thereto. 		
Financial Impact	Revenue in the amount of \$671,250.00 is expected. The proceeds of the sale will be contributed to the Land Acquisition Reserve Fund (XR1012). The Deputy City Manager & Chief Financial Officer has reviewed this DAF and agrees with the financial impact information.		
Comments	See Appendix "C" on Page 6		
Property Details	Ward:	11 – York-South Weston	
	Assessment Roll No.:	N/A	
	Approximate Size:	Parts 11 to 15, 18 -20): 3,056 m ² (32,886.86 ft ²) Parts 16 & 17 : 1,383 m ² (14,878.93 ft ²)	
	Approximate Area:	Public Highway	

A.	Director of Real Estate Services has approval authority for:	Chief Corporate Officer has approval authority for:
1. Acquisitions:	<input type="checkbox"/> Where total compensation does not exceed \$1 Million.	<input type="checkbox"/> Where total compensation does not exceed \$3 Million.
2. Expropriations:	<input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$1 Million.	<input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$3 Million.
3. Issuance of RFPs/REOs:	Delegated to a more senior position.	<input type="checkbox"/> Issuance of RFPs/REOs.
4. Permanent Highway Closures:	Delegated to a more senior position.	<input type="checkbox"/> Initiate process & authorize GM, Transportation Services to give notice of proposed by-law.
5. Transfer of Operational Management to ABCDs:	Delegated to a more senior position.	<input type="checkbox"/> Transfer of Operational Management to ABCDs.
6. Limiting Distance Agreements:	<input type="checkbox"/> Where total compensation does not exceed \$1 Million.	<input type="checkbox"/> Where total compensation does not exceed \$3 Million.
7. Disposals (including Leases of 21 years or more):	<input checked="" type="checkbox"/> Where total compensation does not exceed \$1 Million.	<input type="checkbox"/> Where total compensation does not exceed \$3 Million.
8. Exchange of land in Green Space System & Parks & Open Space Areas of Official Plan:	Delegated to a more senior position.	<input type="checkbox"/> Exchange of land in Green Space System and Parks and Open Space Areas of Official Plan.
9. Leases/Licences (City as Landlord/Licensors):	<input type="checkbox"/> (a) Where total compensation (including options/renewals) does not exceed \$1 Million; <input type="checkbox"/> (b) Where compensation is less than market value, for periods not exceeding three (3) months, including licences for environmental assessments and/or testing, etc.	<input type="checkbox"/> (a) Where total compensation (including options/renewals) does not exceed \$3 Million; <input type="checkbox"/> (b) Where compensation is less than market value, for periods not exceeding six (6) months, including licences for environmental assessments and/or testing, etc.
10. Leases/Licences (City as Tenant/Licensee):	<input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$1 Million.	<input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$3 Million.
11. Easements (City as Grantor):	<input type="checkbox"/> (a) Where total compensation does not exceed \$1 Million. <input type="checkbox"/> (b) When closing road, easements to pre-existing utilities for nominal consideration.	<input type="checkbox"/> Where total compensation does not exceed \$3 Million. Delegated to a less senior position.
12. Easements (City as Grantee):	<input type="checkbox"/> Where total compensation does not exceed \$1 Million.	<input type="checkbox"/> Where total compensation does not exceed \$3 Million.
13. Revisions to Council Decisions in Real Estate Matters:	<input type="checkbox"/> Amendment must not be materially inconsistent with original decision (and may include increase not to exceed the amount of the original decision by the lesser of 10 per cent and \$500,000).	<input type="checkbox"/> Amendment must not be materially inconsistent with original decision (and may include increase not to exceed the amount of the original decision by the lesser of 10 per cent and \$1 Million).
14. Miscellaneous:	<input type="checkbox"/> (a) Approvals, Consents, Notices and Assignments under all Leases/Licences; <input type="checkbox"/> (b) Releases/Discharges; <input type="checkbox"/> (c) Surrenders/Abandonments; <input type="checkbox"/> (d) Enforcements/Terminations; <input type="checkbox"/> (e) Consents/Non-Disturbance Agreements/Acknowledgements/Estoppels/Certificates; <input type="checkbox"/> (f) Objections/Waivers/Cautions; <input type="checkbox"/> (g) Notices of Lease and Sublease; <input type="checkbox"/> (h) Consent to regulatory applications by City, as owner; <input type="checkbox"/> (i) Consent to assignment of Agreement of Purchase/Sale; Direction re Title; <input type="checkbox"/> (j) Documentation relating to Land Titles applications; <input type="checkbox"/> (k) Correcting/Quit Claim Transfer/Deeds.	<input type="checkbox"/> (a) Approvals, Consents, Notices and Assignments under all Leases/Licences; <input type="checkbox"/> (b) Releases/Discharges; <input type="checkbox"/> (c) Surrenders/Abandonments; <input type="checkbox"/> (d) Enforcements/Terminations; <input type="checkbox"/> (e) Consents/Non-Disturbance Agreements/Acknowledgements/Estoppels/Certificates; <input type="checkbox"/> (f) Objections/Waivers/Cautions; <input type="checkbox"/> (g) Notices of Lease and Sublease; <input type="checkbox"/> (h) Consent to regulatory applications by City, as owner; <input type="checkbox"/> (i) Consent to assignment of Agreement of Purchase/Sale; Direction re Title; <input type="checkbox"/> (j) Documentation relating to Land Titles applications; <input type="checkbox"/> (k) Correcting/Quit Claim Transfer/Deeds.

