

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

TRACKING NO.: 2021-215

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

Prepared By:	Ishan Dasgupta	Division:	Corporate Real Estate Management										
Date Prepared:	7/22/2021	Phone No.:	(416) 392-7165										
<b>Purpose</b>	<p>1. To obtain authority to grant a temporary easement for a term of 3 years, with an option to extend for 1 year, through portions of six separate City owned lands (the "Temporary Easement Lands") to Imperial Oil Limited ("Imperial Oil") for the purpose of installation of an oil pipeline and;</p> <p>2. To obtain authority to grant a permanent easement on City owned land (the "Permanent Easement Land") to Imperial Oil for the purpose of installation of an oil pipeline.</p>												
<b>Property</b>	<p>City properties along the existing pipeline route required for the Waterdown to Finch Pipeline Replacement project, listed in Appendix "A" and shown coloured red in the sketches attached in Appendix "B" (the "Temporary Easement Lands" and "Permanent Easement Land").</p>												
<b>Actions</b>	<p>1. Authority be given to grant an easement of the Temporary Easement Lands to Imperial Oil for a term of 3 years, with an option to extend for 1 year, substantially on the terms and conditions outlined under the heading "Terms" below and on such further and other terms as may be acceptable to the Director of Transaction Services and in a form satisfactory to the City Solicitor.</p> <p>2. Authority be given to grant an easement of the Permanent Easement Land to Imperial Oil substantially on the terms and conditions outlined under the heading "Terms" below and on such further and other terms as may be acceptable to the Director of Transaction Services and in a form satisfactory to the City Solicitor.</p> <p>3. The appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.</p>												
<b>Financial Impact</b>	<p>The City will receive revenue of \$88,060.00 (exclusive of HST) from granting the easements and will be directed to the 2021 Council Approved Operating Budget for Corporate Real Estate Management under cost center FA1379.</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>Comments</b>	<p>Imperial Oil operates the Waterdown to Finch pipeline which runs from the Waterdown pump station in rural Hamilton to the terminal storage facility at 1150 Finch Avenue West in North York. The existing pipeline has reached the end of its useful life and is planned to be decommissioned and replaced with 63 km of 12-inch diameter pipeline running parallel to the existing pipeline for the transportation of refined petroleum. In March 2020, Imperial Oil received 'Leave to Construct' approval from the Ontario Energy Board which is a Provincial regulatory body that regulates utilities in the public interest. Within Toronto, the pipeline crosses Wards 2, 1, 7 and 6 on the route to the terminal facility in North York as shown in Appendix "C" largely within the hydro corridor.</p> <p>Imperial Oil originally requested a permanent easement on the Temporary Easement Lands; however, as they are within Parks and Open Space Areas in the Official Plan, the disposal of such (by sale or easement over 21 years) is prohibited by the Official Plan. The Official Plan, however, stipulates that City-owned lands in the Parks and Open Space Areas may be exchanged for other nearby land of equivalent or larger area and comparable or superior green space utility. Alternatively, Imperial Oil may apply for an amendment to the Official Plan to permit a sale (or permanent easement over 21 years) of a defined portion of a particular park without the necessity for land exchange.</p> <p>As a result Imperial Oil revised the request to temporary easement on the lands with Open Space designations, with the understanding that there will be no renewal or further grant of easement unless the relevant sections of the Official Plan for the City of Toronto have been amended or a site specific exemption has been granted to allow a permanent easement within the Property. The revenue is reflective of the permanent easement value. Should Imperial Oil not secure a permanent easement within the time period of this temporary easement, the City will revisit the valuation for the permanent easement at that time for further compensation reflective of current rates.</p> <p>The Permanent Easement interest land is vacant land adjacent to the hydro corridor designated as Utility Corridors in the Official Plan and a Permanent Easement can be granted."</p>												
<b>Terms</b>	Continued on Page 4												
<b>Property Details</b>	<table border="1"> <tr> <td><b>Ward:</b></td><td>City-wide and Licensed Areas on Appendix "A" – Wards 1, 2, 7</td></tr> <tr> <td><b>Assessment Roll No.:</b></td><td></td></tr> <tr> <td><b>Approximate Size:</b></td><td></td></tr> <tr> <td><b>Approximate Area:</b></td><td></td></tr> <tr> <td><b>Other Information:</b></td><td></td></tr> </table>	<b>Ward:</b>	City-wide and Licensed Areas on Appendix "A" – Wards 1, 2, 7	<b>Assessment Roll No.:</b>		<b>Approximate Size:</b>		<b>Approximate Area:</b>		<b>Other Information:</b>			
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<b>Other Information:</b>													

