

Approved pursuant to the Delegated Authority contained in Government Management Committee Item GM6.18 entitled "Policy with Respect to the Sale/Disposition of Land" adopted as amended by City Council on July 16, 17, 18 and 19, 2007. By-law No. 814-2007 enacted on July 19, 2007.

Prepared By:	Christian Eng	Division:	Real Estate Services
Date Prepared:	January 10, 2018	Phone No.:	416-392-8161

**Purpose:** To declare surplus an easement interest (with a potential term of 21 years or more) in a portion of the City-owned parcel of land located at 3965 Keele Street, with the intended manner of disposal to be by way of a transfer of easement to Toronto Hydro Electric System Limited ("THES") for access and maintenance of its hydro duct bank and related infrastructure solely servicing the traction power substation at Finch West Station.

**Property:** An easement interest over portion of 3965 Keele Street, being part of west half of Lot 21, Concession 3, West of Yonge Street, City of Toronto and shown as Part 1 on Appendix 1 (the "Easement").

- Actions:**
1. The Easement be declared surplus, with the intended manner of disposal to be by way of a transfer of easement to THES for access and maintenance of its hydro duct bank and related infrastructure solely servicing the traction power substation at Finch West Station.
  2. An exemption be granted from the requirement to give notice to the public with respect to the Easement.
  3. All steps necessary to comply with the City's real estate disposal process, as set out in Chapter 213 of the City of Toronto Municipal Code, be taken.

**Financial Impact:** There are no financial implications resulting from this approval. The Acting Chief Financial Officer has reviewed this DAF and agrees with the financial impact information.

**Background:** In January 2011, the City of Toronto expropriated the property municipally known as 3965 Keele Street in connection with the construction of the Toronto- York Spadina Subway Extension Project, specifically Finch West Subway Station, including the bus terminal, utility relocation and traffic diversions with the Toronto Transit Commission (TTC) being responsible for all costs associated with the maintenance of the property.

At the request of the TTC, THES has installed a below grade hydro service duct bank and related switches and equipment for the purpose of providing electrical service solely servicing the TTC traction power substation at Finch West Subway Station. THES is requesting an easement for access and maintenance of its infrastructure. The City will retain the right to also make use of the lands subject to the easement for municipal purposes.

**Comments:** A circulation to the City's ABCDs was undertaken to ascertain whether or not there is any municipal interest that would conflict with the Easement. No conflicting municipal interest was expressed. Accordingly, it is appropriate that the Easement be declared surplus. The Property Management Committee has reviewed this matter and concurs.

**Property Details:**

<b>Ward:</b>	8 – York West
<b>Assessment Roll No.:</b>	Part of 1908-03-3-360-00100
<b>Approximate Size:</b>	Irregular
<b>Approximate Area:</b>	189 m <sup>2</sup> ± (2,034.4 ft <sup>2</sup> ±)
<b>Other Information:</b>	

Yes  No Lands are located within the Green Space System or the Parks & Open Space Areas of the Official Plan.

**Pre-Conditions to Approval:**

- (1) **Highways** - The GM of Transportation Services has concurred in the Highway being declared surplus conditional upon City Council approving the permanent closure of the Highway.
- (2) **Lands located within the Green Space System and the Parks & Open Space Areas of the Official Plan** - The Chief Planner & Executive Director and the GM of Parks, Forestry & Recreation have confirmed that the land being exchanged is (i) nearby land of equivalent or larger area, and (ii) of comparable or superior green space utility.