B. Chief Corporate Officer and Director of Real Estate Services each has signing authority on behalf of the City for:

- 1. Agreements of Purchase and Sale and all implementing documentation for purchases, sales and land exchanges not delegated to staff for approval.
- 2. Expropriation Applications and Notices following Council approval of expropriation.
- 3. Documents required to implement the delegated approval exercised by him.

Chief Corporate Officer also has approval authority for:

- Leases/licences/permits at Union Station during the Revitalization Period, if the rent/fee is at market value.

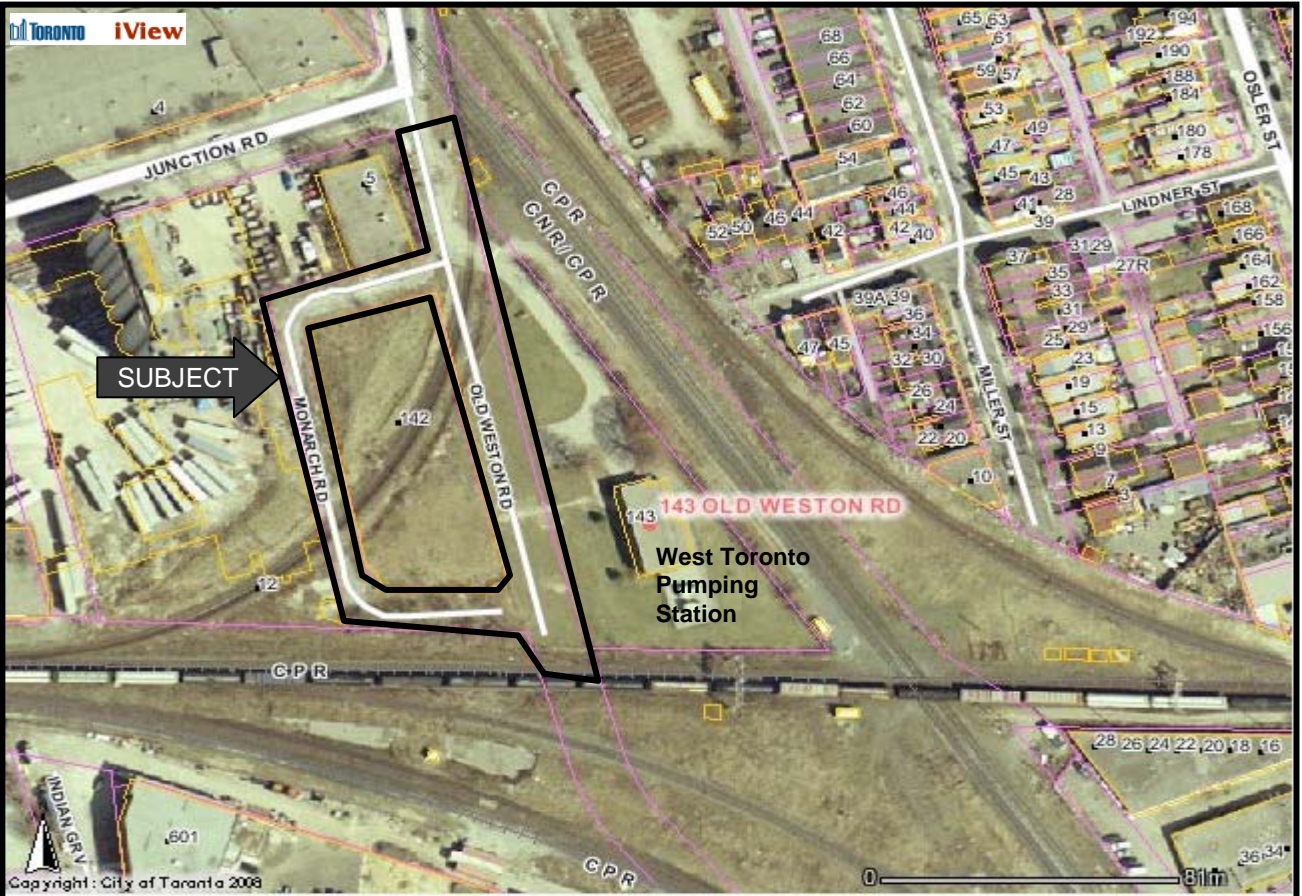
