

Approved pursuant to the Delegated Authority contained in Article 1 of City of Toronto Municipal Code Chapter 213, Real Property

<b>Prepared By:</b>	Mike Saffran	<b>Division:</b>	Corporate Real Estate Management
<b>Date Prepared:</b>	May 4, 2021	<b>Phone No.:</b>	(416) 392-7205
<b>Purpose:</b>	To declare surplus an easement interest (21 years or more) over portions of City-owned lands from the Toronto Islands to the John Street Pumping Station ("JSPS") with the intended manner of disposal to be by way of a transfer of a permanent easement to Enwave Energy Corporation ("Enwave") for a cold water intake pipe for the Deep Lake Water Cooling Expansion Project, (the "Project").		
<b>Property:</b>	See Appendix "A", hereinafter (the "Easement Lands").		
<b>Actions:</b>	1. The Easement Lands be declared surplus, with the intended manner of disposal to be by way of providing a permanent easement to Enwave for the purpose of the installation, maintenance and operation of a cold water intake pipe for the Project.		
<b>Financial Impact:</b>	<p>There is no financial implication resulting from this approval.</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>		
<b>Background:</b>	Council adopted Item IE10.9 on December 17, 2019, authorizing the General Manager, Toronto Water to finalize negotiations to permit the expansion of the Project. The resulting Energy Transfer Agreement ("ETA") between Enwave and the City was executed on February 26, 2021, allowing the Project to proceed. The declare surplus and disposal of the Easement Lands is necessary for the Project.		
<b>Comments:</b>	A circulation to the City's Divisions and Agencies was undertaken to ascertain whether or not there is any municipal interest in retaining the Easement Lands. No municipal interest was expressed. Staff of the Housing Secretariat has determined that there is no interest in the Easement Lands for affordable housing. Accordingly, it is appropriate that the Easement Lands be declared surplus. The Technical Review Committee has reviewed this matter and concurs.		
<b>Property Details:</b>	<b>Ward:</b>	10 – Spadina-Fort York	
	<b>Assessment Roll No.:</b>	N/A	
	<b>Approximate Area:</b>	Toronto Island: 10,652.1 m <sup>2</sup> (114,662.0 ft <sup>2</sup> ) + Mainland: 1,257.7 m <sup>2</sup> (13,538.2 ft <sup>2</sup> ) See Table A on Page 4 – Summary of Declared Surplus Lands	
	<b>Other Information:</b>	OPA designated lands, reference Map 29, subject to Site and Area Specific Policy No. 265, as amended by By-law #1025-2020	
	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Lands are located within the Green Space System or the Parks & Open Space Areas of the Official Plan.		

**Pre-Conditions to Approval:**

- (1) **Highways** - The General Manager of Transportation Services has concurred in the Highway being declared surplus conditional upon City Council approving the permanent closure of the Highway.
- (2) **Lands located within the Green Space System and the Parks & Open Space Areas of the Official Plan** - The Chief Planner & Executive Director of City Planning and the General Manager of Parks, Forestry & Recreation have confirmed that the land being exchanged is (i) nearby land of equivalent or larger area, and (ii) of comparable or superior green space utility.

