

DELEGATED APPROVAL FORM
DIRECTOR, REAL ESTATE SERVICES
MANAGER, REAL ESTATE SERVICES

TRACKING NO.: 2018-257

Approved pursuant to the Delegated Authority contained in Item EX27.12, as adopted by City Council on October 2, 3 & 4, 2017, as amended by Item GM27.12, adopted by City Council on May 22, 23 & 24, 2018 or, where applicable, in Item EX28.8, as adopted by City Council on November 7, 8 & 9, 2017.

Prepared By:	Joe Corigliano	Division:	Real Estate Services
Date Prepared:	July 3, 2018	Phone No.:	392-1167

Purpose	To obtain authority to acquire an easement in gross (the "Easement") in favour of the City of Toronto for the purposes of ingress and egress to and from water meter chambers and sanitary and storm control manholes for monitoring and testing purposes along the City boundary road Steeles Avenue, as showing on the Site Plan in Appendix "B" from Smith Farm Property Holdings Inc. (the "Owner") over a portion of 7233 Highway 27, Vaughan.
Property	7233 Highway 27 and Steeles Ave West, Vaughan Ontario. Legally described as Part of PIN 03221-0163 (LT), being Part of Part of Lot 1, Concession 8 (Vaughan) being Part 1 on Reference Plan 65R-6859 and Part 1 on Reference Plan 65R-7965, Except Part 1 on Reference Plan 65R-12313 and Part 1 on Reference Plan 65R-34930; subject to an easement over Parts 1 and 2 on Reference Plan 65R-25407 as in Instrument No. YR277751; together with an easement over Parts 4,6 and 7 on Reference Plan 65R-27441 as in Instrument No. YR744702; City of Vaughan, being Parts 1, 2, 3 and 4 on Reference Plan 65R-37804 (the "Property") as shown on Appendix "C" and on Location Map in Appendix "D"
Actions	<ol style="list-style-type: none"> 1. Authority is granted for the City to acquire the Easement over the Property from the Owner; 2. The City Solicitor is authorized to negotiate, settle and amend the Easement on behalf of the City, as required; and 3. The appropriate City Officials be authorized and directed to take the necessary action to give effect thereto
Financial Impact	<p>The following costs will be incurred by the City in connection with this transaction:</p> <p>Consideration: \$2.00 (nominal) Registration Fee: approximately \$75.00 to register the Easement on title to the Property.</p> <p>Funds are available in the 2018 - 2027 Council Approved Capital Budget for Toronto Water account number CWW470-02.</p> <p>The Interim Chief Financial Officer has reviewed this DAF and agrees with the financial impact information.</p>
Comments	<p>The City of Vaughan and the Owner have requested water and sewage services (i.e. sanitary and storm water and other drainage from land) from Toronto Water for 7233 Highway 27, Vaughan. The City of Vaughan has advised that it is not feasible for it to provide water and sewage servicing due to the distance from existing municipal services and impediments such as Highway 407 and rail corridors.</p> <p>The <i>City of Toronto Act, 2006</i> requires, prior to the provision of a service in another municipality, that one of the purposes for doing so is for its own purposes and that the consent of the applicable lower and upper tier municipalities be obtained. Engineering Construction Services and Toronto Water staff have reviewed the development proposal and have concluded that water and sewage services could be provided by the City, subject to a multi-party agreement being negotiated to provide these services on terms and conditions acceptable to the City. Accordingly, a multi-party agreement among the City, the Regional Municipality of York, the City of Vaughan, and the Owner for the provision of water and sewage services from the City was entered into.</p> <p>The subject property has sanitary and storm control manholes that will be accessed by Toronto Water staff for monitoring and testing as is currently required through the Sewer By-Law for sites located in the City of Toronto. It also has also water meter chambers that will be accessed by Toronto Water staff for testing, repair, operation and maintenance as is required through the City's Water Servicing and Metering Manual.</p>
Terms	Refer to Appendix "A" for Terms and Conditions

