

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

TRACKING NO.: 2020-198

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 upon, over, on, in, under, along, across and through part of the property municipally known as the West Toronto Railpath Trail, west of Ruskin Avenue, to Toronto Hydro-Electric System Limited ("Toronto Hydro") for the purposes of constructing, installing, operating, maintaining, inspecting, altering, removing, replacing, reconstructing, enlarging, repairing and using Toronto Hydro's power and service wires ("Toronto Hydro Plant") in order to protect and maintain the existing infrastructure which forms part of the Toronto Hydro Plant (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-30572 in Appendix "B".
Actions	Authority be granted to convey the Easement to Toronto Hydro upon, over, on, in, under, along, across and through the Property for the sum of \$3,000.00 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	<p>The City will receive revenue in the amount of \$3,000 (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.</p> <p>The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial impact information.</p>
Comments	<p>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.</p> <p>Toronto Hydro is requesting for a permanent easement over the City lands for the purpose of protecting its existing infrastructure.</p> <p>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 Toronto Hydro. 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.</p> <p>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".</p>
Terms	Refer to Appendix "A"

Property Details	Ward:	9 – Davenport
	Assessment Roll No.:	
	Approximate Size:	5.2m (17ft) x 4.4m (14.4ft)
	Approximate Area:	11.36 m ² (122.2 ft ²)
	Other Information:	

A.	Manager, Real Estate Services has approval authority for:	Director, Real Estate Services has approval authority for:
<p>1. Acquisitions:</p> <p>2. Expropriations:</p> <p>3. Issuance of RFPs/REOIs:</p> <p>4. Permanent Highway Closures:</p> <p>5. Transfer of Operational Management to Divisions, Agencies and Corporations:</p> <p>6. Limiting Distance Agreements:</p> <p>7. Disposals (including Leases of 21 years or more):</p> <p>8. Exchange of land in Green Space System & Parks & Open Space Areas of Official Plan:</p> <p>9. Leases/Licences (City as Landlord/Licensor):</p> <p>10. Leases/Licences (City as Tenant/Licensee):</p> <p>11. Easements (City as Grantor):</p> <p>12. Easements (City as Grantee):</p> <p>13. Revisions to Council Decisions in Real Estate Matters:</p> <p>14. Miscellaneous:</p>	<p><input type="checkbox"/> Where total compensation does not exceed \$50,000.</p> <p><input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$50,000.</p> <p>Delegated to more senior positions.</p> <p>Delegated to more senior positions.</p> <p>Delegated to more senior positions.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$50,000.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$50,000.</p> <p>Delegated to more senior positions.</p> <p><input type="checkbox"/> (a) Where total compensation (including options/ renewals) does not exceed \$50,000.</p> <p><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.</p> <p>Leases pursuant to the Community Space Tenancy Policy delegated to a more senior position.</p> <p><input type="checkbox"/> Where total compensation (including options/ renewals) does not exceed \$50,000.</p> <p><input checked="" type="checkbox"/> Where total compensation does not exceed \$50,000.</p> <p>Delegated to more senior positions.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$50,000.</p> <p>Delegated to more senior positions.</p> <p>Delegated to more senior positions.</p>	<p><input type="checkbox"/> Where total compensation does not exceed \$1 Million.</p> <p><input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$1 Million.</p> <p><input type="checkbox"/> Issuance of RFPs/REOIs.</p> <p><input type="checkbox"/> Initiate process & authorize GM, Transportation Services to give notice of proposed by-law.</p> <p>Delegated to more senior positions.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$1 Million.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$1 Million.</p> <p><input type="checkbox"/> Exchange of land in Green Space System and Parks and Open Space Areas of Official Plan.</p> <p><input type="checkbox"/> (a) Where total compensation (including options/ renewals) does not exceed \$1 Million.</p> <p><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.</p> <p>Leases pursuant to the Community Space Tenancy Policy delegated to a more senior position.</p> <p><input type="checkbox"/> Where total compensation (including options/ renewals) does not exceed \$1 Million.</p> <p><input type="checkbox"/> (a) Where total compensation does not exceed \$1 Million.</p> <p><input type="checkbox"/> (b) When closing roads, easements to pre-existing utilities for nominal consideration.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$1 Million.</p> <p><input type="checkbox"/> Amendment must not be materially inconsistent with original decision (and subject to General Condition (U)).</p> <p><input type="checkbox"/> (a) Approvals, Consents, Notices and Assignments under all Leases/Licences</p> <p><input type="checkbox"/> (b) Releases/Discharges</p> <p><input type="checkbox"/> (c) Surrenders/Abandonments</p> <p><input type="checkbox"/> (d) Enforcements/Terminations</p> <p><input type="checkbox"/> (e) Consents/Non-Disturbance Agreements/ Acknowledgements/Estoppel Certificates</p> <p><input type="checkbox"/> (f) Objections/Waivers/Cautions</p> <p><input type="checkbox"/> (g) Notices of Lease and Sublease</p> <p><input type="checkbox"/> (h) Consent to regulatory applications by City, as owner</p> <p><input type="checkbox"/> (i) Consent to assignment of Agreement of Purchase/Sale; Direction re Title</p> <p><input type="checkbox"/> (j) Documentation relating to Land Titles applications</p> <p><input type="checkbox"/> (k) Correcting/Quit Claim Transfer/Deeds</p>

