

DELEGATED APPROVAL FORM
DEPUTY CITY MANAGER, CORPORATE SERVICES
EXECUTIVE DIRECTOR, CORPORATE REAL ESTATE MANAGEMENT

TRACKING NO.: 2021-142

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:	May 31, 2021	Phone No.:	(416) 392-7205

Purpose	To authorize the sale of the public lane located west of 96 Spadina Avenue and east of 388 Adelaide Street West to the adjoining owner, 379 Adelaide Street West Inc. (the "Purchaser") conditional upon City Council authorizing the permanent closure of the public lane, to initiate the lane closure process and to authorize the General Manager of Transportation Services to give notice to the public of a proposed by-law to permanently close the lane.
Property	The public lane abutting 96 Spadina Avenue, legally described as PT LT 1-2 SEC E PL MILITARY RESERVE TORONTO AS IN WF7391, BEING A PUBLIC LANE S OF ADELAIDE ST. AND N OF 63R1481; City of Toronto, being all of PIN 21239-0325 (LT), and shown as Part 1 on Sketch No. PS-2018-003 on the attached Appendix "A" (the "Lane").
Actions	<ol style="list-style-type: none"> Authority be granted to accept the offer to purchase from the Purchaser to purchase the Lane for the sum of \$2,060,000.00 plus HST, substantially on the terms and conditions outlined herein and on such further and other terms as may be deemed appropriate by the Executive Director, Corporate Real Estate Management 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. 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 East 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. Authorize easements to be granted by the City to Toronto Hydro-Electric System Limited following the closure of the Lane as a public lane, for nominal consideration of \$2.00, to protect the existing services and utilities in the Lane, or, with the consent of the said utility companies, the services and utilities be relocated, adjusted or abandoned, if necessary, at the sole cost of the Purchaser, with such costs to be determined by the appropriate utility companies.
Financial Impact	<p>Revenue in the amount of \$2,060,000.00 (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 September 29, 2020 (DAF No. 2020-134) with the intended manner of disposal to be by inviting an offer to purchase (the "Offer") from the Purchaser. 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 in the amount of \$2,060,000.00 is considered fair, reasonable and reflective of market value. It is recommended for acceptance substantially on the terms and conditions outlined below.</p>
Terms	See Page 4

Property Details	Ward:	10 – Fort York-Spadina
	Assessment Roll No.:	N/A
	Approximate Size:	Frontage & Depth: 5.5 m x 34.0 m ± (18.0 ft x 111.5 ft ±)
	Approximate Area:	186.6 m ² ± (2009.0 ft ² ±)
	Other Information:	Public lane

