

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

TRACKING NO.: 2020- 329

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

Prepared By:	Joseph Sergnese	Division:	Corporate Real Estate Management
Date Prepared:	December 8, 2020	Phone No.:	416-392-1857

Purpose	To obtain authority for the City (the "Lessee") to enter into a lease agreement (the "Lease") with the Toronto Economic Development Corporation (TEDCO) ("the "Lessor") for the purpose of facilitating and carrying out the permanent realignment of a segment of Cherry Street between Polson Street and Lake Shore Boulevard East.
Property	Part of 185 Cherry Street and 51 Commissioners Street, legally described as Part Block 4 Plan 540E Toronto, designated as Parts 1 and 2 on Plan 66R-31355; City of Toronto attached hereto as Appendix "A" (the "Leased Lands").
Actions	<ol style="list-style-type: none"> The City enter into the Lease with TEDCO for an initial term of two (2) years for the purposes set out above, on the terms and conditions outlined herein and in a form acceptable to the City Solicitor; and The Director of Real Estate Services, shall administer and manage the Lease including the provision of any consents, approvals, waivers, notices and notices of termination, provided that the Director of Real Estate Services may, at any time, refer consideration of such matters to City Council for its determination and direction
Financial Impact	There is no financial impact. The Lease is for nominal consideration. The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial implications as identified in the Financial Impact section.
Comments	As part of Port Lands Flood Protection Project (the "Project"), Waterfront Toronto has been overseeing the construction of the temporary diversion of Cherry Street, the adjacent sidewalk and the multi-use path known as the Martin Goodman Trail pursuant to a licence agreement with TEDCO (the "Licence"). Once construction of the diversion is complete and accepted by the City, the Licence will be superseded by the subject Lease and the City will assume exclusive possession of the Leased Lands. Simultaneously, Transportation Services will seek Council's approval to dedicate the Leased Lands as public highway. Upon their dedication, the road will be used by members of the public as a highway and multi-use trail until the permanent realignment of Cherry Street is complete. The Waterfront Secretariat has provided its concurrence respecting the above.
Terms	<p>The Lease includes the following terms and conditions:</p> <ol style="list-style-type: none"> Gross Rent: Nominal, the City being responsible for any liens, charges, or applicable taxes that arise during the Term. Term: Two (2) years, commencing on the date that a dedication by-law is enacted by the Council. The City has the option to extend for one additional year. Early Termination: The City may terminate the Lease upon 15 days notice. The Lease shall terminate automatically in the event the City acquires ownership of some or all of the Leased Lands. Use: the Leased Lands will be used by the Lessee for the purpose of a public highway under the jurisdiction of the Lessee along with the operation of the City Water Infrastructure, the 3rd Party Utilities or any other work which is acknowledged agree to by the Lessor and is lawfully permitted within the Leased Lands. Maintenance and Repair Standard: The Lessee must repair and maintain the Leased Lands in accordance with applicable laws throughout the Term. Traffic Regulation and Enforcement: The Lessee shall be responsible for traffic regulation during the Term Restoration: At the end of the Term, Waterfront Toronto will be responsible for restoring the Leased Lands in a manner consistent with the Project, either pursuant to the Licence or by another form of agreement in the event the City acquires ownership of some or all of the Leased Lands prior to the expiry date. No Forfeiture or Re-Entry: The Lessor will not have rights of re-entry, termination, or regained possession of the Leased Lands until expiration of the Term, so as not to interrupt use of the highway.

Property Details	Ward:	14 – Toronto-Danforth
	Assessment Roll No.:	
	Approximate Size:	Irregular
	Approximate Area:	yy m ² ± (yy 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 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 checked="" 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:
<ul style="list-style-type: none"> • 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:
<ul style="list-style-type: none"> • 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			
<input checked="" type="checkbox"/> Complies with General Conditions in Appendix B of City of Toronto Municipal Code Chapter 213, Real Property			
Consultation with Councillor(s)			
Councillor:	Councillor Paula Fletcher	Councillor:	
Contact Name:	Susan Serran	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 Objection (December 3, 2020)	Comments:	
Consultation with Divisions and/or Agencies			
Division:	Waterfront Secretariat/Transportation Services	Division:	Financial Planning
Contact Name:	Brett Howell-Technical Coordinator/Nathan Sham-Project Lead Traffic Management Centre	Contact Name:	Patricia Libardo
Comments:	Concurrence (December 3, 2020/ December 8, 2020)	Comments:	Concurrence (December 3, 2020)
Legal Services Division Contact			
Contact Name:	Catherine Thomas, Concurrence (November 30, 2020)		