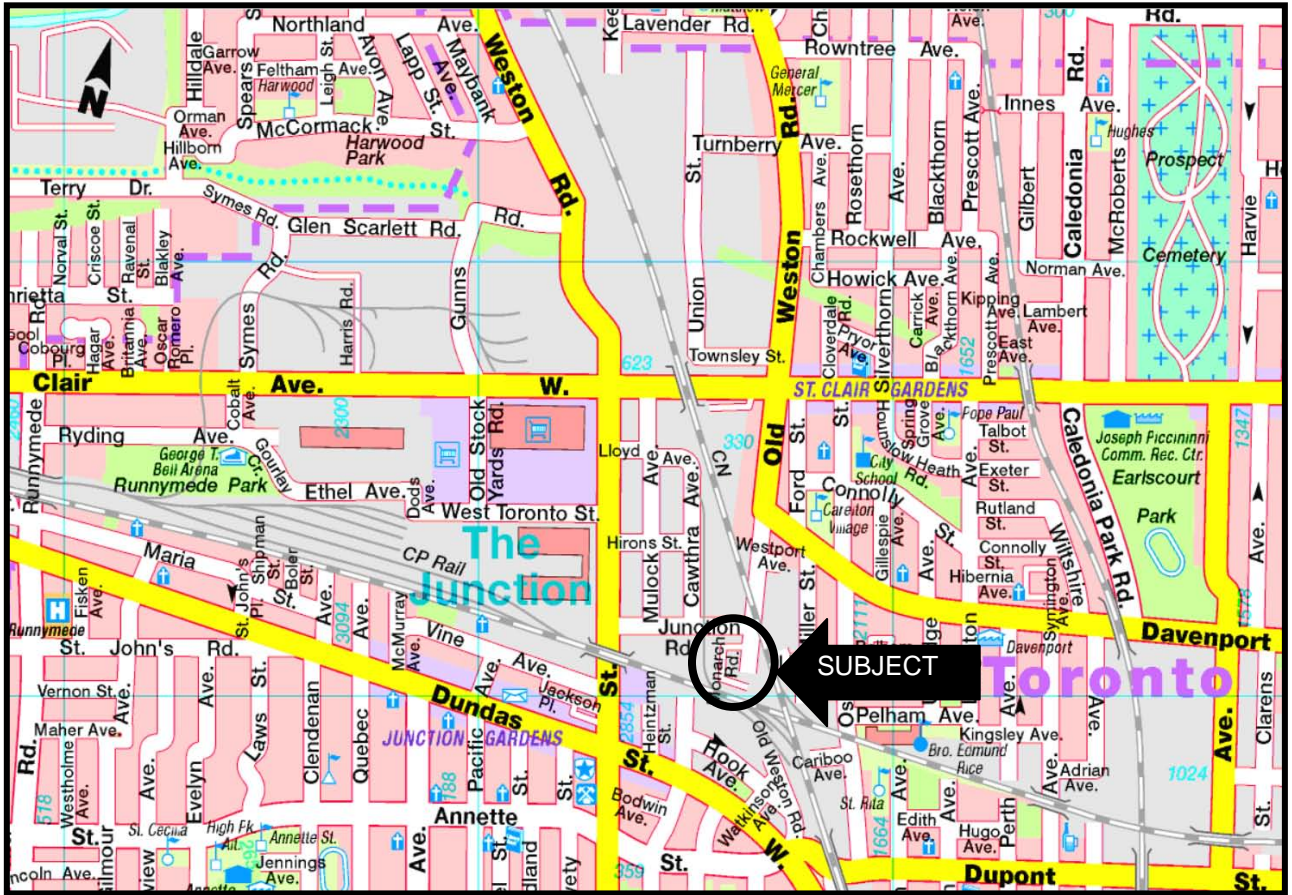
Consultation with Councillor(s)										
Councillor:	Frances Nunziata					Councillor:				
Contact Name:	Debbie Camilo, EA					Contact Name:				
Contacted by:	Phone	x	E-Mail	Memo	Other	Contacted by:	Phone	E-mail	Memo	Other
Comments:	No objection					Comments:				
Consultation with ABCDs										
Division:	Technical Services					Division:	Financial Planning			
Contact Name:	Marijana Bulatovic					Contact Name:	Anthony Ng			
Comments:	Comments have been incorporated					Comments:	Comments have been incorporated			
Legal Division Contact										
Contact Name:	Joanne Franco									

