

- 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 (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 (Confirmatory By-Law No. 1234-2013, enacted on October 11, 2013), as amended by DAF 2013-307 and DAF 2014-087; and further amended by EX44.22 entitled "Strategic Property Acquisitions" adopted by City Council on August 25, 26, 27 and 28, 2014 (Confirmatory By-law No. 1074-2014, enacted on August 28, 2014), and further amended by GM16.16 entitled "Transit Shelter Property Acquisitions" adopted by City Council on December 13, 14 and 15, 2016 (Confirmatory By-Law No. 1290-2016, enacted on December 15, 2016).
- 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:	Bruno Iozzo	Division:	Real Estate Services
Date Prepared:	March 7, 2017	Phone No.:	(416) 392-8151

Purpose
To obtain authority to amend Delegated Approval Form No. 2015-141 by increasing the legal fee reimbursement from \$1,000.00 to \$2,057.97 (inclusive of fees, disbursements and taxes) and updating the account number from CPR 115-44-03 to CPR115-46-01. The requested amendment is related to the City's acquisition of a permanent easement on a parcel of land owned by Marion Janice Kennedy and Gordon Michael Keller (the "Owners") to permit the City to access and install a vegetated rock buttress and other stabilization works on the property.

Property
A small portion of land located at 1 Douglas Crescent adjacent to Mud Creek, more particularly described as Part of Lots 137 & 138, Plan 2398, Township of York, City of Toronto, as in CA611521; being part of PIN 10394-0066(LT); and shown as "Part 1" on the attached Schedule "B" (the "Property").

- Actions**
1. Authority be granted to acquire a permanent easement on the Property to permit the access and installation of stabilization works, on the terms and conditions set out below, and on such other or amended terms and conditions as determined by the Chief Corporate Officer, and in a form acceptable to the City Solicitor.
 2. The Chief Corporate Officer or designate shall administer and manage the agreement including the provision of any consents, approvals, waiver notices, and notices of termination provided that the Chief Corporate Officer may, at any time, refer consideration of such matter to City Council for its determination and direction.
 3. The City Solicitor be authorized to complete the transaction on behalf of the City, including payment of any necessary expenses and amending and waiving terms and conditions, on such terms as the City Solicitor considers reasonable.
 4. The appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

Financial Impact
The following costs will be incurred by the City in connection with this transaction:

1. Permanent easement acquired for the nominal sum of \$2.00;
2. Reimbursement of the Owners' legal fees and disbursements, as approved by the City Solicitor, up to a maximum of \$2,057.97 including applicable fees and taxes; and
3. Registration fees of approximately \$100.00.

Funding for these costs is available in the 2017 Council Approved Capital Budget for the Parks, Forestry and Recreation Division under capital account CPR115-46-01.
The Deputy City Manager & Chief Financial Officer has reviewed this DAF and agrees with the financial impact information.

Comments
The Parks, Forestry & Recreation Division has proposed a capital project to install a vegetated rock buttress and other stabilization works at the Property. The proposed improvements will be installed on other private properties and public lands (Mud Creek) within the general area to ensure the effectiveness of the project.
Delegated Approval Form No. 2015-141 authorized the City to compensate the owner up to \$1,000.00 (inclusive of taxes) for the anticipated legal fees associated with the easement transaction. Subsequent due diligence investigations revealed that a postponement is required to provide the City's easement with priority on title to the Property. The additional legal fees incurred as a result of the postponement are considered fair and reasonable to City staff given that the Owners have agreed to grant the easement to the City for nominal consideration.

Terms
Property Owner (Grantor) = Marion Janice Kennedy and Gordon Michael Keller
Grantee = City of Toronto (City)
Consideration = \$2.00
Other Costs = The City will pay the Owners' legal costs (maximum of \$2,057.97 including applicable costs)
Property Rights = Permanent easement
Use = To permit access onto the Property for the installation, operation, maintenance, repair and replacement of a vegetated rock buttress and other stabilization works which will limit further erosion levels on the easement lands
Indemnity = The Owners will fully indemnify the City against any claims that arise out of the Owners' use or occupation of the Property subject to the permanent easement

Property Details	Ward:	29 – Toronto-Danforth
	Assessment Roll No.:	1906041010001000000
	Approximate Size:	N/A
	Approximate Area:	242.6 m ²
	Other Information:	N/A