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:	<input type="checkbox"/> Phone <input checked="" type="checkbox"/> E-Mail <input type="checkbox"/> Memo <input type="checkbox"/> Other	Contacted by:	<input type="checkbox"/> Phone <input type="checkbox"/> E-mail <input type="checkbox"/> Memo <input type="checkbox"/> Other
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 17, 2020)	Comments:	Incorporated into DAF (July 17, 2020)

Legal Services Division Contact

Contact Name:	Emily Ng (August 6, 2020)
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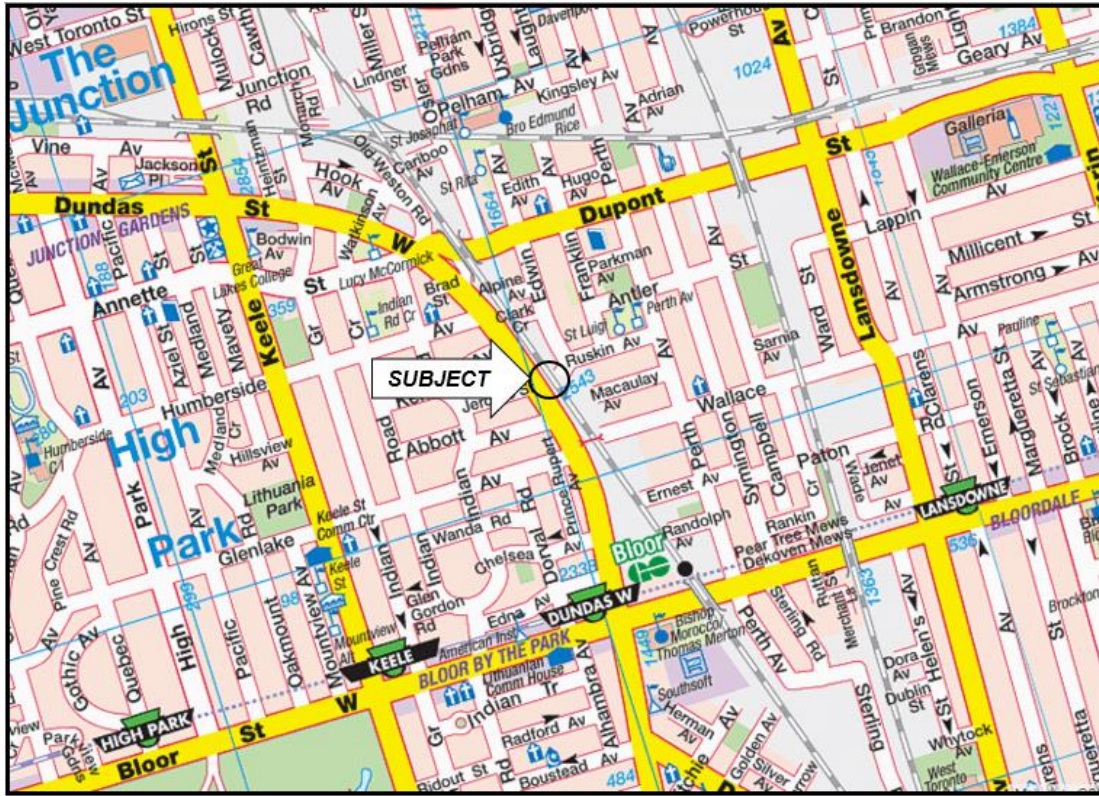
DAF Tracking No.: 2020-198	Date	Signature
Concurred with by: Manager, Real Estate Services Melanie Hale-Carter	Aug. 6, 2020	Signed by Melanie Hale-Carter
<input type="checkbox"/> Recommended by: Manager, Real Estate Services Daran Somas <input checked="" type="checkbox"/> Approved by:	Aug. 7, 2020	Signed by Daran Somas
<input type="checkbox"/> Approved by: Director, Real Estate Services		X