Property Details	Ward:	7 – York West
	Assessment Roll No.:	
	Approximate Size:	
	Approximate Area:	1346 m ² ±
	Other Information:	

A.	Manager, Real Estate Services has approval authority for:	Director, Real Estate Services has approval authority for:
1. Acquisitions:	<input type="checkbox"/> Where total compensation does not exceed \$50,000.	<input type="checkbox"/> Where total compensation does not exceed \$1 Million.
2. Expropriations:	<input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$50,000.	<input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$1 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 Divisions and Agencies:	Delegated to a more senior position.	Delegated to a more senior position.
6. Limiting Distance Agreements:	<input type="checkbox"/> Where total compensation does not exceed \$50,000.	<input type="checkbox"/> Where total compensation does not exceed \$1 Million.
7. Disposals (including Leases of 21 years or more):	<input type="checkbox"/> Where total compensation does not exceed \$50,000.	<input type="checkbox"/> Where total compensation does not exceed \$1 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 \$50,000.	<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"/> (b) Where compensation is less than market value, for periods not exceeding six (6) months, including licences for environmental assessments and/or testing, etc.
	Leases pursuant to the Community Space Tenancy Policy delegated to a more senior position.	Leases pursuant to the Community Space Tenancy Policy delegated to a more senior position.
10. Leases/Licences (City as Tenant/Licensee):	<input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$50,000.	<input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$1 Million.
11. Easements (City as Grantor):	<input type="checkbox"/> Where total compensation does not exceed \$50,000.	<input type="checkbox"/> (a) Where total compensation does not exceed \$1 Million.
	Delegated to a more senior position.	<input type="checkbox"/> (b) When closing roads, easements to pre-existing utilities for nominal consideration.
12. Easements (City as Grantee):	<input checked="" type="checkbox"/> Where total compensation does not exceed \$50,000.	<input type="checkbox"/> Where total compensation does not exceed \$1 Million.
13. Revisions to Council Decisions in Real Estate Matters:	Delegated to a more senior position.	<input type="checkbox"/> Amendment must not be materially inconsistent with original decision (and subject to General Condition (u)).
14. Miscellaneous:	Delegated to a more senior position.	<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/Caution
		<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. Director, Real Estate Services and Manager, Real Estate Services each has signing authority on behalf of the City for:

- Documents required to implement matters for which he or she also has delegated approval authority.
- Expropriation Applications and Notices following Council approval of expropriation (Manager, Acquisitions & Expropriations is only Manager with such signing authority).

Director, Real Estate Services also has signing authority on behalf of the City for:

- Agreements of Purchase and Sale and all implementing documentation for purchases, sales and land exchanges not delegated to staff for approval.
- Community Space Tenancy Leases approved by delegated authority by Deputy City Manager, Internal Corporal Services and any related documents.

Consultation with Councillor(s)									
Councillor:	Giorgio Mammoliti					Councillor:			
Contact Name:	Mike Makrigrigors					Contact Name:			
Contacted by:	Phone	<input checked="" type="checkbox"/>	E-Mail		Memo		Other		
Comments:	Concurs					Comments:			
Consultation with Divisions and/or Agencies									
Division:	Engineering and Construction Services					Division:	Financial Planning		
Contact Name:	Giovanni Baldesarra					Contact Name:	Patricia Libardo		
Comments:	Concurs					Comments:	Concurs		
Legal Division Contact									
Contact Name:	Rebecca Hartley								

DAF Tracking No.: 2018-257	Date	Signature
Concurred with by: Manager, Real Estate Services Nick Simos	July 19, 2018	Signed by Nick Simos
<input checked="" type="checkbox"/> Recommended by: Manager, Real Estate Services Tim Park	July 17, 2018	Signed by Tim Park
<input checked="" type="checkbox"/> Approved by:		
<input type="checkbox"/> Approved by: Director, Real Estate Services David Jollimore		