A.	Executive Director, Corporate Real Estate Management has approval authority for:	Deputy City Manager, Corporate Services has approval authority for:
1. Acquisitions:	<input type="checkbox"/> Where total compensation does not exceed \$3 Million.	<input type="checkbox"/> Where total compensation does not exceed \$5 Million.
2A. Expropriations Where City is Expropriating Authority:	<input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$3 Million.	<input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$5 Million.
2B. Expropriations For Transit-Related Purposes Where City is Property Owner or Has Interest in Property Being Expropriated:	<input type="checkbox"/> (a) Acceptance of statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$3 Million. Request/waive hearings of necessity delegated to less senior positions.	<input type="checkbox"/> (a) Acceptance of statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$5 Million. Request/waive hearings of necessity delegated to less senior positions.
3. Issuance of RFPs/REOs:	<input type="checkbox"/> Issuance of RFPs/REOs.	<input type="checkbox"/> Issuance of RFPs/REOs.
4. Permanent Highway Closures:	<input checked="" type="checkbox"/> Initiate process & authorize GM, Transportation Services to give notice of proposed by-law.	<input type="checkbox"/> Initiate process & authorize GM, Transportation Services to give notice of proposed by-law.
5. Transfer of Operational Management to Divisions, Agencies and Corporations:	<input type="checkbox"/> Transfer of Operational Management to Divisions, Agencies and Corporations.	<input type="checkbox"/> Transfer of Operational Management to Divisions, Agencies and Corporations.
6. Limiting Distance Agreements:	<input type="checkbox"/> Where total compensation does not exceed \$3 Million.	<input type="checkbox"/> Where total compensation does not exceed \$5 Million.
7. Disposals (including Leases of 21 years or more):	<input checked="" type="checkbox"/> Where total compensation does not exceed \$3 Million.	<input type="checkbox"/> Where total compensation does not exceed \$5 Million.
8. Exchange of land in Green Space System & Parks & Open Space Areas of Official Plan:	<input type="checkbox"/> Exchange of land in Green Space System and Parks and Open Space Areas of Official Plan.	<input type="checkbox"/> Exchange of land in Green Space System and Parks and Open Space Areas of Official Plan.
9. Leases/Licences (City as Landlord/Licensor):	<input type="checkbox"/> (a) Where total compensation (including options/renewals) does not exceed \$3 Million. <input type="checkbox"/> (b) Where compensation is less than market value, for periods not exceeding twelve (12) months, including licences for environmental assessments and/or testing, etc. Delegated to a more senior position.	<input type="checkbox"/> (a) Where total compensation (including options/renewals) does not exceed \$5 Million. <input type="checkbox"/> (b) Where compensation is less than market value, for periods not exceeding twelve (12) months, including licences for environmental assessments and/or testing, etc. <input type="checkbox"/> (c) Where compensation is less than market value, provided tenant and lease satisfy Community Space Tenancy Policy criteria set out in Item EX28.8, as adopted by Council on November 7, 8 and 9, 2017, as amended from time to time.
10. Leases/Licences (City as Tenant/Licensee):	<input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$3 Million.	<input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$5 Million.
11. Easements (City as Grantor):	<input type="checkbox"/> (a) Where total compensation does not exceed \$3 Million. <input type="checkbox"/> (b) When closing roads, easements to pre-existing utilities for nominal consideration.	<input type="checkbox"/> (a) Where total compensation does not exceed \$5 Million. <input type="checkbox"/> (b) When closing roads, easements to pre-existing utilities for nominal consideration.
12. Easements (City as Grantee):	<input type="checkbox"/> Where total compensation does not exceed \$3 Million.	<input type="checkbox"/> Where total compensation does not exceed \$5 Million.
13. Revisions to Council Decisions in Real Estate Matters:	<input type="checkbox"/> Amendment must not be materially inconsistent with original decision (and subject to General Condition (U)).	<input type="checkbox"/> Amendment must not be materially inconsistent with original decision (and subject to General Condition (U)).
14. Miscellaneous:	<input type="checkbox"/> (a) Approvals, Consents, Notices and Assignments under all Leases/Licences <input type="checkbox"/> (b) Releases/Discharges <input type="checkbox"/> (c) Surrenders/Abandonments <input type="checkbox"/> (d) Enforcements/Terminations <input type="checkbox"/> (e) Consents/Non-Disturbance Agreements/Acknowledgements/Estoppel Certificates <input type="checkbox"/> (f) Objections/Waivers/Cautions <input type="checkbox"/> (g) Notices of Lease and Sublease <input type="checkbox"/> (h) Consent to regulatory applications by City, as owner <input type="checkbox"/> (i) Consent to assignment of Agreement of Purchase/Sale; Direction re Title <input type="checkbox"/> (j) Documentation relating to Land Titles applications <input type="checkbox"/> (k) Correcting/Quit Claim Transfer/Deeds	<input type="checkbox"/> (a) Approvals, Consents, Notices and Assignments under all Leases/Licences <input type="checkbox"/> (b) Releases/Discharges <input type="checkbox"/> (c) Surrenders/Abandonments <input type="checkbox"/> (d) Enforcements/Terminations <input type="checkbox"/> (e) Consents/Non-Disturbance Agreements/Acknowledgements/Estoppel Certificates <input type="checkbox"/> (f) Objections/Waivers/Cautions <input type="checkbox"/> (g) Notices of Lease and Sublease <input type="checkbox"/> (h) Consent to regulatory applications by City, as owner <input type="checkbox"/> (i) Consent to assignment of Agreement of Purchase/Sale; Direction re Title <input type="checkbox"/> (j) Documentation relating to Land Titles applications <input type="checkbox"/> (k) Correcting/Quit Claim Transfer/Deeds

B. Deputy City Manager, Corporate Services and Executive Director, Corporate Real Estate Management 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. • Agreements of Purchase and Sale and all implementing documentation for purchases, sales and land exchanges not delegated to staff for approval. • Expropriation Applications and Notices following Council approval of expropriation. • 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:	<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 – May 18, 2021	Comments:	

Consultation with Divisions and/or Agencies

Division:	Transportation Services	Division:	Financial Planning
Contact Name:	Lukasz Pawlowski	Contact Name:	Patricia Libardo
Comments:	No comments received – May 28, 2021	Comments:	Concurs with FIS – May 19, 2021