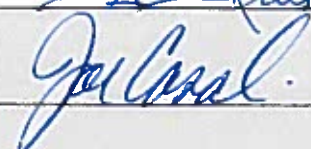
A.	Director of Real Estate Services has approval authority for:	Chief Corporate Officer has approval authority for:
1. Acquisitions:	<input type="checkbox"/> Where total compensation does not exceed \$1 Million.	<input type="checkbox"/> Where total compensation does not exceed \$3 Million.
2. Expropriations:	<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 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"/> (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 three (3) months, including licences for environmental assessments and/or testing, etc.	<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"/> Where total compensation does not exceed \$3 Million.
	<input type="checkbox"/> (b) When closing road, easements to pre-existing utilities for nominal consideration.	Delegated to a less senior position.
12. Easements (City as Grantee):	<input checked="" 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 or her.

Chief Corporate Officer also has approval authority for:

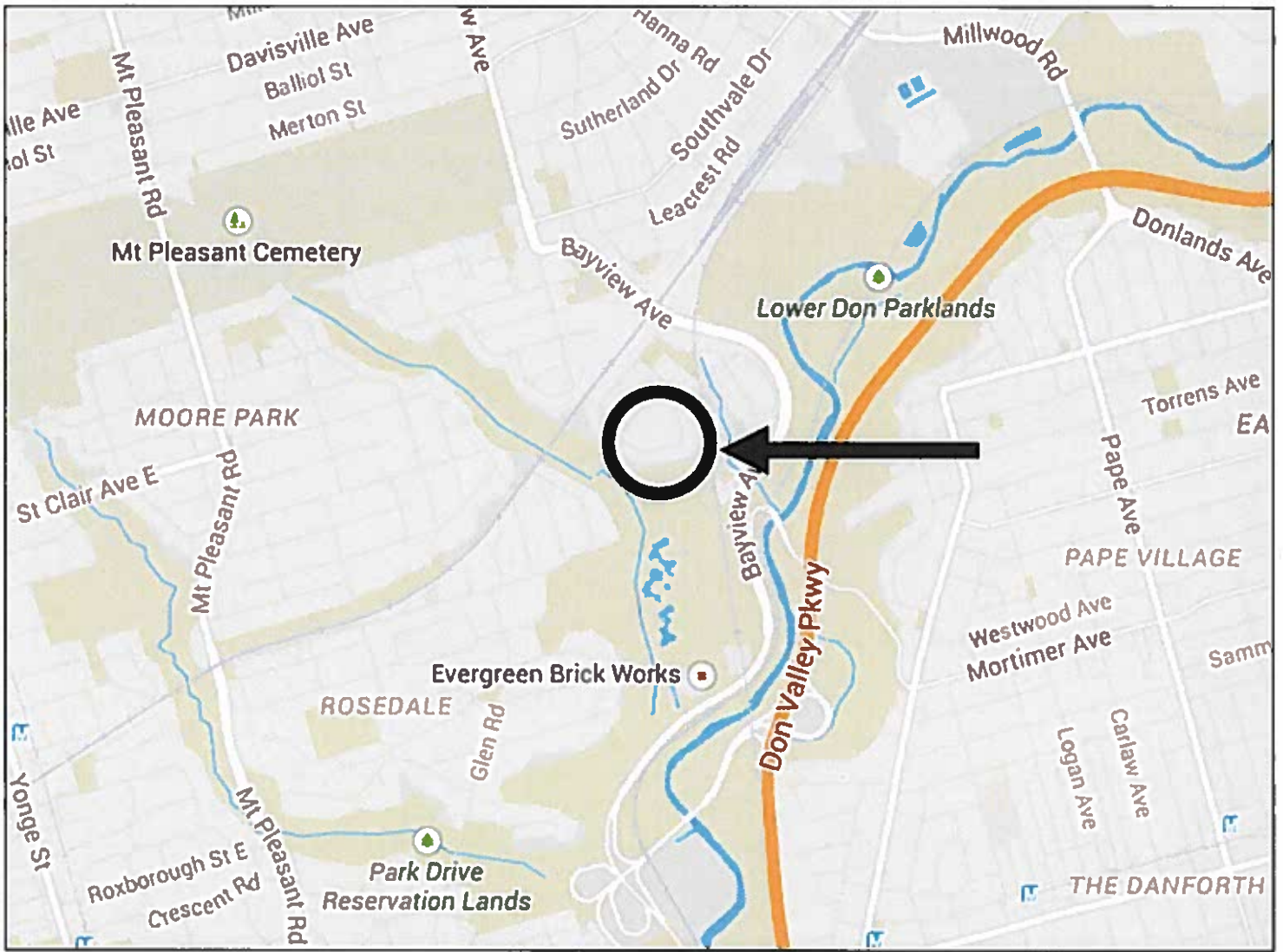
- Leases/licences/permits at Union Station during the Revitalization Period, if the rent/fee is at market value.

