

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

TRACKING NO.: 2017-152

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 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:	May 26, 2017	Phone No.:	(416) 392-8160

Chief Corporate Officer has approval authority to approve the disposal to Metrolinx of certain Transit Lands in accordance with the Real Estate Principles identified in the Master Agreement (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 subsurface portions of 635 Eglinton Avenue East for installation of tiebacks, starting at a depth of 3.0m as required for the implementation of the Eglinton-Scarborough Crosstown Light Rail Transit Project (the "Project").
Property	Subsurface portions of 635 Eglinton Avenue East, described as being Part of Lot 394 to Lot 617 on Plan 1908 Howard Talbot Park, shown as Part 1 on Dwg. No. ECLE1-1-5K-050-OL (rev 8) in Appendix "B" (the "Property").
Actions	<ol style="list-style-type: none"> 1. Authority be granted to enter into a temporary licence with Metrolinx for a term of thirty-six (36) months, for the installation of tie-backs in and through the Property to support shoring and excavation, 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; 2. 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; 3. The appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.
Financial Impact	<p>The Licensed Area forms part of Howard Talbot Park and is required on a temporary basis for the installation of tie-backs.</p> <p>Parks, Forestry & Recreation staff has advised that there are no objections to the temporary use of the Licensed Area by Metrolinx provided that certain conditions as outlined in the Terms below are met. 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> <p>The Deputy City Manager & Chief Financial Officer has reviewed this DAF and agrees with the financial impact information. The City will receive revenue in the amount of \$84,762 (plus HST or \$86,253.81 (net of HST recoveries) from Metrolinx for the thirty-six month term of the temporary licence.</p>
Comments	<p>The Property is part of the Howard Talbot Park. PF&R has no objections to the temporary licence. Toronto Water has existing infrastructure within the Property and has asked that the work to be done will be processed with the highest level of scrutiny possible due to the high risk environment from in-situ soil settlement sensitivity.</p> <p>As part of the Project, tie-backs are required on the Property beginning at a depth of 3.0 metres below-grade. As such, Metrolinx has requested for a temporary licence of the tie-backs. 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-part infrastructure and/or utilities.</p>
Terms	See Appendix "A"

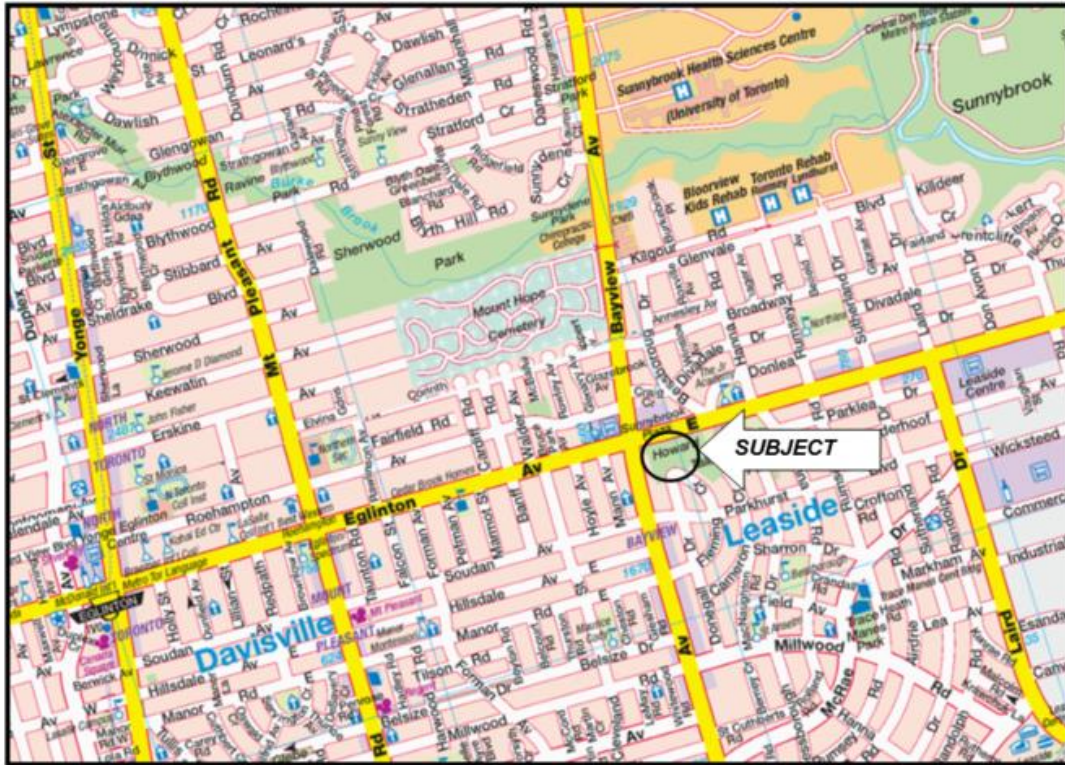
Property Details	Ward:	26 – Don Valley West
	Assessment Roll No.:	Part of 1906-04-4-410-01400
	Approximate Size:	19.5 m x 45 m ± (64 ft x 147.6 ft ±)
	Approximate Area:	861 m ² ± (9,267.7 ft ² ±)
	Other Information:	

