

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

TRACKING NO.: 2021-038

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

Prepared By:	Mike Saffran	Division:	Corporate Real Estate Management
Date Prepared:	March 1, 2021	Phone No.:	(416) 392-7205

Purpose	To initiate the process to permanently close and to authorize the General Manager, Transportation Services to give notice to the public of a proposed by-law to permanently close the surplus portion of a City-owned stratified fee simple air space above a portion of an unnamed u-shaped public lane adjacent to Jack Cooper Lane, located at the rear of 375 Queen Street West and to authorize the sale of a portion of this lane, to the adjoining property owner at 375-381 Queen Street West Inc., (the "Purchaser") conditional upon City Council authorizing the permanent closure.
Property	A portion of the unnamed u-shaped public lane, legally described as Part of Lots 21-23 Plan 1b Toronto, being Part 1 on Reference Plan 63R-4373, Part 1 on Reference Plan 63R-3898 and Parts 1 to 7 on Expropriation Plan CT907963, save and except Part 2 on Reference Plan 63R-4373; City of Toronto, being part of PIN: 21412-0236 in Land Registry Office of Toronto (No. 66) in Land Titles Division and shown as Part 1 on Sketch No. PS-2019-075 on Appendix "A" (the "Lane").
Actions	<ol style="list-style-type: none"> The General Manager of Transportation Services be authorized to give notice to the public of a proposed by-law to permanently close the Lane in accordance with the requirements of the City of Toronto Municipal Code, Chapter 162, with the Toronto and Easy York Community Council to hear any member of the public who wishes to speak to the matter during consideration of the proposed by-law. The General Manager of Transportation Services be authorized to advise the public of the proposed closure of the Lane prior to implementation, in accordance with the requirements of the Municipal Class Environmental Assessment for Schedule "A+" activities, by posting notice of the proposed closure on the notices page of the City's Website for at least five working days prior to the Toronto and East York Community Council meeting at which the proposed by-law to close the Lane will be considered. Authority be granted to accept an offer from the Purchaser to purchase the Lane (the "Offer") for the sum of \$610,000.00 plus HST, substantially on the terms and conditions outlined herein and including such other terms and conditions as deemed appropriate by the approving authority herein, and in a form satisfactory to the City Solicitor. A portion of the proceeds of closing be directed to fund the outstanding expenses related to the completion of the sale transaction.
Financial Impact	<p>Revenue in the amount of \$610,000.00 (exclusive of HST and applicable taxes and fees), less closing costs and the usual adjustments is expected to be paid to the City of Toronto for the Lane. 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 implications as identified in the Financial Impact section.</p>
Comments	<p>In accordance with the City's Real Estate Disposal By-law, No. 814-2007, the Lane was declared surplus on February 6, 2020 (DAF No. 2020-012) with the intended manner of disposal to be by inviting an offer to purchase from the Purchaser.</p> <p>Transportation Services has reviewed the feasibility of permanently closing the Lane and advised that it has no objection to the proposed closing subject to City Council approving the permanent closure of the Lane.</p> <p>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 Offer submitted by the Purchaser to purchase the Lane in the amount of \$610,000.00 plus HST is considered fair, reasonable and reflective of market value. It is recommended for acceptance substantially on the terms and conditions outlined below.</p>
Terms	Major Terms and Conditions on page 4

Property Details	Ward:	10 – Spadina – Fort York
	Assessment Roll No.:	N/A
	Approximate Size:	Frontage: 3.2 m x Depth: 12.6 m ± (10.5 ft x 41.3 ft ±)
	Approximate Area:	43.0 m ² ± (463.0 ft ² ±)
	Other Information:	Public Lane

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"/> I 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 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"/> I Waive Hearings of Necessity.</p> <p><input type="checkbox"/> Issuance of RFPs/REOIs.</p> <p><input checked="" 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 checked="" 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"/> I Surrenders/Abandonments</p> <p><input type="checkbox"/> (d) Enforcements/Terminations</p> <p><input type="checkbox"/> I 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	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 – February 24, 2021	Comments:	

Consultation with Divisions and/or Agencies

Division:	Transportation Services / City Planning	Division:	Finance
Contact Name:	Lukasz Pawlowski / Willie MacRae John Duncan	Contact Name:	Patricia Libardo
Comments:	Concurs with submission of DAF, March 1, Feb 24, 2021	Comments:	Concurs with FIS – February 23, 2021