Appendix "A"

Summary of Major Terms and Conditions

1. The City grants Toronto Hydro a non-exclusive easement upon, over, on, in, under, along, across and through the Property in order to construct, install, operate, maintain, inspect, alter, remove, replace, reconstruct, enlarge, repair and use Toronto Hydro's power and service wires and all works, appurtenances, attachments, apparatus, appliances, markers, fixtures and equipment as Toronto Hydro, acting reasonably, may at any time hereafter deem requisite ("Toronto Hydro Plant").
2. Toronto Hydro assumes sole risk and responsibility for the personal injury or death of any person and damage to any property arising out of anything done by Toronto Hydro pertaining to the Toronto Hydro Plant and Toronto Hydro's use of the Property and agrees to indemnify the City from all claims, demands, liabilities, obligations, losses, damages, costs, expenses, actions, suits or other proceedings, sustained, paid, incurred, brought or prosecuted in any way connected with anything done by Toronto Hydro, in the exercise or enjoyment of the rights and easements herein transferred.
3. Toronto Hydro acknowledges that the Property forms part of a public, multi-use trail and park known as the West Toronto Railpath and that there are water and sewer collection, transmission, distribution, and discharge systems owned by the City currently located in, on, under, within, or near the Property and that the rights granted hereunder are at all times subject to the rights of the City to survey, lay, construct, install, operate, use, inspect, remove, renew, replace, alter, enlarge, reconstruct, repair, expand and maintain its said systems, services, facilities and any new or additional municipal services that may be constructed within the Property (the "City Services").
4. Toronto Hydro agrees that except in the case of an emergency, no digging, drilling, excavation, construction or other work, other than routine maintenance of Toronto Hydro's power and service wires, shall be carried out, in, under, over or upon the Property by Toronto Hydro without the prior written approval, not to be unreasonably withheld or delayed, of the City's Executive Director of Engineering & Construction Services and the City's General Manager of Parks, Forestry & Recreation.
5. The City agrees that except in the case of an emergency, no digging, drilling, excavation, construction or other work, other than routine maintenance of the City Services, shall be carried out, in, under, over or upon the Property or any portion thereof, by the City or anyone acting for or on behalf of the City, without the prior written approval, not to be unreasonably withheld or delayed, of Toronto Hydro.

Appendix "B": Location Map and R-Plan



INTEGRATION DATA

OBSERVED REFERENCE POINTS (ORPs): MTM ZONE 10, NAD83 (CSRS) (2010.0).
 COORDINATES TO URBAN ACCURACY PER SECTION 14 (2) OF O. REG. 216/10.