DAF Tracking No.: 2020- 329	Date	Signature
Concurred with by: Manager, Real Estate Services Daran Somas	Dec. 8, 2020	Signed by Daran Somas
<input type="checkbox"/> Recommended by: Manager, Real Estate Services Melanie Hale Carter	Dec. 8, 2020	Signed by Melanie Hale-Carter
<input checked="" type="checkbox"/> Approved by:		
<input type="checkbox"/> Approved by: Director, Real Estate Services [NTD. Insert Director's name]		X

Appendix A Leased Premises

REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT

DATE: June 25/20

RECEIVED AND DEPOSITED: June 29/2020

PLAN 66R-21355

REPRESENTING FOR LAND REGISTERED FOR THE CITY OF TORONTO

TERRY P. DIETZ, O.L.E.

REGISTRY OFFICE (Rm. 40)

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 17th DAY OF JUNE, 2020.

DATE: June 25/20

TERRY P. DIETZ
ONARIO LAND SURVEYOR

PLAN OF SURVEY OF PART OF BLOCK 4 REGISTERED PLAN 540-E IN THE CITY OF TORONTO MUNICIPALITY OF METROPOLITAN TORONTO

SCALE 1:750 (MINS)

PLAN 2135E - 002627

PLAN 540-E

PLAN 66R-21355

PLAN 66R-2248

PLAN 66R-2249

PLAN 66R-2250

PLAN 66R-2251

PLAN 66R-2252

PLAN 66R-2253

PLAN 66R-2254

PLAN 66R-2255

PLAN 66R-2256

PLAN 66R-2257

PLAN 66R-2258

PLAN 66R-2259

PLAN 66R-2260

PLAN 66R-2261

PLAN 66R-2262

PLAN 66R-2263

PLAN 66R-2264

PLAN 66R-2265

PLAN 66R-2266

PLAN 66R-2267

PLAN 66R-2268

PLAN 66R-2269

PLAN 66R-2270

PLAN 66R-2271

PLAN 66R-2272

PLAN 66R-2273

PLAN 66R-2274

PLAN 66R-2275

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PLAN 66R-2291

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PLAN 66R-2293

PLAN 66R-2294

PLAN 66R-2295

PLAN 66R-2296

PLAN 66R-2297

PLAN 66R-2298

PLAN 66R-2299

PLAN 66R-2300

LEGEND

- D IDENTIFY SURVEY MONUMENT SET
- SB IDENTIFY SURVEY MONUMENT FOUND
- SBB IDENTIFY STAMPED IRON BAR
- SBP IDENTIFY STAMPED IRON BAR
- SBP IDENTIFY STAMPED IRON BAR
- RIB IDENTIFY ROUND IRON BAR
- OC IDENTIFY CUT CORNER
- SC IDENTIFY SPICED CONTROL POINT
- WT IDENTIFY WEIGHTS
- M IDENTIFY METERS REQUIRED
- N IDENTIFY NAIL
- 1077 IDENTIFY CALLON DIETZ, O.L.E.'S
- 1370 IDENTIFY APARNA SURICHOORE LTD., O.L.E.'S
- 1775 IDENTIFY CITY OF TORONTO
- 1875 IDENTIFY METROPOLITAN TORONTO
- R.P. IDENTIFY REGISTERED PLAN

NOTES

BEARINGS ARE NOT GRID DERIVED FROM SPECIFIED CONTROL POINTS 0217174900 AND 0201621011, WITH-10 IM-1627/0000L.

ALL DIMENSIONS SHOWN ARE MEASURED, UNLESS OTHERWISE NOTED.

DISTANCES ARE GIVEN AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.99988.

METRIC DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVING BY 0.3048

INTEGRATION DATA

SPECIFIED CONTROL POINTS (SCP'S) WITH-10 IM-0330/02010	COORDINATES TO UTM ZONE 18 Q UTM ZONE 18 Q OF UTM ZONE 18 Q	DISTING.
POINT ID	8807886	8807886
SCP	0217174900	21727178
SCP	0201621011	21626272
PLAN COORDINATES, UTM ZONE 18 Q, IM-0330/02010		
1	4832768.83	21626272
2	4832768.83	21626272

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNER OF BOUNDARIES SHOWN ON THE PLAN

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SCALE 1:750 (MINS)

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