Legal Services Division Contact

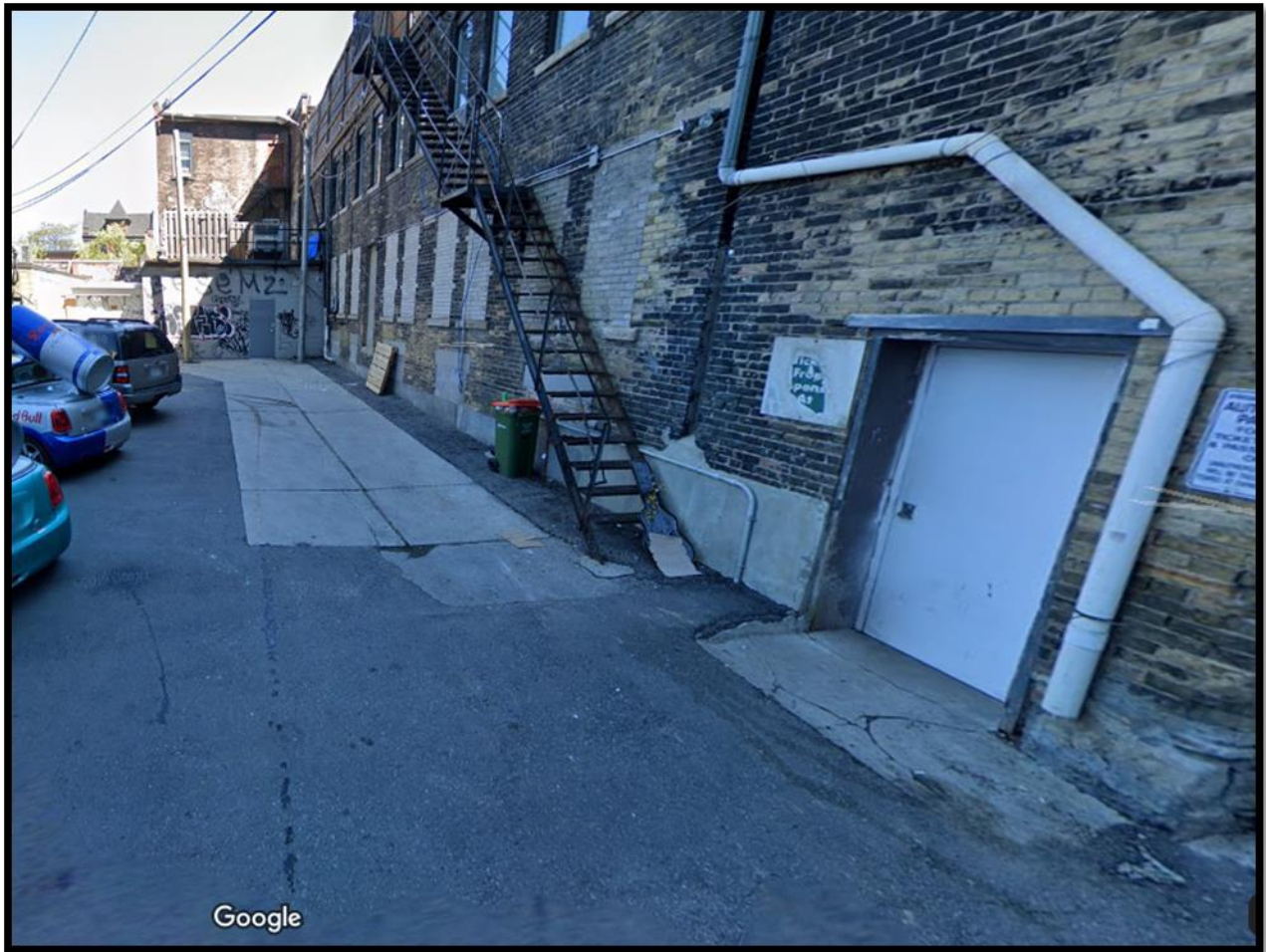
Contact Name: Gloria Lee – February 12, 2021

DAF Tracking No.: 2021-038	Date	Signature
<input checked="" type="checkbox"/> Recommended by: Manager, Transaction Services Daran Somas	March 1, 2021	Signed by Daran Somas
<input type="checkbox"/> Approved by:		
<input checked="" type="checkbox"/> Approved by: Director, Transaction Services Alison Folosea	March 2, 2021	Signed by Alison Folosea