**Deputy City Manager, Corporate Services has approval authority for:**

- (1) declaring land surplus and approving the intended manner or process by which the sale of the land will be carried out, provided that the local Councillor does not require the matter to be determined by Council through the General Government and Licensing Committee (§ 213-6).
  - Councillor does not require the declaration of surplus or the intended manner or process by which the sale of the land will be carried out to be determined by Council.
- (2) determining the method of giving notice to the public, following consultation with the local Councillor (§ 213-7).
  - Councillor has been consulted regarding method of giving notice to the public.
- (3) exempting sales to the following public bodies from the requirement for an appraisal, provided that the local Councillor (or if the land abuts other wards, the local Councillors) does not require the determination to be made by Council (§ 213-4):
  - (a) a municipality
  - (b) a local board, including a school board and a conservation authority
  - (c) the Crown in right of Ontario or Canada and their agencies
  - n/a Councillor(s) agrees with exemption from appraisal. **[Revise box to an x if any of (3)(a)-(c) applies.]**
- (4) exempting the sale of land in the following classes from the requirement for an appraisal and/or for notice to the public, provided that the local Councillor(s) (if the land abuts other wards) does not require the determination to be made by Council (§ 213-5):
  - (a) land 0.3 metres or less in width acquired in connection with an approval or decision under the *Planning Act*
  - (b) closed highways if sold to an owner of land abutting the closed highways
  - (c) land formerly used for railway lines if sold to an owner of land abutting the former railway land
  - (d) land does not have direct access to a highway if sold to the owner of land abutting that land
  - (e) land repurchased by an owner in accordance with section 42 of the *Expropriations Act*
  - (f) easements
  - n/a Councillor(s) agrees with exemption from appraisal. **[Revise box to an x if any of (4)(a)-(f) applies.]**
  - n/a Councillor(s) agrees with exemption from notice to the public. **[Revise box to an x if any of (4)(a)-(f) applies.]**
- (5) revising the intended manner of sale.
- (6) rescinding the declaration of surplus authority.

Title	Date	Recommended/ Approved
Manager, Transaction Services Daran Somas	May 4, 2021	Signed by Daran Somas
Director, Transaction Services Alison Folosea	May 13, 2021	Signed by Alison Folosea
Executive Director, Corporate Real Estate Management Patrick Matozzo	May 13, 2021	Signed by Patrick Matozzo
Deputy City Manager, Corporate Services Josie Scioli	May 13, 2021	Signed by Josie Scioli
<b>Return to: Mike Saffran, CREM, Real Estate Services, Transaction Services, Metro Hall, 2<sup>nd</sup> floor DAF 2021-089</b>		

Consultation with Councillor(s):					
Councillor:	Joe Cressy				
Contact Name:	Tom Davidson				
Contacted by	Phone	X	E-mail	Memo	Other
Comments:	No Objections – April 20, 2021.				
Councillor:					
Contact Name:					
Contacted by	Phone		E-mail	Memo	Other
Comments:					