General Conditions ("GC")

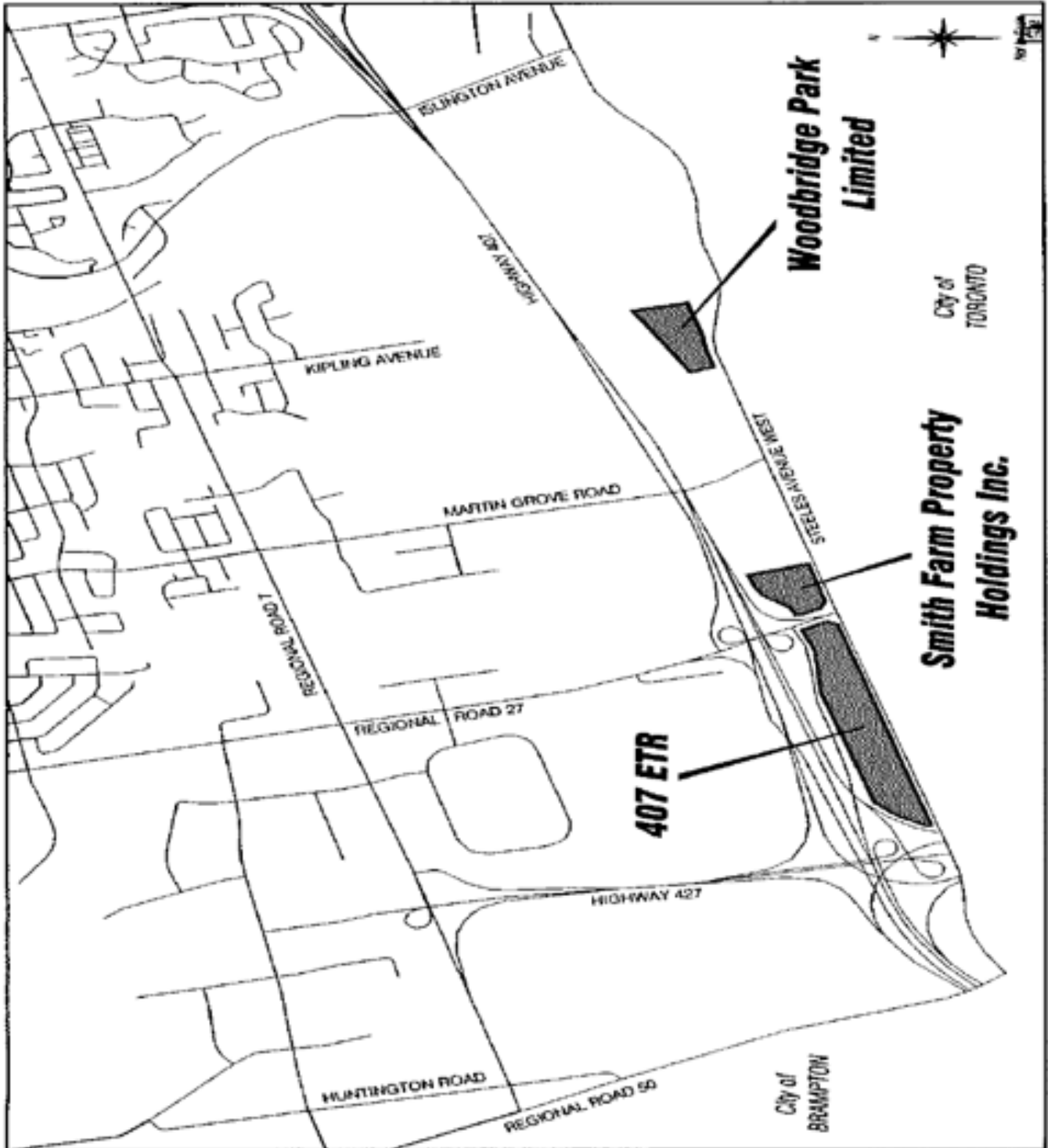
- (a) The local Councillor (or local Councillors if the subject property is located on a ward boundary or if the transaction involves an exchange of properties in more than one ward), will be consulted prior to the exercise of delegated Approving Authority by staff for all Acquisitions, Disposals, Land Exchanges and Leases. In the event of a vacancy in the Ward in which the subject property is located, the Mayor's office shall be consulted in the alternative.
- (b) Where approving power has been delegated to staff, the Deputy City Manager, Internal Corporate Services, in consultation with any other 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 as defined in the *Toronto Waterfront Revitalization Corporation Act, 2002* 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 of City Planning, 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, as leases of 21 years or more may be authorized based on the delegated Approving Authority for disposals in **A.7**.
- (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, including ancillary agreements, 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) 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.
- (aa) All residential leasing documents shall adhere to the *Residential Tenancies Act, 2006* and any successor legislation.
- (bb) Despite GC(n), Approving Authority in residential leasing matters is not limited to periods of less than twenty-one (21) years and total compensation in residential leasing matters where the City is landlord is to be calculated based on an assumed term of ten years unless the lease term expressly identified therein is longer.
- (cc) Where Approving Authority has been delegated to the Manager level, such authority shall be conditional upon the Manager first having secured the written concurrence of a second Manager within the Real Estate Services Division.
- (dd) Where the City is transacting with a public agency, and such agency requires that an unqualified environmental indemnity be granted by the City, the authority to acquire property includes authority to grant such an indemnity, provided that the Phase I and Phase II environmental site assessments undertaken on behalf of the City have identified no significant environmental impacts or human health threats, with no, or minor action required ("Low Risk").