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 &amp; Parks &amp; Open Space Areas of Official Plan:</p> <p>9. Leases/Licences (City as Landlord/Licensor):</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><b>Delegated to more senior positions.</b></p> <p><b>Delegated to more senior positions.</b></p> <p><b>Delegated to more senior positions.</b></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><b>Delegated to more senior positions.</b></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><b>Leases pursuant to the Community Space Tenancy Policy delegated to a more senior position.</b></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><b>Delegated to more senior positions.</b></p> <p><input type="checkbox"/> Where total compensation does not exceed \$50,000.</p> <p><b>Delegated to more senior positions.</b></p> <p><b>Delegated to more senior positions.</b></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 &amp; authorize GM, Transportation Services to give notice of proposed by-law.</p> <p><b>Delegated to more senior positions.</b></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><b>Leases pursuant to the Community Space Tenancy Policy delegated to a more senior position.</b></p> <p><input type="checkbox"/> Where total compensation (including options/ renewals) does not exceed \$1 Million.</p> <p><input checked="" 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:	Anthony Perruzza	Councillor:	Michael Ford, Stephen Holyday
Contact Name:	Anthony Perruzza	Contact Name:	Shima Bhana, Amelia ter Brugge
Contacted by:	<input type="checkbox"/> Phone <input type="checkbox"/> E-Mail <input type="checkbox"/> Memo <input checked="" type="checkbox"/> Other	Contacted by:	<input type="checkbox"/> Phone <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Memo <input type="checkbox"/> Other
Comments:	No objections (meeting, July 27, 2020)	Comments:	No objections (07/27/2020), (07/26/07/2020)

**Consultation with Divisions and/or Agencies**

Division:	Parks, Forestry & Recreation	Division:	<b>Financial Planning</b>
Contact Name:	Jason Bragg	Contact Name:	Patricia Libardo
Comments:	No objections (07/26/2020)	Comments:	Comments incorporated (07/28/2021)

**Legal Services Division Contact**

Contact Name: Dale Mellor – comments incorporated (07/22/2020)

DAF Tracking No.: 2021-215	Date	Signature
<input checked="" type="checkbox"/> Recommended by: <b>Manager, Real Estate Services</b> <b>Daran Somas</b>	July 29, 2021	Signed by Daran Somas
<input type="checkbox"/> Approved by:		
<input checked="" type="checkbox"/> Approved by: <b>Director, Real Estate Services</b> <b>Alison Folosea</b>	July 29, 2021	Signed by Alison Folosea

**Terms: Major Provisions:**

**Temporary Easement Specific**

- (i) Term of 3 years, with an option to extend for 1 year;
- (ii) Upon the expiration of the Term, Imperial Oil is to remove its facilities and equipment from the Property and restore the Property to the satisfaction of the Transferor's General Manager, Parks, Forestry & Recreation, at its sole cost, and shall consent to the registration of a release of easement;
- (iii) Provided that the relevant sections of the Official Plan for the City of Toronto have been amended or a site specific exemption has been granted to allow a permanent easement within the Property and provided the City has completed the disposal process to declare the Property surplus, upon the expiration of the Term or such earlier time as Imperial Oil and the City may mutually agree, Imperial Oil shall be entitled to obtain a permanent easement of the Property;
- (iv) Letter of Credit of \$6,000,000.00 per occurrence