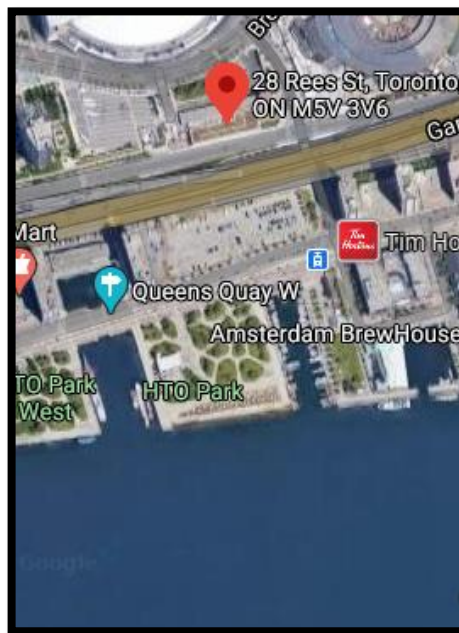
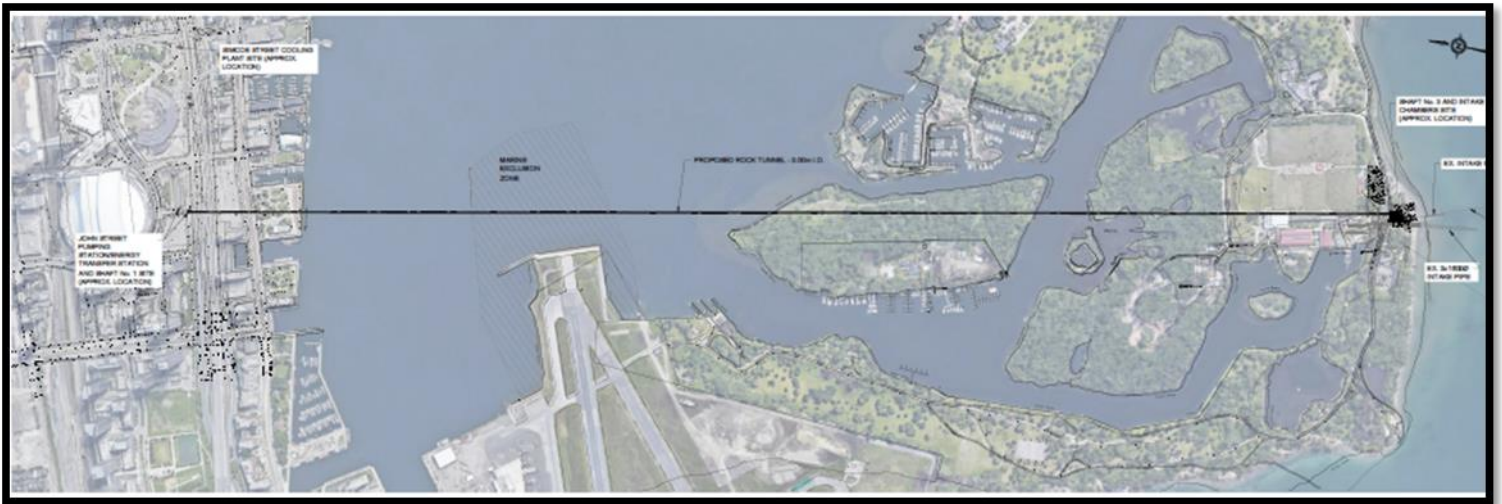
Consultation with other Division(s):			
Division:	Toronto Water / PF&R / City Planning	Division:	Finance
Contact Name:	Niall Roberston / Jason Bragg / Mladen Kukic	Contact Name:	Patricia Libardo
Comments:	Concurs with submission of DAF – April 23, April 22 & April 22, 2021	Comments:	Concurs with FIS – April 20, 2021.
Real Estate Law Contact:	Vanessa Bacher	Date:	April 16, 2021

**DAF 2021-089 – Table A, Summary of Declared Surplus Lands**

DRAFT Plan – March 17, 2021	PART OF PIN	Toronto Island			OPA Amendment <sup>4</sup>
		Area (m <sup>2</sup> )	Area (ft <sup>2</sup> )	Jurisdiction	
Part 1	21386-0314 (LT)	346.3		PF&R	Yes
Part 2	21386-0314 (LT)	10,305.8		PF&R/TW <sup>1</sup>	Yes
	Subtotal	10,652.1	114,662.0		
		Mainland			
Part 4	21419-0022 (LT)	42.1		PF&R	Yes
Part 5	21419-0020 (LT)	660.2		PF&R	Yes
Part 6	21419-0005 (LT)	384.7		CREM <sup>2</sup>	Yes
Part 7	21395-0036 (LT)	2.3		PF&R/TW <sup>3</sup>	Yes
Part 8	21395-0036 (LT)	116.4		PF&R/TW <sup>3</sup>	Yes
Part 9	21395-0033 (LT)	24.5		TW	No
Part 10	21395-0033 (LT)	0.7		TW	No
Part 11	21395-0033 (LT)	26.8		TW	No
	Subtotal	1,257.7	13,538.2		
	Total Area	11,905.2	128,200.2		

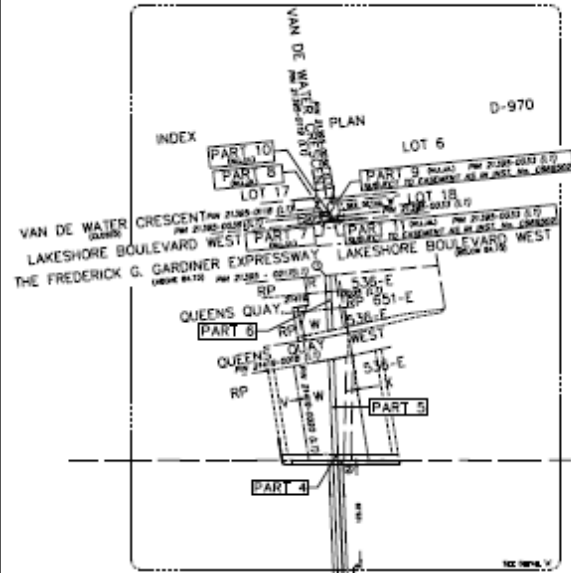
1. IFP & grounds are designated "other open space" are under Toronto Water's jurisdiction.
2. Currently leased for parking, planned future park.
3. Designated Parks & Open Spaces Areas in OP, operationally managed by Toronto Water as JSPS.
4. By Law #1025-2020, Map 29, Amendment to OP May 265.