**Deputy City Manager, Internal Corporate Services has approval authority for:**

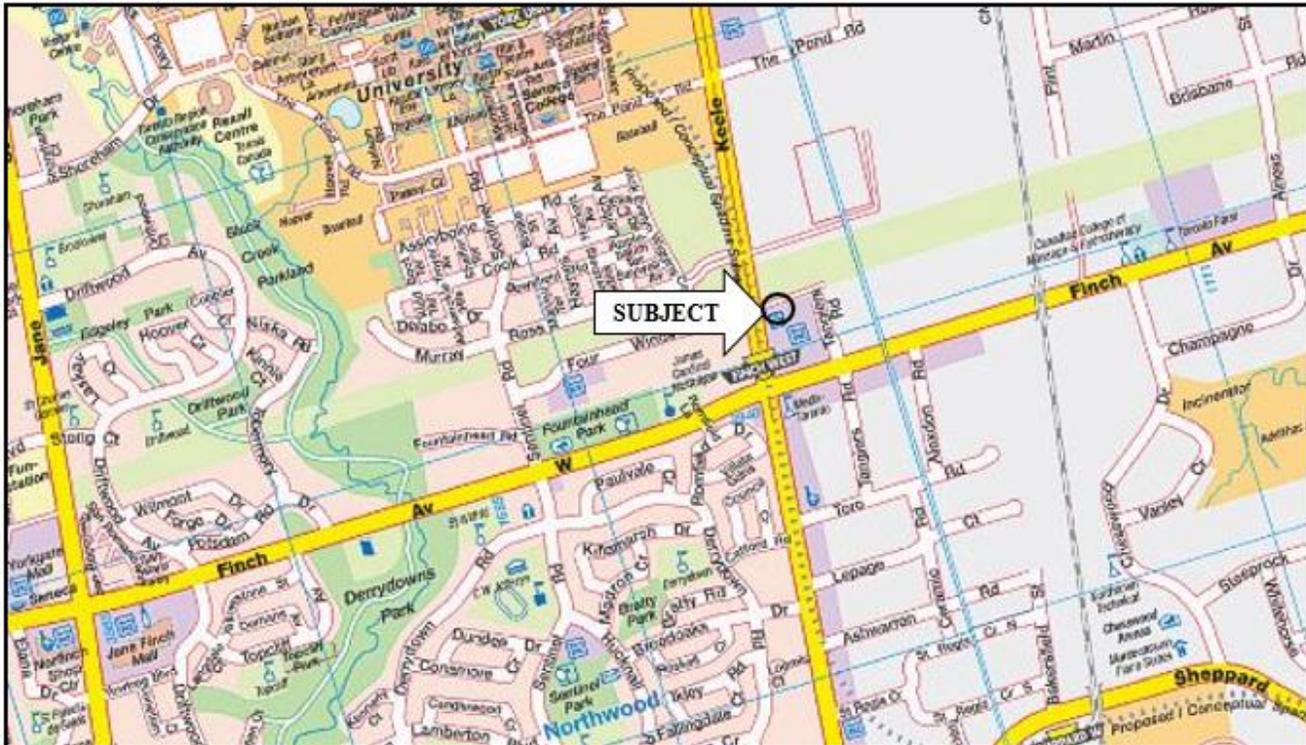
- A (1)** declaring land surplus and approving the intended manner or process by which the sale of the land will be carried out, provided that the local Councillor does not require the matter to be determined by Council through the Government Management Committee (§ 213-6).
  - Councillor does not require the declaration of surplus or the intended manner or process by which the sale of the land will be carried out to be determined by Council.
- (2)** determining the method of giving notice to the public, following consultation with the local Councillor (§ 213-7)
  - Councillor has been consulted regarding method of giving notice to the public.
- (3)** exempting sales to the following public bodies from the requirement for an appraisal, provided that the local Councillor (or if the land abuts other wards, the local Councillors) does not require the determination to be made by Council (§ 213-4):
  - (a) a municipality
  - (b) a local board, including a school board and a conservation authority
  - (c) the Crown in right of Ontario or Canada and their agencies
  - n/a Councillor(s) agrees with exemption from appraisal. **[Revise box to an x if any of (3)(a)-(c) applies.]**
- (4)** exempting the sale of land in the following classes from the requirement for an appraisal and/or for notice to the public, provided that the local Councillor(s) (if the land abuts other wards) does not require the determination to be made by Council (§ 213-5):
  - (a) land 0.3 metres or less in width acquired in connection with an approval or decision under the *Planning Act*
  - (b) closed highways if sold to an owner of land abutting the closed highways
  - (c) land formerly used for railway lines if sold to an owner of land abutting the former railway land
  - (d) land does not have direct access to a highway if sold to the owner of land abutting that land
  - (e) land repurchased by an owner in accordance with section 42 of the *Expropriations Act*
  - (f) easements
  - n/a Councillor(s) agrees with exemption from appraisal. **[Revise box to an x if any of (4)(a)-(f) applies.]**
  - Councillor(s) agrees with exemption from notice to the public. **[Revise box to an x if any of (4)(a)-(f) applies.]**
- (5)** revising the intended manner of sale
- (6)** rescinding the declaration of surplus authority

Title	Date	Recommended/ Approved
Manager	Jan. 11/18	Signed by Nick Simos
Director	Jan. 15/18	Signed by David Jollimore
Deputy City Manager, Internal Corporate Services	Jan. 17/18	Signed by Josie Scioli
<b>Return to:</b> <b>Christian Eng</b> <b>Real Estate Services</b> <b>2nd Floor, Metro Hall</b> <b>(416) 392-8161</b>		

Consultation with Councillor(s):					
Councillor:	Anthony Perruza				
Contact Name:	Tom Rakocevic (Jan 2/18)				
Contacted by	Phone	<input checked="" type="checkbox"/>	E-mail	Memo	Other
Comments:	<ul style="list-style-type: none"> <li>• No objections with recommendation</li> <li>• Does not require the matter to be determined by Council</li> <li>• Does not require further consultation re: public notice</li> </ul>				
Councillor:					
Contact Name:					
Contacted by	Phone		E-mail	Memo	Other
Comments:					

Consultation with other Division(s):			
Division:		Division:	Financial Planning
Contact Name:		Contact Name:	Patricia Libardo
Comments:		Comments:	Incorporated into DAF
Real Estate Law Contact:	Ray Mickevicius (January 8, 2018)	Date:	January 4, 2018

Appendix 1: Location Map & Sketch



Sketch Showing Easement Area at Finch West Station