POINT ID	EASTING	NORTHING
ORP (A)	308 423.21	4 835 852.19
ORP (B)	308 523.21	4 835 711.95

COORDINATES CANNOT IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

NOTES

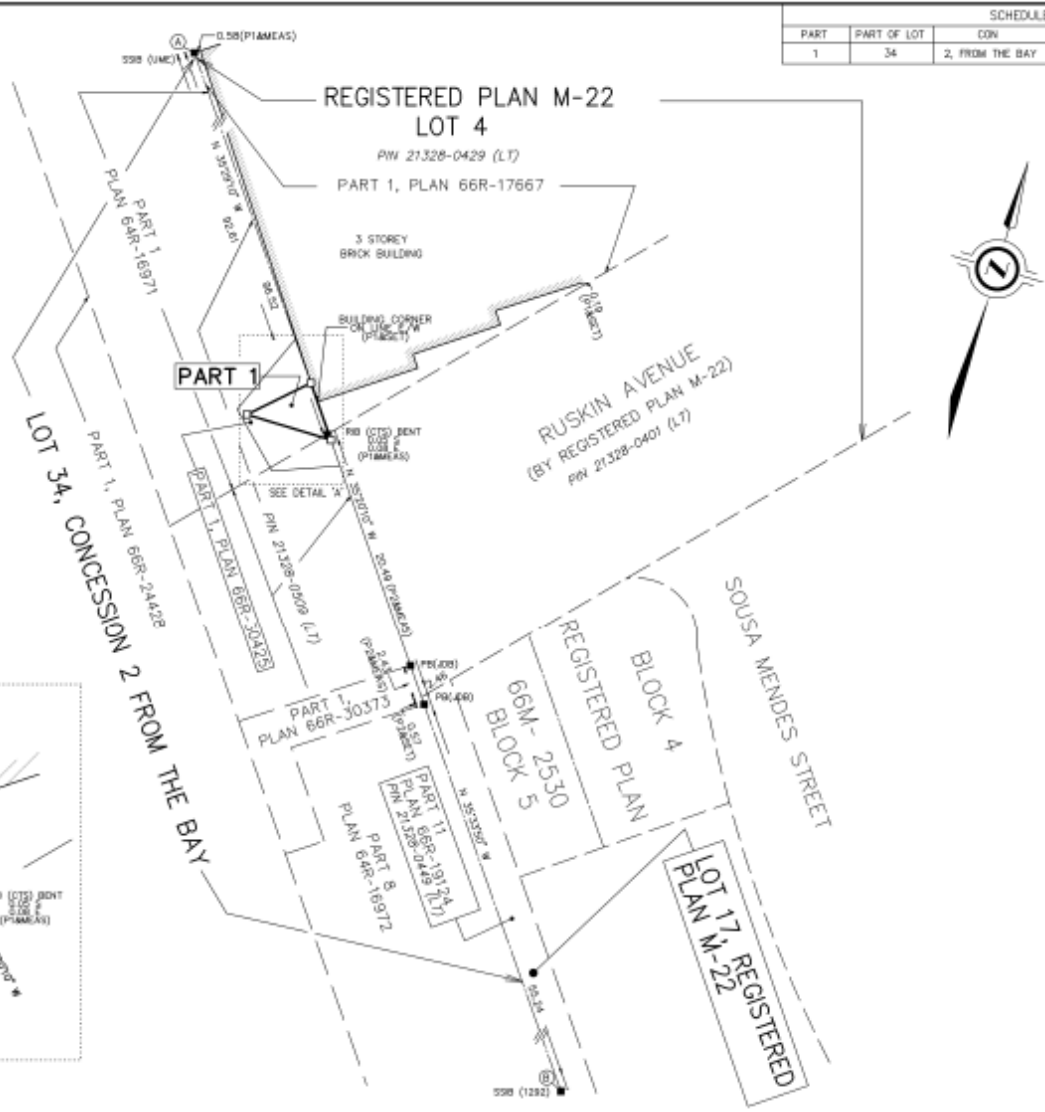
DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999892.