Appendix "A" – Aerial Map



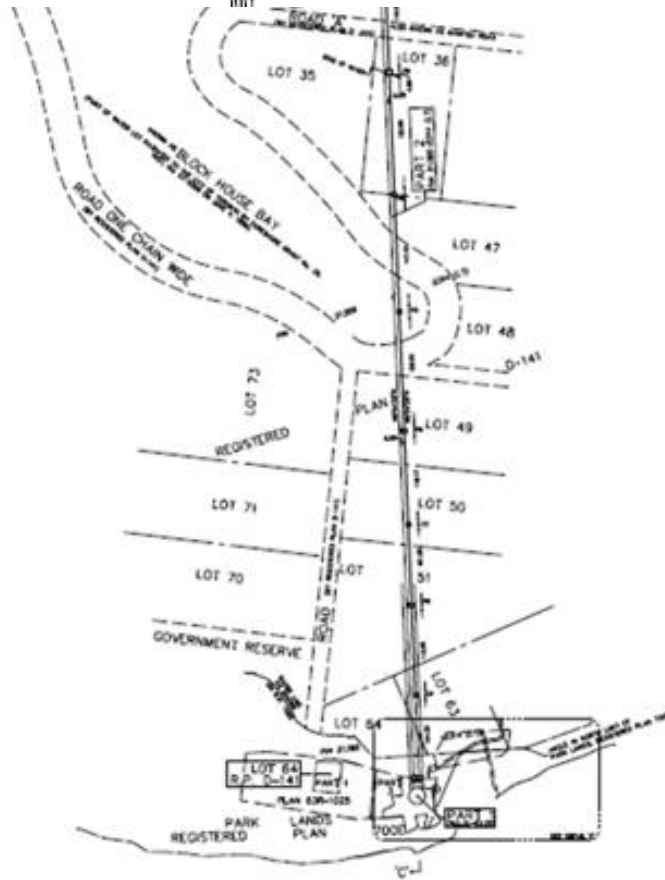
Extract of Draft R-Plan - March 17, 2021  
 (Ref #20-22-878-00 – plotted March 17, 2021)

SHEET 1 OF 3



PART	PART OF LOT/BLK	SUBDIVISION PLAN	PART OF PLAN	AREA (sq. m)
1	Part of Lot 10	D-11	100-001 (E)	13,355.9
2	Part of Lot 11	D-11	100-002 (E)	13,355.9
3	Part of Lot 12	D-11	100-003 (E)	13,355.9
4	Part of Lot 13	D-11	100-004 (E)	13,355.9
5	Part of Lot 14	D-11	100-005 (E)	13,355.9
6	Part of Lot 15	D-11	100-006 (E)	13,355.9
7	Part of Lot 16	D-11	100-007 (E)	13,355.9
8	Part of Lot 17	D-11	100-008 (E)	13,355.9
9	Part of Lot 18	D-11	100-009 (E)	13,355.9
10	Part of Lot 19	D-11	100-010 (E)	13,355.9