Consultation with Councillor(s)									
Councillor:	Mary Fragedakis				Councillor:				
Contact Name:	Daryl Finlayson – EA				Contact Name:				
Contacted by:	Phone	<input checked="" type="checkbox"/>	E-Mail		Memo		Other		
Comments:	No objections				Comments:				
Consultation with ABCDs									
Division:	Parks, Forestry & Recreation				Division:	Financial Planning			
Contact Name:	Mark Filice / Ray Vendrig				Contact Name:	Filisha Jenkins			
Comments:	Requires easement to proceed with project				Comments:	Revision included			
Legal Division Contact									
Contact Name:	Catherine Thomas								
DAF Tracking No.: 2017-057			Date			Signature			
Recommended by: Manager (Tim Park)			MARCH 14 TH 2017						
<input type="checkbox"/>	Recommended by: Director of Real Estate Services		MARCH 14/17						
<input checked="" type="checkbox"/>	Approved by: Joe Casali								
<input type="checkbox"/>	Approved by: Chief Corporate Officer								
	Josie Scioli								

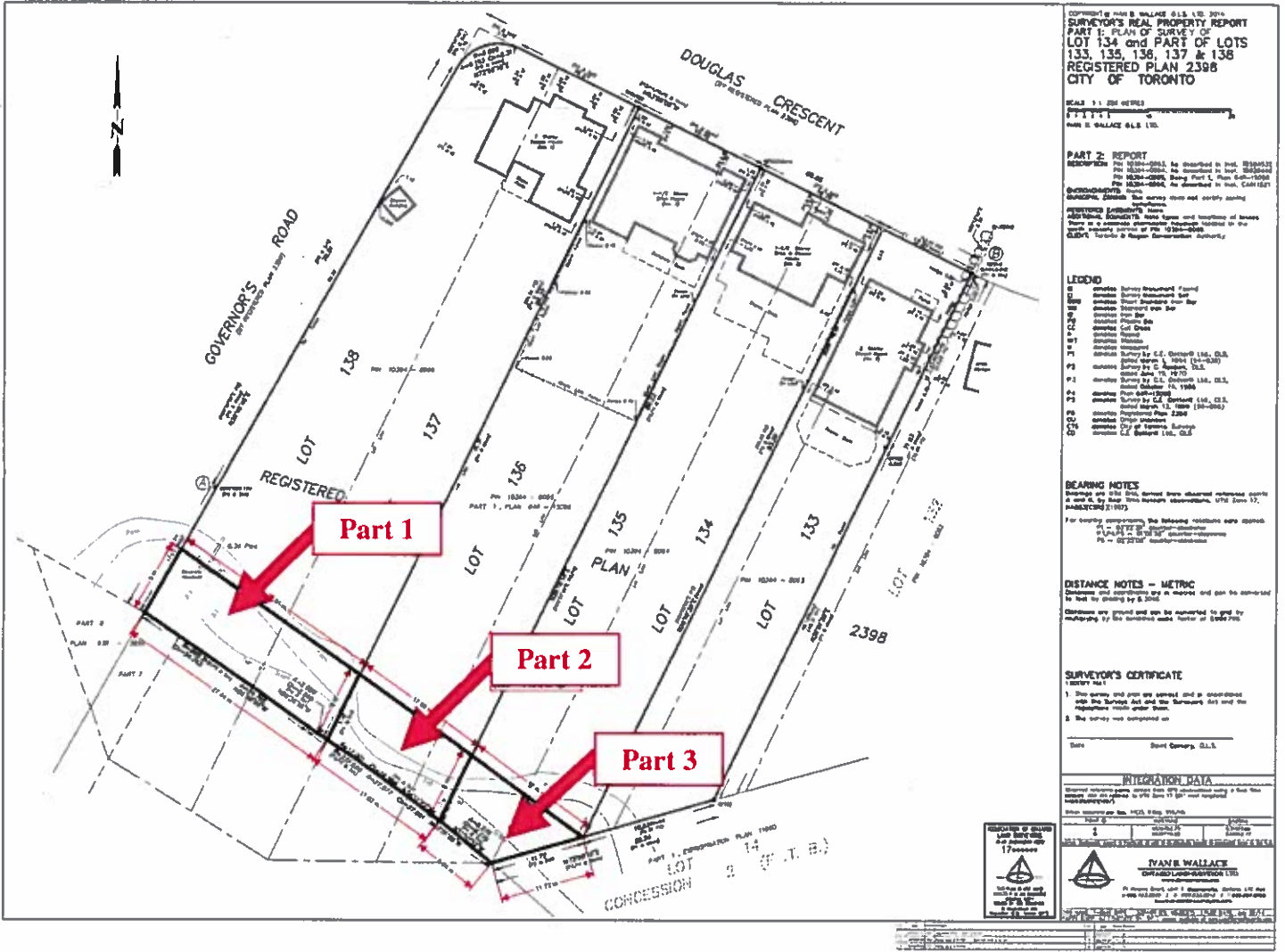
General Conditions ("GC")