DAF Tracking No.: 2015- 091	Date	Signature
Recommended by: Manager		
<input type="checkbox"/> Recommended by: Director of Real Estate Services <input checked="" type="checkbox"/> Approved by: Joe Casali	May 11, 2015	Joe Casali
<input type="checkbox"/> Approved by: Chief Corporate Officer Josie Scioli		X

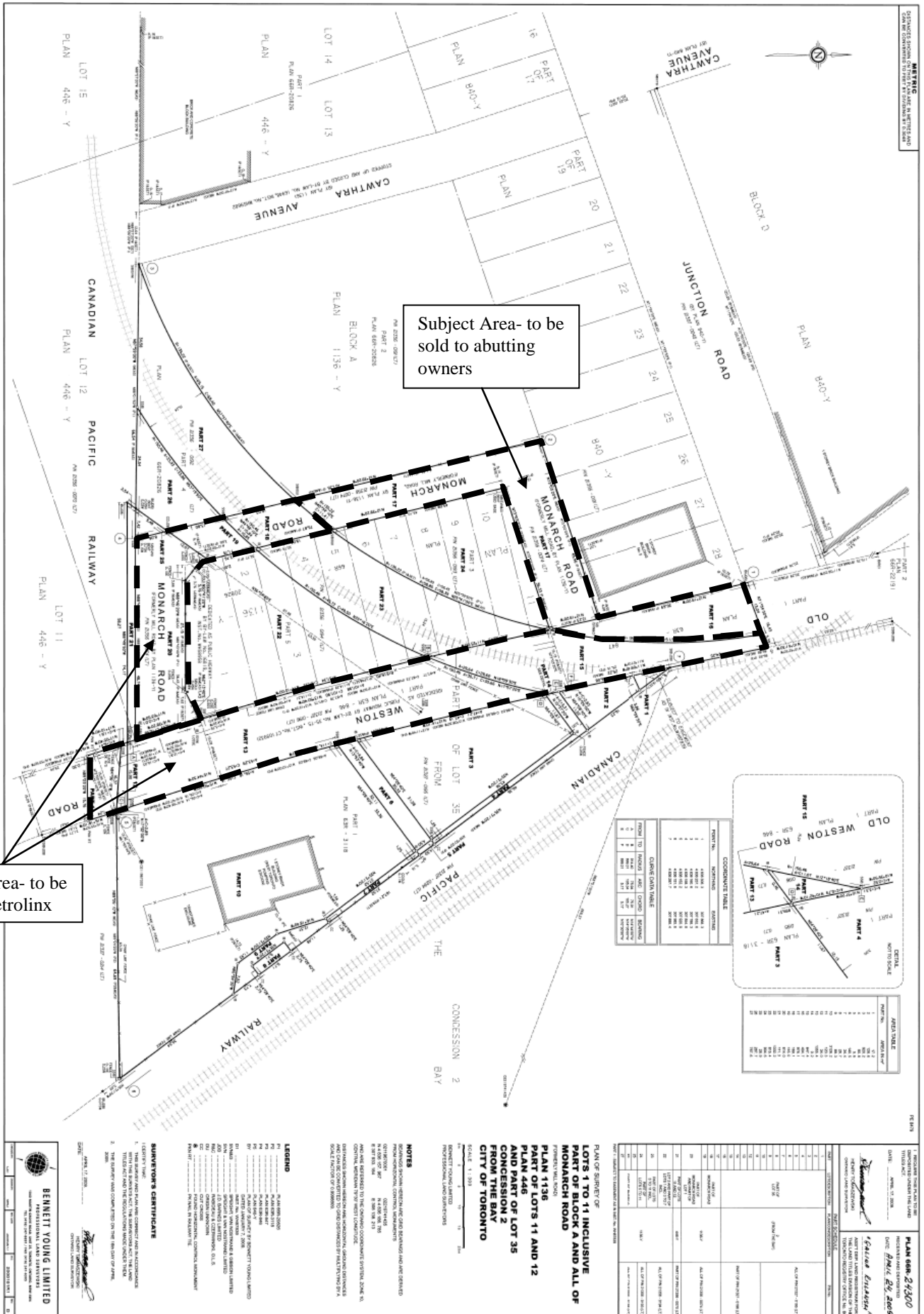
General Conditions (“GC”)

