

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

TRACKING NO.: 2016-001

<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), as amended by GM24.9 entitled "Minor Amendments to Delegation of Authority in Certain Real Estate Matters" adopted by City Council on October 8, 9, 10 and 11, 2013 (City Council confirmatory By-Law No. 1234-2013 enacted October 11, 2013), as amended by DAF 2013-307 and DAF 2014-087.			
<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:	Joe Corigliano	Division:	Real Estate Services
Date Prepared:	March 29th 2016	Phone No.:	392-1167
Purpose	To obtain authority to acquire the property municipally known as 11919 Mill Road in the Township of Southwold, Ontario, for use as buffer land for the Green Lane Landfill.		
Property	The municipal address of the subject property is 11919 Mill Road fronting on the West side of Mill Road in the Township of Southwold, County of Elgin, Ontario legally described as Part of Lot 1, Concession 2 Southwold; as in Instrument No. E202256, Township of Southwold, County of Elgin (the "Property").		
Actions	<ol style="list-style-type: none"> 1. The Offer to Sell from Constance Ann Drew and Meridyth Anne Drew to sell the Property municipally known as 11919 Mill Road, in the Township of Southwold, Ontario in the amount of \$759,000.00 be accepted substantially on the terms outlined herein. 2. 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. 3. The appropriate City officials be authorized and directed to take necessary action to give effect thereto. 		
Financial Impact	<p>The purchase price of the Property is \$759,000.00, plus a maximum of \$4,000.00 to cover the vendor's legal expenses.</p> <p>Land transfer tax (\$9,860.00) and registration costs (approx. \$200.00) will also be payable by the City on closing. HST on the commercial (farm land) portion of the Property amounts to \$51,742.60, of which \$44,737.45 (11.24%) is refundable and \$7,005.15 (1.76%) is non-refundable as the Provincial portion of the HST. No HST is payable on the residential portion of the Property. Funds to cover the above acquisition costs are available in 2016 Council Approved Capital Budget for Solid Waste Management Services under Capital Account CSW007-12-06.</p> <p>The Deputy City Manager and Chief Financial Officer has reviewed this DAF and agrees with the financial impact information.</p>		
Comments	<p>As part of the purchase of the Green Lane Landfill Site, approved by Council in September 2006, the City acquired the existing Certificate of Approval issued by the Ontario Ministry of Environment. The Certificate of Approval requires the City to implement a Property Value Protection Plan ("PVPP") to assure eligible property owners around the Landfill that no financial losses will result from any decrease in the value of their properties due to the operation and expansion of the Landfill. The PVPP extends to properties within one kilometer of the Landfill if there is no residence on the property and within two kilometers of the Landfill if there is an occupied residence on the property. Under the PVPP, if an eligible property owner receives an arm's length offer to purchase his or her property for a price that is less than the market value of the property if it were located remote from the influence of the Landfill Site, as determined by an independent appraisal, the City must elect either to purchase the eligible property owner's property at the market value of the property, as determined by the independent appraisal, or to pay the eligible property owner the difference in value between what he or she is able to sell his or her property for and the market value of the property, as determined by the independent appraisal. (continued on page 4)</p>		
Terms	See page 4 for Terms and Conditions.		
Property Details	Ward:	N/A	
	Assessment Roll No.:		
	Approximate Size:	1077 ft x 1946 ft ±	
	Approximate Area:	50 acres ±	
	Other Information:		

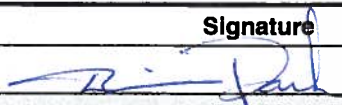
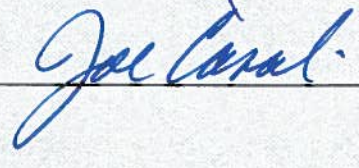
A.	Director of Real Estate Services has approval authority for:	Chief Corporate Officer has approval authority for:
1. Acquisitions:	<input checked="" type="checkbox"/> Where total compensation does not exceed \$1 Million.	<input type="checkbox"/> Where total compensation does not exceed \$3 Million.
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 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/Licensor):	<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:	(Out of City of Toronto Boundaries)					Councillor:			
Contact Name:						Contact Name:			
Contacted by:	Phone	E-Mail	Memo	Other	Contacted by:	Phone	E-mail	Memo	Other
Comments:						Comments:			
Consultation with ABCDs									
Division:	Solid Waste Management					Division:			
Contact Name:	Derek Angove, Director of Processing & Resource Management					Contact Name:			
Comments:	Concurs					Comments:			
Legal Division Contact									
Contact Name:									
DAF Tracking No.: 2016-001									
Recommended by: Manager (A & E) –Tim Park					Date	Signature			
					5 th April 2016				
<input type="checkbox"/>	Recommended by: Director of Real Estate Services Joe Casali				Apr. 6/16	X			
<input checked="" type="checkbox"/>	Approved by:								
<input type="checkbox"/>	Approved by: Chief Corporate Officer Josie Scioli								

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 A.9 Leases (City as Landlord) but not Licences (City as Licensor) 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.
- (bb) All residential leasing documents shall adhere to the *Residential Tenancies Act* and any successor legislation.
- (cc) Despite GC(n), Approving Authority in residential leasing matters is not limited to periods of less than twenty-one (21) years.

DAF # 2016 - 001

Comments (continued):

It is in the best interests of the City to purchase, as they become available, many of the lands in the 2 km radius around the landfill area for use as a buffer between the Landfill and surrounding private properties.

At its meeting held on May 26 and 27, 2008, Council re-allocated funds to Solid Waste Management's Green Lane Buffer Land Acquisition Account.

Terms (continued):

The Property is municipally known as 11919 Mill Road in the Township of Southwold, County of Elgin, Ontario and is an eligible property under the PVPP. The owners of the Property notified the City that they wished to sell their Property. Negotiations with the owners have resulted in an Offer to Sell for a purchase price of \$759,000.00, plus payment of the owner's legal expenses to a maximum of \$4,000.00, substantially on the terms set out below:

Vendor:	Constance Ann Drew and Meridyth Anne Drew
Property Address:	11919 Mill Road, Township of Southwold, County of Elgin, Ontario
Legal Description:	Part of Lot 1, Concession 2 Southwold; as in Instrument No. E202256, Township of Southwold, County of Elgin
Total Purchase Price:	\$759,000, plus HST, as applicable
Additional Costs:	City to pay Vendors' reasonable legal fees and disbursements, to a maximum of \$4,000.00, including HST
Deposit:	\$10,000.00 within 15 business days of acceptance by the City
Irrevocable Date:	15 business days following receipt of Offer by City
Due Diligence Period:	45 days following acceptance by the City, with the City having the right to unilaterally extend the Due Diligence Period one time only for a period not to exceed 45 days if an environmental consultant retained by the City recommends that a Phase II Environmental Site Assessment be carried out on the Property.
Due Diligence Condition:	City to be satisfied, in its sole and absolute discretion, that the Property is suitable for the City's purposes
Closing Date:	October 26, 2016, with the Vendor having the right, in its sole discretion, to move the Closing Date up to an earlier date on at least thirty (30) days' prior written notice to the City.
Existing Chattels Included:	One (1) Stove, One (1) Fridge, One (1) Washing Machine, One (1) Dryer and One (1) Midsized Cube freezer

Staff considers this Offer to Sell to the City to be fair and reasonable and, therefore, recommends the approval of this transaction.

Appendix A - Location map

