

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

TRACKING NO.: 2020-199

Approved pursuant to the Delegated Authority contained in Article 2 of City of Toronto Municipal Code Chapter 213, Real Property

Prepared By:	Trixy Pugh	Division:	Corporate Real Estate Management
Date Prepared:	August 6, 2020	Phone No.:	(416) 392-8160

Purpose	To obtain authority to grant a non-exclusive permanent easement in, on, under and/or through part of the property municipally known as the West Toronto Railpath Trail, west of Ruskin Avenue, to Enbridge Gas Distribution Inc. ("Enbridge") for the purposes of constructing, installing, operating, using, inspecting, removing, altering, reconstructing, enlarging, repairing and maintaining gas pipelines in order to service the Metrolinx Go Expansion Rail Corridor, formerly the Regional Express Rail (the "Easement").
Property	The property municipally known as the West Toronto Railpath Trail, west of Ruskin Avenue, Toronto, and legally described as Part of Lot 34 Concession 2 From the Bay Township of York, Part 1 on 64R-16971 and Part 8 on 64R-16972, being part of PIN 21328-0509 (LT), (the "Property"), as shown on the Location Map and designated as Part 1 on Plan No. 66R-30373 in Appendix "B".
Actions	Authority be granted to convey the Easement to Enbridge in, on, under and/or through the Property for the sum of \$15,000.00 plus HST, substantially on the major terms and conditions set out in Appendix "A", and including such other terms and conditions as deemed appropriate by the approving authority herein, and in a form satisfactory to the City Solicitor.
Financial Impact	The City will receive revenue in the amount of \$15,000.00 (exclusive of HST and other applicable taxes), less closing costs and the usual adjustments is anticipated. The proceeds will be contributed to the Land Acquisition Reserve Fund (XR1012) upon closing of the transaction. The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial impact information.
Comments	The Property was not acquired through expropriation proceedings. The City acquired the Property in 2003 for the purpose of creating a multi-use recreational trail, under the operational management of Parks, Forestry & Recreation ("PF&R"), and has a Utility Corridors land use designation under the Official Plan. Enbridge is requesting for a permanent easement over the City lands for the purpose servicing the Metrolinx Go Expansion Rail Corridor. The Property was declared surplus by DAF No. 2018-339 with the intended manner of disposal to be by way of a grant of a permanent easement to Enbridge. 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 have been complied with. The value of the Easement is considered fair, reasonable and reflective of market value, and it is recommended for acceptance substantially on the major terms and conditions set out in Appendix "A".
Terms	Refer to Appendix "A"

Property Details	Ward:	9 - Davenport
	Assessment Roll No.:	
	Approximate Size:	13.19m (43.27ft) x 10.25m (33.63ft)
	Approximate Area:	61 m ² (656.6 ft 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 more senior positions.	<input type="checkbox"/> Issuance of RFPs/REOs.
4. Permanent Highway Closures:	Delegated to more senior positions.	<input type="checkbox"/> Initiate process & authorize GM, Transportation Services to give notice of proposed by-law.
5. Transfer of Operational Management to Divisions, Agencies and Corporations:	Delegated to more senior positions.	Delegated to more senior positions.
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 more senior positions.	<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"/> (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"/> (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 six (6) months, including licences for environmental assessments and/or testing, etc.
10. Leases/Licences (City as Tenant/Licensee):	Leases pursuant to the Community Space Tenancy Policy delegated to a more senior position. <input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$50,000.	Leases pursuant to the Community Space Tenancy Policy delegated to a more senior position. <input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$1 Million.
11. Easements (City as Grantor):	<input checked="" type="checkbox"/> Where total compensation does not exceed \$50,000. Delegated to more senior positions.	<input type="checkbox"/> (a) Where total compensation does not exceed \$1 Million. <input type="checkbox"/> (b) When closing roads, easements to pre-existing utilities for nominal consideration.
12. Easements (City as Grantee):	<input 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 more senior positions.	<input type="checkbox"/> Amendment must not be materially inconsistent with original decision (and subject to General Condition (U)).
14. Miscellaneous:	Delegated to more senior positions.	<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/Estoppel Certificates <input type="checkbox"/> (f) Objections/Waivers/Cautions <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 each position also has delegated approval authority.
- Expropriation Applications and Notices following Council approval of expropriation (Manager, Transaction Services 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 the Deputy City Manager, Corporate Services and any related documents.

