

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

TRACKING NO.: 2020-290

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

Prepared By:	Bruno Iozzo	Division:	Corporate Real Estate Management
Date Prepared:	October 21, 2020	Phone No.:	(416) 392-8151

Purpose	To obtain authority to enter into a Construction Crane Swing Licence Amending agreement (the "Agreement") with Liberty Market Tower Inc., as general partner of and on behalf of Liberty Market Tower LP (the "Licensee") to permit the Licensee's construction crane to swing above City-owned lands located at 9 Hanna Avenue to facilitate the redevelopment on a portion of the property at 171 East Liberty Street.
Property	A portion of the City-owned lands known municipally as 9 Hanna Ave and the driveway lands to the north, located adjacent to 171 East Liberty Street; being part of PIN 21299-0182 and PIN 21299-0255, displayed on the maps attached hereto as Appendix "A", and as illustrated on the Crane Swing Plan attached hereto as Appendix "B".
Actions	1. Authority is granted to enter into the Agreement with the Licensee, substantially on the terms and conditions outlined below, and on such other or amended terms and conditions as may be satisfactory to the Director, Transaction Services, and in a form acceptable to the City Solicitor.
Financial Impact	The City will collect a licence fee of \$25,920 plus HST for the Agreement. If the Licensee exercises the option to extend the term, the City will collect an additional licence fee of \$17,280 plus HST for the Agreement (for a grand total of \$43,200 plus HST). The Chief Financial Officer and Treasurer has reviewed this report and agrees with the financial implications as identified in the Financial Impact section.
Comments	The Licensee is in the process of constructing a 28-storey mixed-use development at 171 East Liberty Street. To facilitate the development, the Licensee and the City entered into a Construction Crane Swing Licence (the "Licence") in 2018 allowing the Licensee's crane boom to temporarily encroach on the City Property. Authority for the Licence was obtained via DAF #2018-274. The Licensee has contacted the City and has requested to extend the term of the Licence in order to complete the development on its site. City staff have reviewed the details of the request and have reached an agreement with the Licensee to provide the requested extension in exchange for the appropriate market value consideration stipulated in the Financial Impact section. City Staff deem the terms of the Agreement to be fair and reasonable to both parties, based on the market value of the City's property and the terms of the Agreement.
Terms	Licensor: City of Toronto. Licensee: Liberty Market Tower Inc. (as general partner of and on behalf of Liberty Market Tower LP) Licensed Area: 450 square meters or 4,844 square feet of air space area above the City-owned lands shown shaded on the Crane Swing Plan in Appendix "B". Commencement Date: October 1, 2020 Term: 9 months with an option to extend the term for an additional 6 months (for a maximum term of 15 months) Licence Fee: \$25,920 plus HST. If the Licensee exercises its option to extend the term of the Agreement, an additional licence fee of \$17,280 plus HST will be applicable. Insurance: The Licensee shall obtain and maintain, throughout the term of the Licence, comprehensive general liability insurance against claims for bodily injuring (including death) and property damage in an amount not less than \$20,000,000.00 per occurrence. Such insurance shall name the City of Toronto as additional insured. General Indemnity and Release: The Licensee shall indemnify and save the City harmless from and against any and all proceedings whatsoever imposed on the City in respect of any loss, damage or injury arising as a result of the Licensee's occupancy or use of the Licensed Area.

Property Details	Ward:	10 – Spadina-Fort York
	Assessment Roll No.:	19 04 041 130 006 52
	Approximate Size:	
	Approximate Area:	450 m ² or 4,844 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>2A. Expropriations Where City is Expropriating Authority:</p> <p>2B. Expropriations For Transit-Related Purposes Where City is Property Owner or Has Interest in Property Being Expropriated:</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/Licensors):</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><input type="checkbox"/> (a) Acceptance of statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$50,000.</p> <p><input type="checkbox"/> (b) Request Hearings of Necessity.</p> <p><input type="checkbox"/> (c) Waive Hearings of Necessity.</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 checked="" 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 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"/> (a) Acceptance of statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$1 Million.</p> <p><input type="checkbox"/> (b) Request Hearings of Necessity.</p> <p><input type="checkbox"/> (c) Waive Hearings of Necessity.</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:	Joe Cressy	Councillor:	
Contact Name:	Anthony MacMahon – Advisor	Contact Name:	
Contacted by:	Phone <input type="checkbox"/> E-Mail <input checked="" 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 (Oct/1/2020)	Comments:	