- (a) The local Councillor (or local Councillors if the subject property is located on a ward boundary or if the transaction involves an exchange of properties in more than one ward), will be consulted prior to the exercise of delegated Approving Authority by staff for all Acquisitions, Disposals, Land Exchanges and Leases.
- (b) Where approving power has been delegated to staff, the Chief Corporate Officer, in consultation with the applicable Deputy City Manager or the City Manager, may determine that such matter is of such special interest that same should be returned to the relevant Committee and Council for consideration and determination.
- (c) Exercise of delegated authority is subject to all applicable Council policies, statutes or other applicable law.
- (d) Authority to approve financial commitments/expenditures is subject to all amounts being available in an approved budget [or funding is available from alternative sources].
- (e) Property interests are to be based on appraised value, and no interest shall be granted at less than market value unless otherwise specifically authorized.
- (f) Authority to approve transactions at less than market value is subject to statutory anti-bonusing provisions.
- (g) Total compensation means the aggregate of all types of payments, including land value, estimated clean-up costs, potential arbitration awards, loss claims, etc, but exclusive of any applicable taxes and registration costs.
- (h) Authority to acquire property is conditional upon provision being made to bring the property into compliance with applicable MOE or other requirements such that it will be fit for its intended municipal purpose.
- (i) Authority to initiate the permanent road closure process in **A.4** is conditional upon confirmation by the GM of Transportation Services that it is feasible to permanently close the highway.
- (j) Disposal authorities in **A.7** are subject to the property having been declared surplus, and the disposal policy complied with.
- (k) Land exchanges, except for those in **A.8**, may be authorized based on the delegated Approving Authority for Disposals in **A.7**.
- (l) Approving Authority with respect to land located in the Designated Waterfront Area is conditional upon the approval of the Director, Waterfront Secretariat.
- (m) Authority to approve an exchange of land in **A.8** is conditional upon confirmation by the Chief Planner and Executive Director, and the GM of Parks, Forestry & Recreation, that the land being exchanged is (i) nearby land of equivalent or larger area, and (ii) of comparable or superior green space utility.
- (n) Approving Authority in leasing matters (**A.9 and A.10**) is limited to periods (including options/renewals) of less than twenty-one (21) years.
- (o) Total compensation in leasing matters where the City is landlord (**A.9**) includes the value of tenant improvements if factored into tenant's rental payments.
- (p) Total compensation in leasing matters where the City is the tenant (**A.10**) includes the value of any tenant improvements to be paid by the City.
- (q) Where options/renewals are included in leases, if the renewal rent is to be determined at a date later than the original approval date, total compensation is to be calculated as though all options are exercised, estimating the renewal rent based on the highest rent payable in the first term of the lease.
- (r) Total compensation in leasing matters where the City is landlord (**A.9**) or tenant (**A.10**) is to be calculated from the date of approval pursuant to this delegation (ie. first allowing for the expiry of any prior approvals, whether by Council or a delegated authority).
- (s) Approving Authority in leasing matters includes authority to approve renewals/extensions within the parameters of the delegated Approving Authority.
- (t) Approving Authority includes authority for amendments within the parameters of the delegated Approving Authority, the cumulative total of which may not exceed the delegated financial limit.
- (u) Where proposed additional amounts in **A.13** exceed 10 per cent of the original decision, even if otherwise in compliance with all other conditions, then approving authority is transferred upwards to the next more senior level of approving authority having the relevant overall financial limit.
- (v) Approving Authority includes authority for all documents necessary to implement the authority, on terms and conditions satisfactory to the Approving Authority, in consultation with the relevant operating Division(s).
- (w) Staff positions referred to in this delegation include successors from time to time.
- (x) Documents are to be in a form satisfactory to the City Solicitor (including indemnity and insurance provisions).
- (y) Delegated signing authorities in **B** are conditional upon the documents having received the City Solicitor's prior "Approval as to Form".
- (z) This delegation does not affect sales, acquisitions and leases over which the Affordable Housing Committee has responsibility.
- (aa) Authority to use land acquired by the City for parking purposes by the Toronto Parking Authority is conditional upon Council enacting a by-law designating such use.