Pre-Condition to Approval
 Complies with General Conditions in Appendix B of City of Toronto Municipal Code Chapter 213, Real Property
Consultation with Councillor(s)

Councillor:	Ana Bailao	Councillor:	
Contact Name:	Ana Bailao	Contact Name:	
Contacted by:	Phone <input type="checkbox"/> X E-Mail <input type="checkbox"/> Memo <input type="checkbox"/> Other <input type="checkbox"/>	Contacted by:	Phone <input type="checkbox"/> E-mail <input type="checkbox"/> Memo <input type="checkbox"/> Other <input type="checkbox"/>
Comments:	No objections (July 17, 2020)	Comments:	

Consultation with Divisions and/or Agencies

Division:	PF&R	Division:	Financial Planning
Contact Name:	Jason Bragg	Contact Name:	Filisha Jenkins
Comments:	Incorporated into DAF (July 10, 2020)	Comments:	(July 17, 2020)

Legal Services Division Contact

Contact Name:	Emily Ng (August 6, 2020)
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DAF Tracking No.: 2020-199	Date	Signature
Concurred with by: Manager, Real Estate Services Melanie Hale-Carter	Aug. 6, 2020	Signed by Melanie Hale-Carter
<input type="checkbox"/> Recommended by: Manager, Real Estate Services Daran Somas	Aug. 7, 2020	Signed by Daran Somas
<input checked="" type="checkbox"/> Approved by:		
<input type="checkbox"/> Approved by: Director, Real Estate Services		X

Appendix "A"

Summary of the Major Terms and Conditions

1. The City grants Enbridge a non-exclusive easement in, on, under and/or through the Property to construct, install, operate, use, inspect, remove, alter, reconstruct, enlarge, repair and maintain gas pipelines and all works, appurtenances, attachments, apparatus, appliances, markers, fixtures and equipment (hereinafter collectively referred to as the "Works") which Enbridge may deem necessary or convenient thereto (the "Easement"), provided that Enbridge shall not install any Works on or over the surface of the Property.
2. Enbridge acknowledges that the Property form part of the West Toronto Railpath Trail, which is a public, multi-use trail and park, and that any rights conveyed herein shall be subject to: **(i)** the rights of the City to use, enjoy, operate, construct, maintain, repair, and replace the Property; and **(ii)** the rights of the general public to fully use and enjoy the Property.
3. Enbridge shall be solely responsible for all costs and expenses of constructing, installing, operating, using, inspecting, removing, altering, reconstructing, repairing and maintaining the Works.
4. Enbridge shall at all times maintain, at its sole cost, commercial general liability insurance with limits of not less than \$5,000,000.00.
5. Enbridge agrees that except in the case of an emergency, no digging, drilling, excavation, construction, or other work shall be carried out in, under, over or upon the Property or any portion thereof without the prior written approval of each of the General Manager of Parks, Forestry & Recreation (the "GM") and the Deputy City Manager, Corporate Services (the "DCM"). Prior to any such work being carried out, sketches and a written description of the nature, extent, location, and impact of such work and showing the manner in which the Property will be protected must be submitted to and approved by each of the GM and the DCM.
6. Should Enbridge no longer require the Works, it shall remove the Works from the Property at its sole cost and shall surrender the Easement without charge to the City.
7. Enbridge will pay the City \$15,000.00, exclusive of applicable taxes and fees, as compensation for the Easement.

Appendix "B": Location Map & R-Plan



