

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

TRACKING NO.: 2016-202

<input checked="" type="checkbox"/> 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:	Trixy Pugh	Division:	Real Estate Services
Date Prepared:	August 30, 2016	Phone No.:	(416) 392-8160
Chief Corporate Officer has approval authority to approve the disposal to Metrolinx of certain Transit Lands for nominal consideration, (on terms satisfactory to the Chief Corporate Officer and in a form acceptable to the City Solicitor).			
Purpose	To obtain authority to grant a temporary licence to Metrolinx to use surface and subsurface portions of 805 Don Mills Road for installation of tie-backs to support shoring and excavation and for construction staging as required for the implementation of the Eglinton-Scarborough Crosstown Light Rail Transit Project (the "Project").		
Property	Parcel of land comprised of: 1) Surface portions of 805 Don Mills Road, being part of Lot 1, Concession 3 East of Yonge Street, designated as Part of Parts 1, 2, 4, 10, 11, 12 and 13 on Plan 66R-15598 (part of PIN 10133-0057(LT)), also shown as Part 1 on Sketch Dwg. No. ECLE1-1-5K-109-OL; 2) Subsurface portions of 805 Don Mills Road, being part of Lot 1, Concession 3 East of Yonge Street, designated as Part 3, 7, 8, and 9 and part of Pars 1, 2, 4, 10, 11, 12 and 13 on Plan 66R-15598 (part of PIN 10133-0057(LT)), also shown as Part 2 on Sketch Dwg. No. ECLE1-1-5K-109-OL; Both as shown on Appendix "A" (collectively, the "Property").		
Actions	<ol style="list-style-type: none"> Authority be granted to enter into a temporary licence with Metrolinx for a term of four (4) years, for the installation of tie-backs in and through Part 1 on Sketch Dwg. No. ECLE1-1-5K-109-OL to support shoring and excavation within Eglinton Avenue East, on terms and conditions as set out herein and as deemed appropriate by the Chief Corporate Officer or designate, and in a form satisfactory to the City Solicitor; Authority be granted to enter into a temporary licence with Metrolinx for a term of four (4) years, in, over, under, upon and through Part 2 on Sketch Dwg. No. ECLE1-1-5K-109-OL, for the purpose of construction staging, on terms and conditions as set out herein and as deemed appropriate by the Chief Corporate Officer or designate, and in a form satisfactory to the City Solicitor; Authority be granted for the Chief Corporate Officer to administer and manage the temporary licences including the provision of any consent, approvals, waivers, 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. The appropriate City Officials be authorized and directed to take the necessary action to give effect thereto. 		
Financial Impact	<p>There is no financial impact resulting from this DAF. The proposed temporary licences will be granted for nominal consideration.</p> <p>Pursuant to Schedule G (Real Estate Protocol) contained in the Master Agreement between the City, the Toronto Transit Commission and Metrolinx for the implementation of the Toronto Light Rail Transit Program dated November 28th, 2012 ("Master Agreement"), temporary use property requirements not required for City purposes are to be provided to Metrolinx for nominal consideration.</p> <p>The Deputy City Manager & Chief Financial Officer has reviewed this DAF and agrees with the financial impact information.</p>		
Comments	<p>The Property was expropriated by the former Metropolitan Toronto in 1948 for road allowance purposes. The Property was subsequently dedicated as public highway forming part of Eglinton Avenue East. In 1989, the Property was stopped-up and closed as a public highway and has since been leased for parking purposes to serve adjacent office buildings. In 2010, by delegated authority DAF No. 2010-067, the City declared the Property surplus with the intended manner of disposal to be by way of a transfer to Build Toronto. An eight (8) metre strip along the entire Eglinton Avenue East frontage was retained for road widening as required by Transportation Services.</p> <p>As part of the Project, tie-backs are required to support shoring and excavation. As such, Metrolinx has requested a temporary licence to install these tie-backs and use as a construction staging area.</p> <p>The Property Management Committee has reviewed Metrolinx' requirements of the Property and recommends that a temporary licence be conveyed to Metrolinx subject to protection of the City or third-party infrastructure and/or utilities.</p>		

Terms	<p>Temporary Licence for Tie-backs (Part 1 Lands) – Major Provisions:</p> <ul style="list-style-type: none"> (i) Term: 4 years (ii) Upon the expiration of the Term, Metrolinx must, at its sole cost, ensure that the tie-backs within Part 1 on Sketch Dwg. No. ECLE1-1-5K-109-OL are de-stressed, and remove any of its equipment and debris from the Property and restore the Property to the satisfaction of the City; (iii) Metrolinx shall take measures to ensure that access to the tenanted area to the south of the Property will not be restricted as a result of the installation of the tie-backs; (iv) Metrolinx shall take measures to ensure that underground services, utilities and/or structures that may exist on, under or adjacent to the licensed areas are protected from damage. (v) Metrolinx to repair all damage caused by any exercise of its rights under the Temporary Licence to the satisfaction of the Chief Corporate Officer; (vi) 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 Office may deem appropriate. <p>Temporary Licence for Construction Staging (Part 2 Lands) – Major Provisions:</p> <ul style="list-style-type: none"> (i) Term: 4 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 shall take measures to ensure that underground services, utilities and/or structures that may exist on, under or adjacent to the licensed areas are protected from damage. (iv) Metrolinx to repair all damage caused by any exercise of its rights under the Temporary Licence to the satisfaction of the Chief Corporate Officer; (v) 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 Office may deem appropriate.
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Property Details	Ward:	26 – Don Valley West
	Assessment Roll No.:	Part of 1908-10-1-231-00100
	Approximate Area:	
	Part 1:	4,000 m ² ± (43,055.6 ft ² ±)
	Part 2:	1,760 m ² ± (18,944.5 ft ² ±)
	Other Information:	

Consultation with Councillor(s)									
Councillor:	Jon Burnside				Councillor:				
Contact Name:	Jon Burnside				Contact Name:				
Contacted by:	Phone	<input checked="" type="checkbox"/>	E-Mail		Memo		Other		
Comments:	Notified (August 30, 2016)				Comments:				

Consultation with ABCDs			
Division:		Division:	Financial Planning
Contact Name:		Contact Name:	Filisha Mohammed
Comments:		Comments:	August 30, 2016

Legal Division Contact	
Contact Name:	Lisa Davies (2-7270) (August 30, 2016)

DAF Tracking No.: 2016-202	Date	Signature
Recommended by: Manager	Aug. 30, 2016	Tasse Karakolis
<input checked="" type="checkbox"/> Recommended by: Director of Real Estate Services Joe Casali	Aug. 31, 2016	Joe Casali
<input type="checkbox"/> Approved by:		
<input checked="" type="checkbox"/> Approved by: Chief Corporate Officer Josie Scioli	Aug. 31, 2016	Josie Scioli

Appendix "A"

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