**Both Temporary & Permanent Easement**

- (v) Payment Revenue in the amount of approximately \$88,060.00, exclusive of HST from the grant of the permanent and temporary easements;
- (vi) Imperial Oil to repair all damage caused by any exercise of its rights under the Temporary Easement to the satisfaction of the General Manager, Toronto Parks and Recreation; and
- (vii) Imperial Oil to indemnify the City from all claims, damages and costs which may be suffered or imposed on the City or its property in consequence of Imperial Oil's occupation of or use of the Property except to the extent such claims are directly attributable to wilful misconduct or negligent acts or omissions of the City.
- (viii) Imperial Oil obtain \$10,000,000 commercial general liability insurance, \$5,000,000 sudden and accidental pollution liability insurance and \$5,000,000 standard automobile liability per occurrence.
- (ix) Imperial Oil will comply with all Applicable Laws, statutes, by-laws, codes, ordinances, rules, orders and regulations of all governmental authorities, including the City of Toronto, the Province of Ontario, and of Canada in its exercise of its rights under this Agreement.
- (x) Imperial Oil acknowledges and agrees that the City is not responsible, either directly or indirectly, for any damage to property, including any nuisance or injury to any person, howsoever caused, including death, arising from the escape, discharge, spill or release of any Hazardous Substance attributable to Imperial Oil's use of the Easement Lands.

Imperial Oil hereby assumes all environmental liabilities relating to its use of the Easement Lands, including but not limited to any liability for clean-up of any Hazardous Substance on or under the Easement Lands which results from the operations of the Transferor within the Easement Lands.

Imperial Oil shall ensure that third parties working upon or utilizing any portion of the Easement Lands comply, at their sole expense, with the terms of this Agreement, all Applicable Laws and that the third party shall obtain and maintain any and all permits, licenses or any other approvals and consents necessary or required for their activities within the Easement Lands.

**APPENDIX "A"****LEGAL DESCRIPTION AND PINS OF THE TEMPORARY EASEMENT PROPERTY****PIN 07434-0533 (LT)**

PT LT A, CON RIVER ETOBICOKE, PART 2, RS969; ETOBICOKE, CITY OF TORONTO DESIGNATED AS PART 1 ON PLAN 66R-31916

**PIN 07327-0069 (LT)**

PCL 1723 SEC ETOBICOKE MURIEL AVENUE & PT KING STREET (CLOSED BY C506483) PLAN M469 PTS 2,3,4,11,12,13,14,15,16,17 & 18 PLAN 66R15246 ETOBICOKE, CITY OF TORONTO, DESIGNATED AS PART 1 ON PLAN 66R-31938

**PIN 07327-0068 (LT)**

PCL ONE FT RES-1 SEC M469 PT ONE FT RESERVE STRIP ALONG THE E SIDE OF KING STREET, PLAN M469 PTS 6,7,8,9 & 10 PLAN 66R15246 ETOBICOKE, CITY OF TORONTO DESIGNATED AS PART 2 ON PLAN 66R-31938

**PIN 10310-1062 (LT)**

PART OF LOT 18 CON. 6 WYS TWP OF YORK DESIGNATED AS PARTS 1 TO 32 INCL. ON PLAN 66R23095, CITY OF TORONTO DESIGNATED AS PART 1 ON PLAN 66R-31972

