

Approved pursuant to the Delegated Authority contained in Government Management Committee Item GM6.18 entitled "Policy with Respect to the Sale/Disposition of Land", as adopted by City Council on July 16, 17, 18 & 19, 2007. City of Toronto Municipal Code Chapter 213, Real Property, Sale of, adopted by By-law No. 814-2007.

Prepared By:	Mike Saffran	Division:	Corporate Real Estate Management
Date Prepared:	October 3, 2019	Phone No.:	(416) 392-7205
Purpose:	To declare surplus an easement interest (21 years or more) of a portion of City-owned property located at 55 John Street, Metro Hall, P2 Parking level, with the intended manner of disposal to be by way of providing a permanent easement to Enwave Energy Corporation ("Enwave") for a hot water distribution line.		
Property:	A permanent easement interest (over 21 years), over a portion of the property, 55 John Street, Metro Hall, P2 Parking level and shown as Parts 1 and 2 on draft reference plan attached in Appendix "A" hereto (the " Easement Lands ").		
Actions:	<ol style="list-style-type: none"> 1. The Easement Lands be declared surplus, with the intended manner of disposal to be by way of providing a permanent easement to Enwave for the purpose of the installation, maintenance and operation of a hot water distribution line. 2. An exemption be granted from the requirement to give notice to the public. 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:	<p>There is no financial implication resulting from this approval.</p> <p>The Chief Financial Officer & Treasurer has reviewed this DAF and agrees with the financial impact information.</p>		
Background:	Enwave has requested that the City grant a permanent easement through the Easement Lands for the purpose of the installation of a hot water distribution line approximately 18" in diameter and 300 feet long.		
Comments:	A circulation to the City's Divisions and Agencies was undertaken to ascertain whether or not there is any municipal interest in retaining the Easement Lands. No municipal interest was expressed. Staff of the Housing Secretariat has determined that there is no interest in the Easement Lands for affordable housing. Accordingly, it is appropriate that the Easement Lands be declared surplus. The Technical Review Committee considered granting an easement, a lease or licence at different instances, either of these options were considered and approved.		
Property Details:	Ward:	10 – Spadina-Fort York	
	Assessment Roll No.:	A portion of 1904 062 250 000 50	
	Approximate Size:	Irregular shaped	
	Approximate Area: (draft R Plan)	Part 1 = 242.2 m ² ± (2,607.1 ft ² ±); Part 2 = 15.4 m ² ± (165.8 ft ² ±);	
	Other Information:	Portion of Metro Hall parking garage	
		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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 General Manager 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 of City Planning and the General Manager 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, 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 General Government and Licensing 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.]**
 - n/a 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, Appraisal Advisory & Taxation Services	Oct. 3, 2019	Signed by Peter Cheng
Acting Director, Real Estate Services	Oct. 10, 2019	Signed by Nick Simos
Deputy City Manager, Corporate Services	Oct. 16, 2019	Signed by Josie Scioli
Return to: Mike Saffran Project Manager, Transaction Services Metro Hall, 2 nd floor (416) 392-7205		

Consultation with Councillor(s):	
Councillor:	Joe Cressy
Contact Name:	Brent Gilliard
Contacted by	X Phone X E-mail Memo Other
Comments:	-No objections with recommendations – October 2, 2019 - Does not require the matter to be determined by Council
Councillor:	
Contact Name:	
Contacted by	Phone E-mail Memo Other
Comments:	

Consultation with other Division(s):			
Division:	Facilities Management / createTO	Division:	Finance
Contact Name:	Charles Pringle Ryan Glenn	Contact Name:	Filisha Jenkins
Comments:	Concurs with submission of DAF. September 30, 2019	Comments:	Concurs with FIS – September 30, 2019
Real Estate Law Contact:	Jacqueline Kiggundu	Date:	September 27, 2019

Appendix "A" – Location Map and draft Reference Plan