- (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 being available from third party sources, except for "Strategic Property Acquisitions" as set out in EX44.22 adopted by Council August 25, 26, 27 and 28, 2014, which identifies alternative funding mechanisms subject to additional approval requirements.
- (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, except for property acquisitions of 50M² or less for transit shelter purposes.
- (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.

Schedule "A" – Location Map



Schedule "B" - Property Sketch



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SURVEYOR'S REAL PROPERTY REPORT
PART 1: PLAN OF SURVEY OF
LOT 134 and PART OF LOTS
133, 135, 136, 137 & 138
REGISTERED PLAN 2398
CITY OF TORONTO

SCALE 1:1,250 METERS
 PLAN I.B. WALLACE O.S.S. LTD.

PART 2: REPORT
 REVISIONS: No. 1 (10/24/96), As described in Part 1 (10/24/96)
 No. 2 (11/14/96), As described in Part 1 (10/24/96)
 No. 3 (12/14/96), Same Part 1, Plan 10234-0000
 No. 4 (1/14/97), As described in Part 1, Plan 10234-0000
 No. 5 (2/14/97), As described in Part 1, Plan 10234-0000
QUANTIFICATION: The survey shows and certifies existing boundaries.
WARNING: This report is not to be used for any purpose other than that for which it was prepared.
LEGEND: See Part 1 of this report for details of bearings and distances of lines.
 There is a complete description of the survey in the report in the survey plan of Part 1 (10/24/96).
 O.S.S. Toronto & Region Corporation Authority.

LEGEND
 S Survey Boundary Found
 D Survey Boundary Proposed
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 G Survey Boundary Boundary
 L Survey Boundary Boundary
 M Survey Boundary Boundary
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BEARING NOTES
 Bearings are given in true north unless otherwise specified.
 For bearings accompanied by the following notations care should be taken:
 P.L. = PLANNED
 F.L. = FIELD
 T.L. = TRUTH
 S.L. = SURVEY
 M.L. = MEASURED
 P.L. = PLANNED
 F.L. = FIELD
 T.L. = TRUTH
 S.L. = SURVEY
 M.L. = MEASURED

DISTANCE NOTES - METRIC
 Distances and measurements are in metres and can be converted to feet by multiplying by 3.281.
 Distances are printed and can be converted to feet by multiplying by 3.281.

SURVEYOR'S CERTIFICATE
 I, the undersigned, do hereby certify that I am a duly qualified and licensed Surveyor under the Survey Act and the Survey Regulations and that I have surveyed the above described property and that the boundaries shown on this plan are correct.
 Date: _____
 Ian B. Wallace, O.S.S.

INTERFERING DATA
 Interfering data is shown on this plan in red. It is not to be used for any purpose other than that for which it was prepared.
 Date: _____
 Ian B. Wallace, O.S.S.



IAN B. WALLACE
O.S.S. LTD.
 1100 SHEPPARD AVENUE EAST, SUITE 100
 SCARBOROUGH, ONTARIO M1B 4Y4
 (416) 291-1111