**PIN 10310-0779 (LT)**

PT LT 18 CON 6 WYS TWP OF YORK AS IN NY401194; TORONTO (N YORK), CITY OF TORONTO DESIGNATED AS PART 1 ON PLAN 66R-31914

**PIN 10310-1060 (LT)**

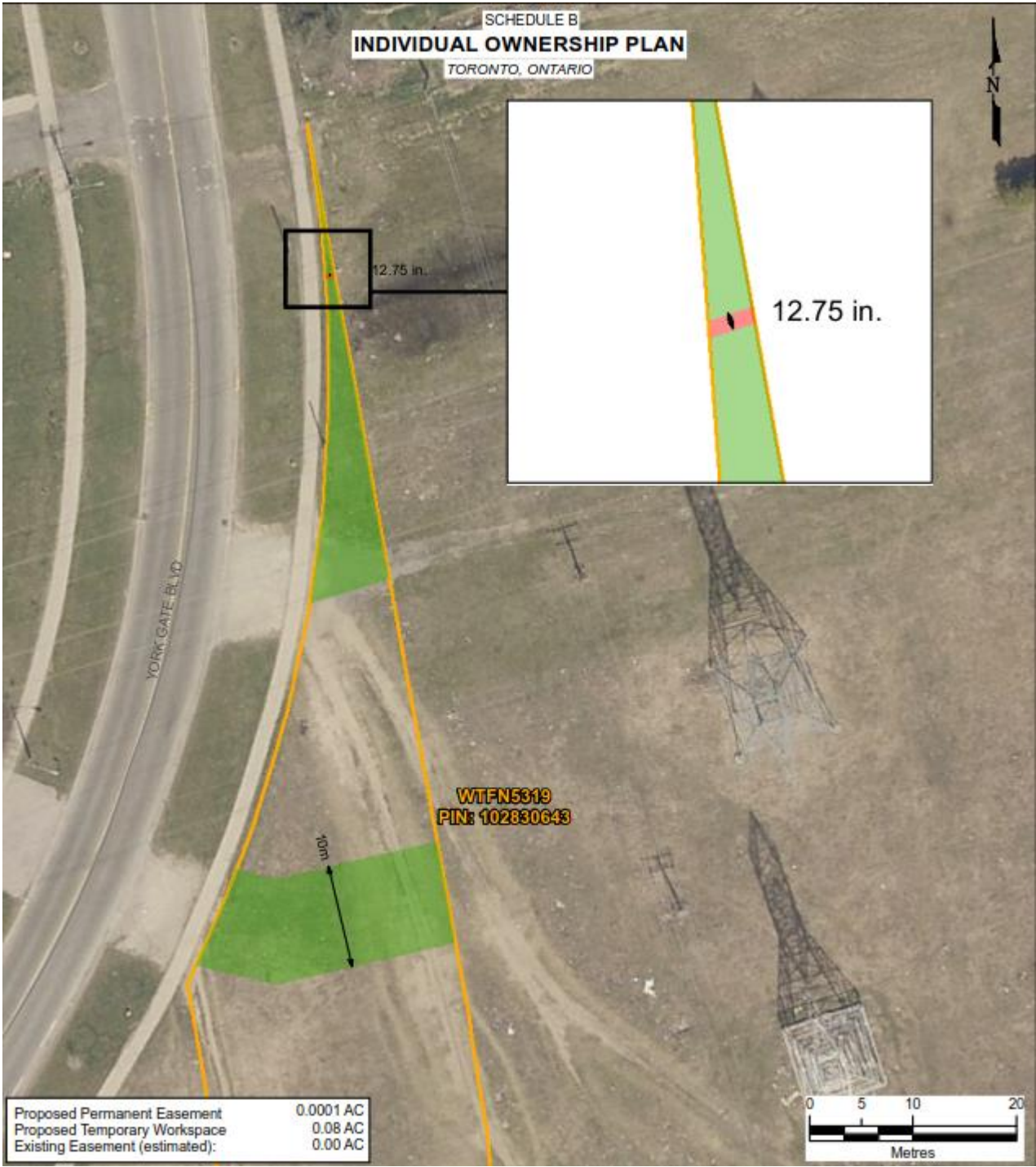
PART OF LOTS 18 & 19 CON. 6 WYS TWP OF YORK DESIGNATED AS PARTS 41 TO 87 INCL. ON PLAN 66R23095, CITY OF TORONTO DESIGNATED AS PARTS 1-6 ON PLAN 66R-31955

**LEGAL DESCRIPTION AND PINS OF THE PERMANENT EASEMENT PROPERTY****PART OF PIN 10283-0643 (LT)**

PT LT 21 CON 5 WYS TWP OF YORK PT 1-9, 64R11231 BEING YORK GATE BLVD CLOSED BY TB480735; TORONTO (N YORK), CITY OF TORONTO DESIGNATED AS PART 1 ON PLAN 66R-31915.