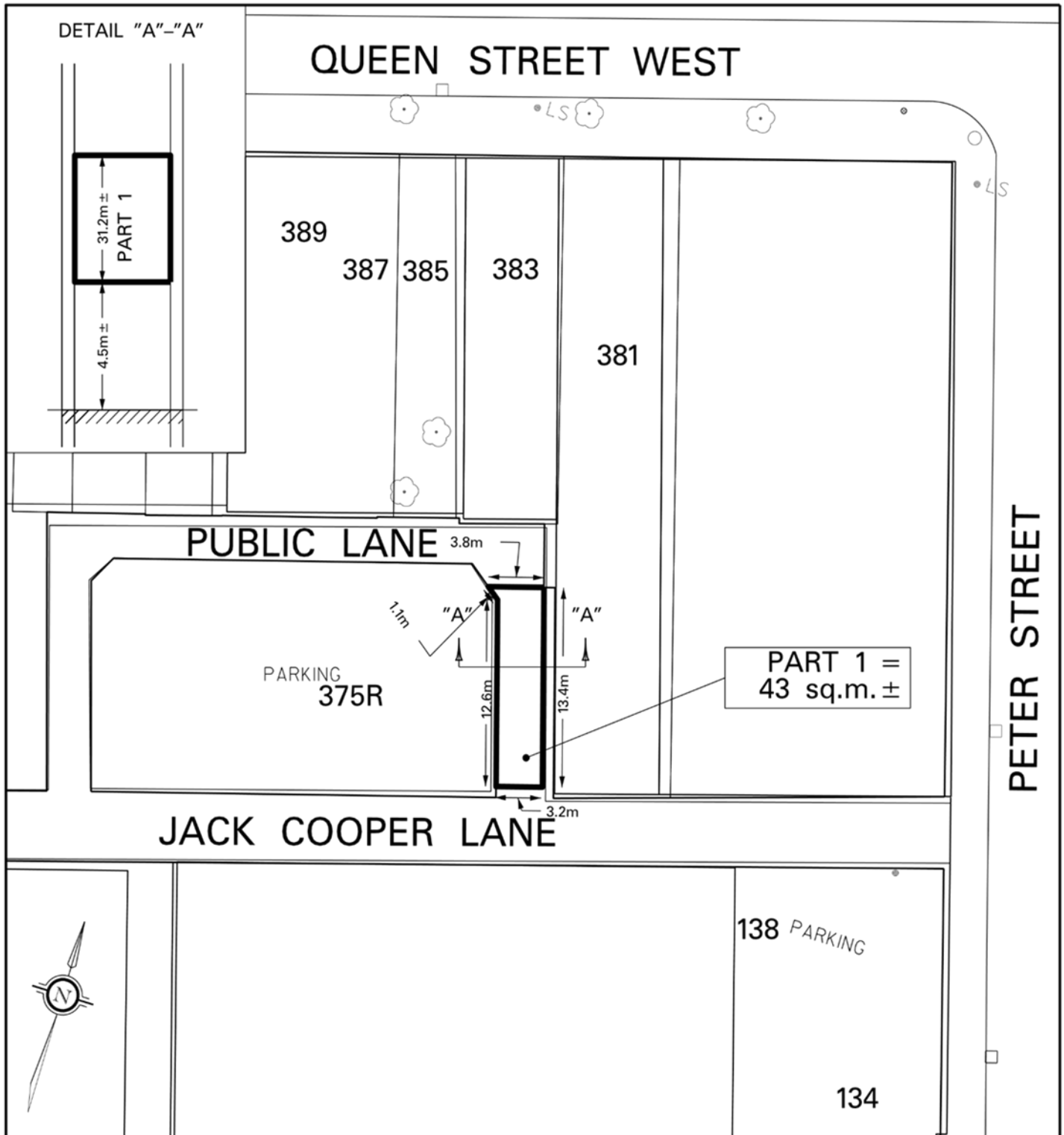
DAF 2021-038 – Major Terms and Conditions

Irrevocable Date:	March 15, 2021
Purchase Price:	\$610,000.00 plus HST
Deposit:	\$61,000.00
Due Diligence:	45 days after acceptance of the Offer by the City. The Purchaser can satisfy or waive this condition any time after acceptance at its discretion.
Closing Date:	45 th day following enactment of the Closing By-law by City Council.
Property Closing Requirements & Sale Conditions:	The Purchaser shall accept the Lane in "as is" condition and subject to any required easements. The Purchaser has executed and delivered a release in favour of the City in a form satisfactory to the City Solicitor, in respect of all loss, costs, damages, liability or actions relating to the environmental condition of the closed Lane, the passing of a by-law to close the Lane and its sale to the Purchaser.

Appendix "A" – Location Map



Sketch PS-2019-075



TECHNICAL SERVICES DIVISION
SURVEY & UTILITY MAPPING

NOTE:
THIS SKETCH HAS BEEN
COMPILED FROM OFFICE
RECORDS. MEASUREMENTS
ARE APPROXIMATE

CHECK BY JOHN HOUSE
PREPARED BY DWAYNE PITT

WARD 10 - SPADINA-FORT YORK
DATE: JULY 8, 2019

PROPERTY INFORMATION SHEET

CITY OWNED LAND

SKETCH SHOWING A STRATA PORTION OF
THE PUBLIC LANE ABUTTING
NO 381 QUEEN STREET WEST

SKETCH No PS-2019-075