Appendix "A"

Terms and Conditions:

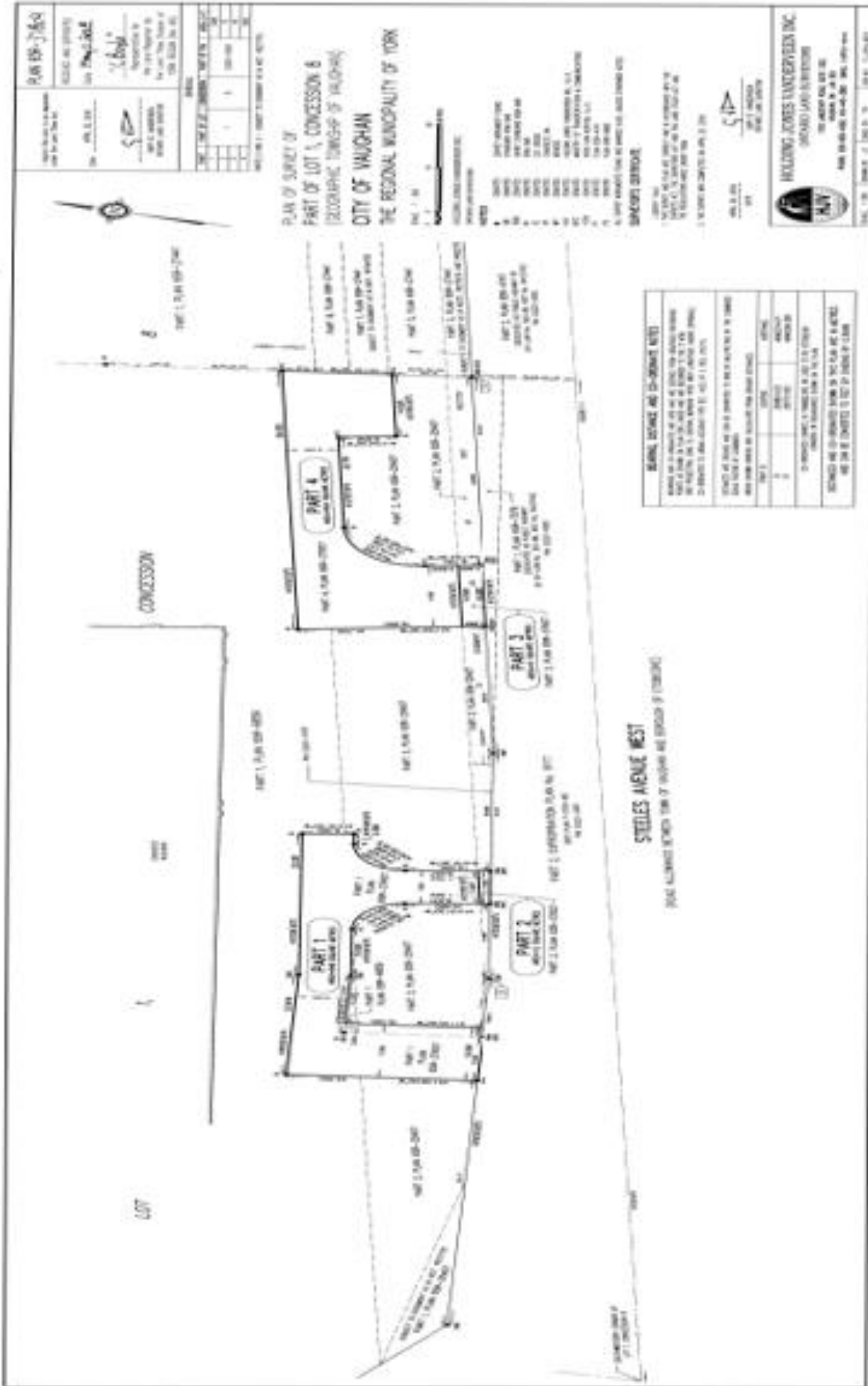
Topic	Easement Term
Owner/Transferor	Smith Farm Property Holdings Inc.
Transferee	City of Toronto
Consideration	\$2.00 (nominal)
Owner's Property	7233 Highway 27, Vaughan, are defined as follows: Part of Lot 1, Concession 8 (Vaughan) being Part 1 on Reference Plan 65R-6859 and Part 1 on Reference Plan 65R-7965, Except Part 1 on Reference Plan 65R-12313 and Part 1 on Reference Plan 65R-34930; subject to an easement over Parts 1 and 2 on Reference Plan 65R-25407 as in Instrument No. YR277751; together with an easement over Parts 4,6 and 7 on Reference Plan 65R-27441 as in Instrument No. YR744702; City of Vaughan, being all of PIN No.03221-0163 (LT).
Easement Lands	Part of the Owner's Property, being Parts 1, 2, 3 and 4 of Reference Plan 65R-37804
Grant of Easement	Transferor grants to the City and its agents and contractors pedestrian and vehicular rights over the Easement Lands for the following purposes: (i) ingress and egress to and from the water meter chambers and the sanitary and storm control manholes for municipal water monitoring purposes, and (ii) constructing, installing, erecting operating, using, operating maintaining, inspecting, altering, removing, replacing and repairing its water monitoring infrastructure.
Use of Easement Lands	Limited to the reasonable use for the intended purposes in common with the Transferor and its customers and invitees. The Transferor shall be entitled to enter into agreements with other parties for the use of the Easement Lands so long as the City's easement rights are not impacted.
Maintenance	The Transferor is responsible for the operation and maintenance of the Easement Lands save any damage thereto inflicted by the City. The City shall use its reasonable care to protect the Easement Lands in its exercise of its easement.
Indemnity	The City shall indemnify the Transferor from any actions arising out of any loss resulting from the City's use of the Easement Lands.
Successors and Assigns	The easement shall enure to the benefit of and shall be binding upon all successors and assigns. The easement will be registered on title to the Owner's Property.
Easement in Gross	The Easement is an easement in gross under Section 72 of the <i>City of Toronto Act, 2006</i> .

Site Plan



Appendix "C"

Reference Plan 65R-37804



Appendix "D"

Location Map