APPENDIX "A": LOCATION & ARIAL MAP



APPENDIX "B": PLAN 66R-24300



15

Appendix "C" – Comment

The Highway was originally declared surplus on February 22, 2012, (DAF 2012-056) with the intended manner of disposal to be by way of inviting an offer to purchase from Metrolinx.

Metrolinx later determined that it only requires a portion of the Highway, namely, Parts 11 to 15 inclusive and Parts 18 to 20 inclusive on Reference Plan 66R-24300. Metrolinx also requested an access easement over Part 16 on Plan 66R-24300. The abutting landowner, 2216198 Ontario Inc., has expressed interest in acquiring the remaining portions, being Parts 16 and 17 on Plan 66R24300.

The Declare Surplus DAF 2012-056 was amended through approval of DAF 2014-194 on July 21, 2014 so that the manner of sale would be not only by inviting offer to purchase from Metrolinx but also from the abutting landowner such that Parts 11 to 15 inclusive and Parts 18 to 20 inclusive on Reference Plan 66R-24300 are to be acquired by Metrolinx and Parts 16 & 17 on Reference Plan 66R-24300 are to be acquired by the abutting landowner. All portions of the Highway are to be sold on "as is" basis and subject to easements to be reserved for protection of existing infrastructures in the lands and for access over Parts 15 & 16 on Plan 66R-24300.

Negotiations with Metrolinx and the abutting landowner, 2216198 Ontario Inc., have culminated in offers to purchase the respective portions of the Highway on terms outlined in Appendix "D" & "E" respectively.

The prices for the respective portions of the Highway are considered reflective of market value and are recommended for acceptance.

Appendix "D" – Offer to Purchase from Metrolinx Terms and Conditions

Portions of Highway:	Parts 11, 12, 13, 14, 15, 18, 19 & 20 on Reference Plan 66R-24300
Purchase Price:	\$438,750.00
Deposit:	\$43,875.00
Balance:	Cash or cheque on closing
Irrevocable Date:	The Offers are open for acceptance by the City for 60 days after the date referred to in item "A" on the execution date of the Offer.
Closing Date:	The completion of the transaction of purchase and sale shall not occur prior to the date which is forty-five (45) days following the date a Closing By-law is enacted by Council (unless and except as otherwise agreed to by the parties to the extent possible), and in the event that a Closing By-law has not been enacted within twelve (12) months of the Acceptance Date, the Agreement shall be at an end.
Highway Closing Requirements & Sale Conditions:	The Purchaser shall accept the Highway in "as is" condition and subject to easements, where required, to protect existing infrastructures erected therein. In addition, a permanent easement over Part 15 on Reference Plan 66R-24300 shall be registered on title in favor of the City for access to adjacent City land to the east.
Remark:	Metrolinx requested an access easement over Part 16 on Reference Plan 66R-24300 and agreed to pay a fee at \$32,500.00. The proposed easement, if approved, will be registered on title in favor of Metrolinx prior to Part 16 being conveyed to the abutting landowner.

Appendix "E" – Offer to Purchase from 2216198 Ontario Inc. Terms and Conditions

Portions of Highway:	Parts 16 & 17 on Reference Plan 66R-24300
Purchase Price:	\$200,000.00
Deposit:	\$20,000.00
Balance:	Cash or certified cheque on closing
Irrevocable Date:	The Offers are open for acceptance by the City for 60 days after the date referred to in item "A" on the execution date of the Offer.
Closing Date:	The completion of the transaction of purchase and sale shall not occur prior to the date which is forty-five (45) days following the date a Closing By-law is enacted by Council (unless and except as otherwise agreed to by the parties to the extent possible), and in the event that a Closing By-law has not been enacted within twelve (12) months of the Acceptance Date, the Agreement shall be at an end.
Highway Closing Requirements & Sale Conditions:	The Purchaser shall accept the Highway in "as is" condition and subject to easements, where required, to protect existing infrastructures erected therein. A permanent easement in favor of the City and Metrolinx for access to their respective adjoining lands to the east and to the south shall be registered on title prior to closing. On closing, the Purchaser shall execute and deliver a release in favour of the City, in a form satisfactory to the City Solicitor, in respect of all loss, costs, damages, liability or actions relating to the environmental condition of the Highway, the passing of a By-law to close the Highway and its sale to the Purchaser.