Consultation with Divisions and/or Agencies

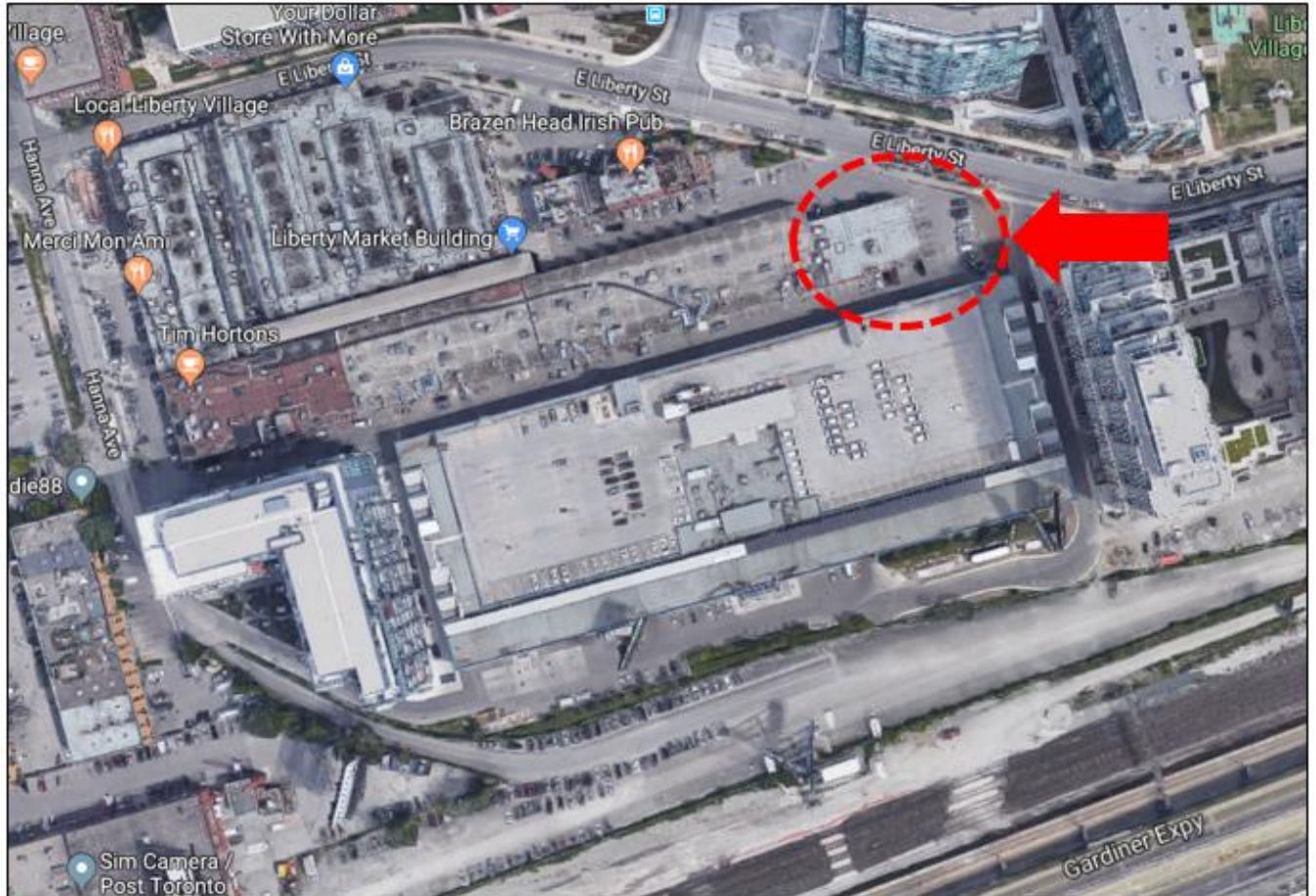
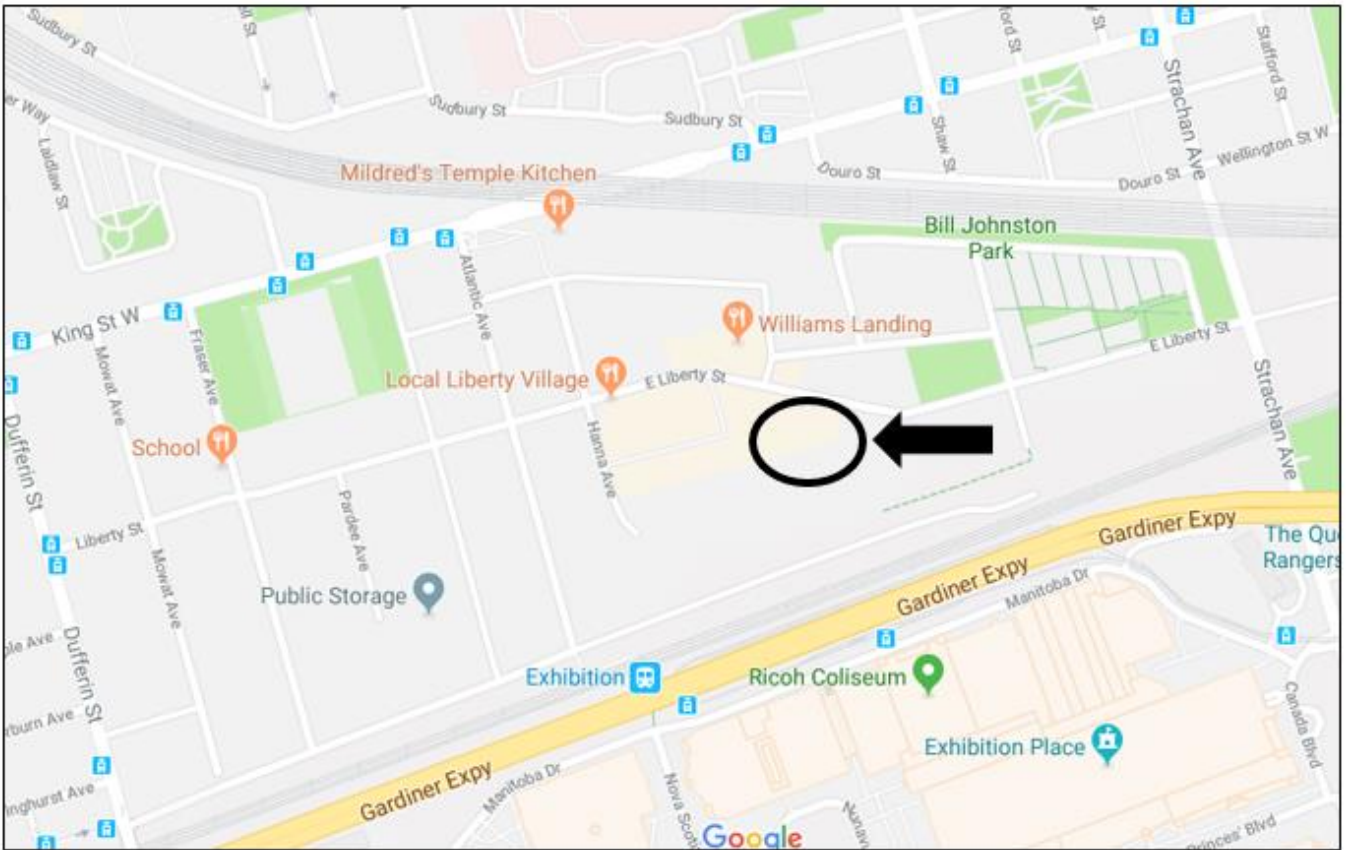
Division:	Toronto Police Services	Division:	Financial Planning
Contact Name:	Thomas Levesque / Enrico Pera	Contact Name:	Patricia Libardo
Comments:	No concerns with extension request (Oct/19/2020)	Comments:	Revised language included (Oct/20/2020)

Legal Services Division Contact

Contact Name: Vanessa Bacher (Oct/19/2020)

DAF Tracking No.: 2020-290	Date	Signature
Concurred with by: Acting Manager, Real Estate Services Peter Cheng	Oct 21, 2020	Signed By: Peter Cheng
<input type="checkbox"/> Recommended by: Acting Manager, Real Estate Services Melanie Hale-Carter	Oct 21, 2020	Signed By: Melanie Hale-Carter
<input checked="" type="checkbox"/> Approved by:		
<input type="checkbox"/> Approved by: Director, Real Estate Services Alison Folosea		

Appendix "A" – Location Map



Appendix "B" – Crane Swing Plan (Shaded Area)