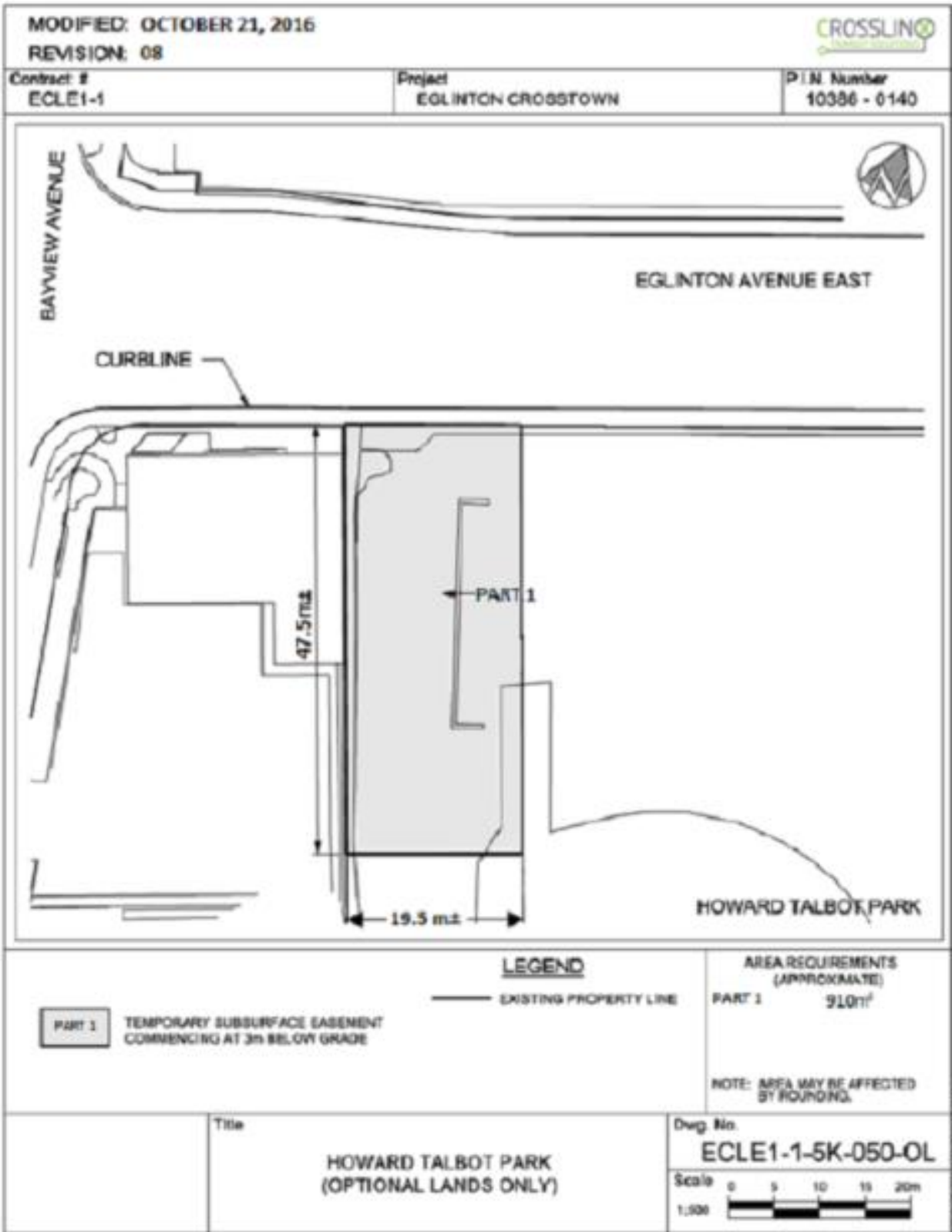
Consultation with Councillor(s)										
Councillor:	Jon Burnside					Councillor:				
Contact Name:	Jon Burnside					Contact Name:				
Contacted by:	Phone	<input checked="" type="checkbox"/>	E-Mail		Memo		Other			
Comments:	Notified May 26, 2017					Comments:				
Consultation with ABCDs										
Division:	Toronto Water & PF&R					Division:	Financial Planning			
Contact Name:	Arthur Sinclair & Simon Hewett					Contact Name:	Filisha Jenkins			
Comments:	Incorporated into DAF (Dec 5 & 13, 2016)					Comments:	Incorporated into DAF (May 26, 2017)			
Legal Division Contact										
Contact Name:	Lisa Davies (2-7270)									
DAF Tracking No.: 2017- 152					Date		Signature			
Recommended by: Manager					May 31, 2017		Nick Simos			
<input checked="" type="checkbox"/>	Recommended by: Director of Real Estate Services Joe Casali				June 1, 2017		Joe Casali			
<input type="checkbox"/>	Approved by:									
<input type="checkbox"/>	Approved by: Chief Corporate Officer Josie Scioli				June 1, 2017		Josie Scioli			

Appendix "A"**DAF No. 2017-152**

Temporary Licence for Tie-backs – Major Provisions:

- (i) Term: thirty-six (36) months commencing June 1, 2017 and expiring on May 31, 2020;
- (ii) Fee: \$28,254 per annum (plus HST);
- (iii) Prior to commencement of any work, Metrolinx shall provide to the Chief Corporate Officer detailed plans showing the proposed location and specifications of the tie-backs;
- (iv) Upon expiration of the Term, Metrolinx must, at its sole cost, ensure that the tie-backs are de-stressed, and remove any of its equipment and debris from the Property and restore the Property to the satisfaction of the City;
- (v) Metrolinx shall take measures to ensure that underground services, utilities and/or structures that may exist on, under or adjacent to the licenced areas are protected from damage;
- (vi) Metrolinx to repair all damage caused by any exercise of its rights under the Temporary Licence to the satisfaction of the Chief Corporate Officer;
- (vii) 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.





PLOT DATE: 09/29/2014