ALL SET SSB AND PB MONUMENTS WERE USED DUE TO LACK OF OVERBURDEN AND/OR PROXIMITY OF UNDERGROUND UTILITIES IN ACCORDANCE WITH SECTION 11 (4) OF O. REG. 525/91.

BEARINGS ARE MTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS A AND B, BY REAL TIME NETWORK (RTN) OBSERVATIONS, MTM ZONE 10, NAD83 (CSRS) (2010.0).

LEGEND

■	DENOTES SURVEY MONUMENT FOUND
□	DENOTES SURVEY MONUMENT SET
RB	DENOTES ROUND IRON BAR
RB	DENOTES ROUND IRON BAR
PB	DENOTES PLASTIC BAR
CS	DENOTES CUT CROSS
MEAS	DENOTES MEASURED
P1	DENOTES 66R-17667
P2	DENOTES 66R-30373
1292	DENOTES W.E. BENNETT, O.L.S.
CTS	DENOTES CITY OF TORONTO SURVEYS
JDB	DENOTES J.D. BARNES LIMITED
UME	DENOTES URMW MURPHY & ESTER LTD., O.L.S.



SCHEDULE

PART	PART OF LOT	CON	PART OF PIN	AREA
1	34	2, FROM THE BAY	21328-0509 (LT)	11.4 sq.m

PLAN 66R-30572
 Received and deposited
February 20th, 2019
April Sarkany
 Representative for the
 Land Registrar for the
 Land Titles Division of
 Toronto (No.80)

PLAN OF SURVEY OF
**PART OF LOT 34
 CONCESSION 2, FROM THE BAY
 GEOGRAPHIC TOWNSHIP OF YORK
 CITY OF TORONTO**



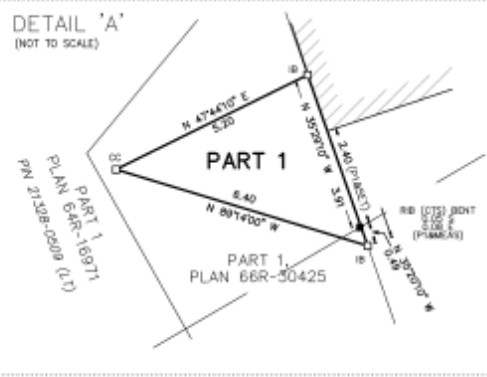
J.D. BARNES LIMITED
 THE INTENDED PLOT SIZE OF THIS PLAN IS 600mm IN WIDTH BY 350mm IN HEIGHT WHEN PLOTTED AT A SCALE OF 1:250.
METRIC DISTANCES AND/OR COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

SURVEYOR'S CERTIFICATE
 I CERTIFY THAT:
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
 2. THE SURVEY WAS COMPLETED ON THE 8TH DAY OF FEBRUARY 2019.

FEBRUARY 13, 2019 DATE

 MICHAEL MACEK
 ONTARIO LAND SURVEYOR

THIS PLAN OF SURVEY RELATES TO AOLS PLAN SUBMISSION FORM NUMBER 2071796.



J.D. BARNES LIMITED SURVEYING MAPPING GIS
 LAND INFORMATION SPECIALISTS
 411 RICHMOND ST. EAST, SUITE 307, TORONTO, ON M5A 1B1
 T: (416) 368-3737 F: (416) 368-3386 www.jdbarnes.com

DRAWN BY: RLJI CHECKED BY: M. MACEK REFERENCE NO.: 58-22-729-00
 FILE: C:\18-22-729\007\Drawings\18-22-729-00-0P - 00.dwg DATE: 1/23/19