PARTS 1 AND 2 - SUBJECT TO SUBDIVISION AS IN REGISTERED PLAN D-111111



NO.	DESCRIPTION	AREA (sq. m)	PERCENTAGE
1	LOT 35	13,355.9	100.00
2	LOT 36	13,355.9	100.00
3	LOT 37	13,355.9	100.00
4	LOT 38	13,355.9	100.00
5	LOT 39	13,355.9	100.00
6	LOT 40	13,355.9	100.00
7	LOT 41	13,355.9	100.00
8	LOT 42	13,355.9	100.00
9	LOT 43	13,355.9	100.00
10	LOT 44	13,355.9	100.00
11	LOT 45	13,355.9	100.00
12	LOT 46	13,355.9	100.00
13	LOT 47	13,355.9	100.00
14	LOT 48	13,355.9	100.00
15	LOT 49	13,355.9	100.00
16	LOT 50	13,355.9	100.00
17	LOT 51	13,355.9	100.00
18	LOT 52	13,355.9	100.00
19	LOT 53	13,355.9	100.00
20	LOT 54	13,355.9	100.00
21	LOT 55	13,355.9	100.00
22	LOT 56	13,355.9	100.00
23	LOT 57	13,355.9	100.00
24	LOT 58	13,355.9	100.00
25	LOT 59	13,355.9	100.00
26	LOT 60	13,355.9	100.00
27	LOT 61	13,355.9	100.00
28	LOT 62	13,355.9	100.00
29	LOT 63	13,355.9	100.00
30	LOT 64	13,355.9	100.00
31	LOT 65	13,355.9	100.00
32	LOT 66	13,355.9	100.00
33	LOT 67	13,355.9	100.00
34	LOT 68	13,355.9	100.00
35	LOT 69	13,355.9	100.00
36	LOT 70	13,355.9	100.00
37	LOT 71	13,355.9	100.00
38	LOT 72	13,355.9	100.00
39	LOT 73	13,355.9	100.00
40	LOT 74	13,355.9	100.00
41	LOT 75	13,355.9	100.00
42	LOT 76	13,355.9	100.00
43	LOT 77	13,355.9	100.00
44	LOT 78	13,355.9	100.00
45	LOT 79	13,355.9	100.00
46	LOT 80	13,355.9	100.00
47	LOT 81	13,355.9	100.00
48	LOT 82	13,355.9	100.00
49	LOT 83	13,355.9	100.00
50	LOT 84	13,355.9	100.00

REVISIONS NOTE  
 NO. 1: CORRECTED AREA OF LOT 35 TO 13,355.9 SQ. METERS  
 FROM 13,355.9 SQ. METERS TO 13,355.9 SQ. METERS

LEGEND  
 1. LOT 35  
 2. LOT 36  
 3. LOT 37  
 4. LOT 38  
 5. LOT 39  
 6. LOT 40  
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 44. LOT 78  
 45. LOT 79  
 46. LOT 80  
 47. LOT 81  
 48. LOT 82  
 49. LOT 83  
 50. LOT 84

SUBMITTER'S CERTIFICATE  
 I, THE SUBMITTER, HEREBY CERTIFY THAT THE INFORMATION CONTAINED IN THIS PLAN IS TRUE AND CORRECT AND IS BASED ON THE BEST AVAILABLE INFORMATION AND THAT I AM NOT PROVIDING ANY INFORMATION THAT IS FALSE OR MISLEADING AND THAT I AM NOT PROVIDING ANY INFORMATION THAT IS UNLAWFUL OR IN VIOLATION OF ANY APPLICABLE LAW OR REGULATION. I AM NOT PROVIDING ANY INFORMATION THAT IS UNLAWFUL OR IN VIOLATION OF ANY APPLICABLE LAW OR REGULATION. I AM NOT PROVIDING ANY INFORMATION THAT IS UNLAWFUL OR IN VIOLATION OF ANY APPLICABLE LAW OR REGULATION.

J.D. BARNES  
 LAND SURVEYORS  
 1000 BAYVIEW AVENUE, SUITE 100  
 SCARBOROUGH, ONTARIO M1S 5B7  
 TEL: (416) 291-1111 FAX: (416) 291-1112  
 WWW.JDBARNES.COM

DIAGRAM ILLUSTRATING HORIZONTAL CORRELATION OF ALL SURVEYED PARTS, AT ELEVATION = +10.00M