Legal Services Division Contact

Contact Name: Gloria Lee – May 17, 2021

DAF Tracking No.: 2021-142	Date	Signature
Recommended by: Manager, Transaction Services Daran Somas	June 16, 2021	Signed by Daran Somas
Recommended by: Director, Transaction Services Alison Folosea	June 18, 2021	Signed by Alison Folosea
<input type="checkbox"/> Recommended by: Executive Director, Corporate Real Estate Management <input checked="" type="checkbox"/> Approved by: Patrick Matozzo	June 18, 2021	Signed by Patrick Matozzo
<input type="checkbox"/> Approved by: Deputy City Manager, Corporate Services Josie Scioli		X

DAF 2021-142 – Major Terms and Conditions

Irrevocable Date: July 7, 2021

Purchase Price: \$2,060,000.00

Deposit: \$206,000.00 Certified Cheque

Balance: Cash or certified cheque on closing.

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.

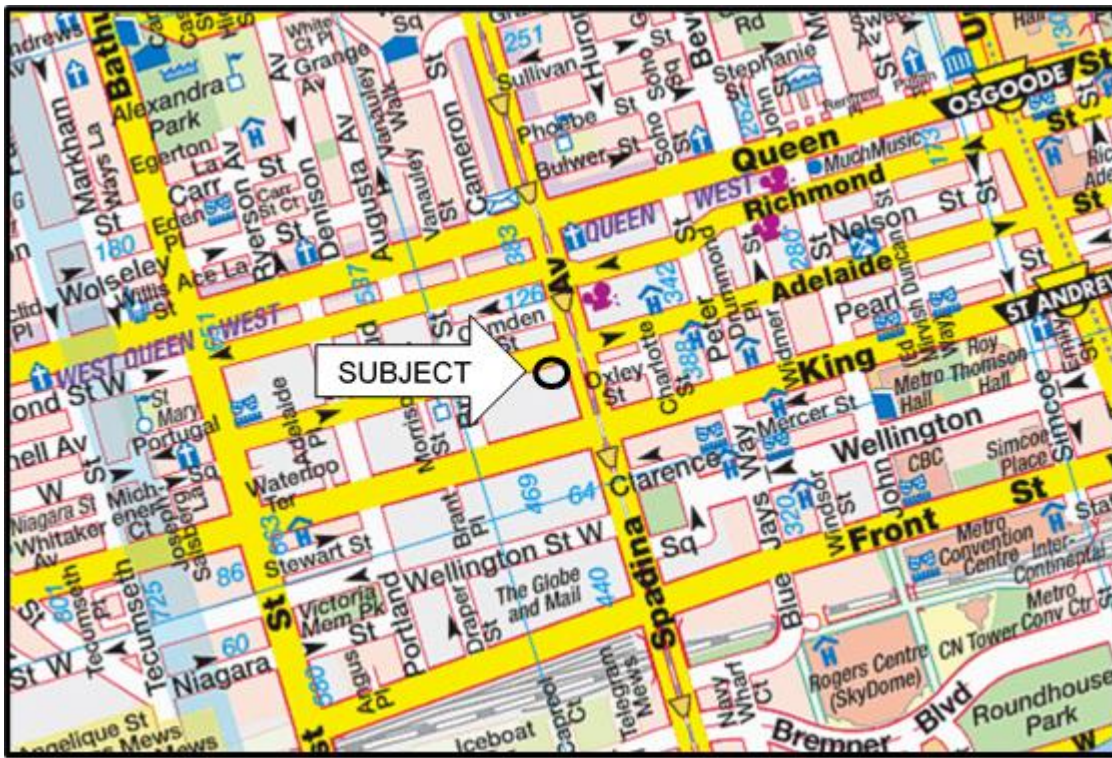
Closing Date: 45th day following enactment of the Closing By-law by City Council.

Sale

Conditions: The Purchaser shall accept the Lane in "as is" including its environmental condition and shall provide a Release in favour of the City with respect to any hazardous substances.

Easements: Utility Easement to be granted to Toronto Hydro Electric System Limited following the closure Of the Lane as a public lane for nominal consideration.

Appendix "A" – Location Map, Aerial of Site & PS Sketch





ENGINEERING & CONSTRUCTION SERVICES
ENGINEERING SUPPORT SERVICES
LAND & PROPERTY SURVEYS

NOTE:

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

CHECK BY JOHN HOUSE

PREPARED BY: DWAYNE PITT

WARD 20 - TRINITY-SPADINA

DATE: JANUARY 09, 2018

PROPERTY INFORMATION SHEET

SKETCH SHOWING
THE PUBLIC LANE BETWEEN
NO. 96 SPADINA AVENUE AND
NO. 379 ADELAIDE STREET WEST

SKETCH No. PS-2018-003