# Appendix "B" – Sketch and Location Map of Permanent Easement

## York Gate Boulevard



### LEGEND

- Proposed Temporary Workspace
- Proposed Permanent Easement
- Existing Permanent Easement
- Property Boundary



## Location Map



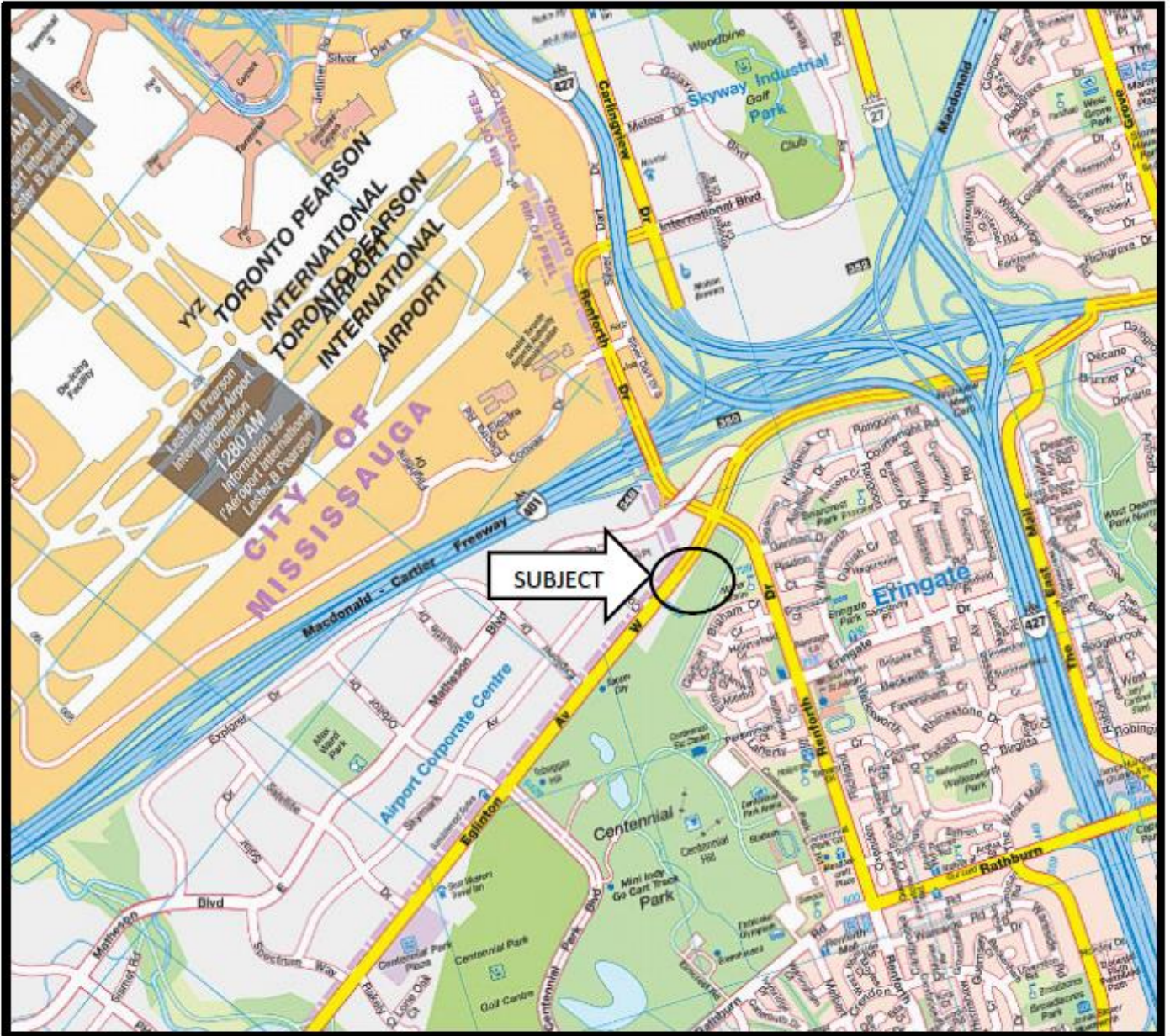
Appendix "C" – Sketches and Location Maps of Temporary Easements

Temporary Easements – Centennial Park





# Location Map



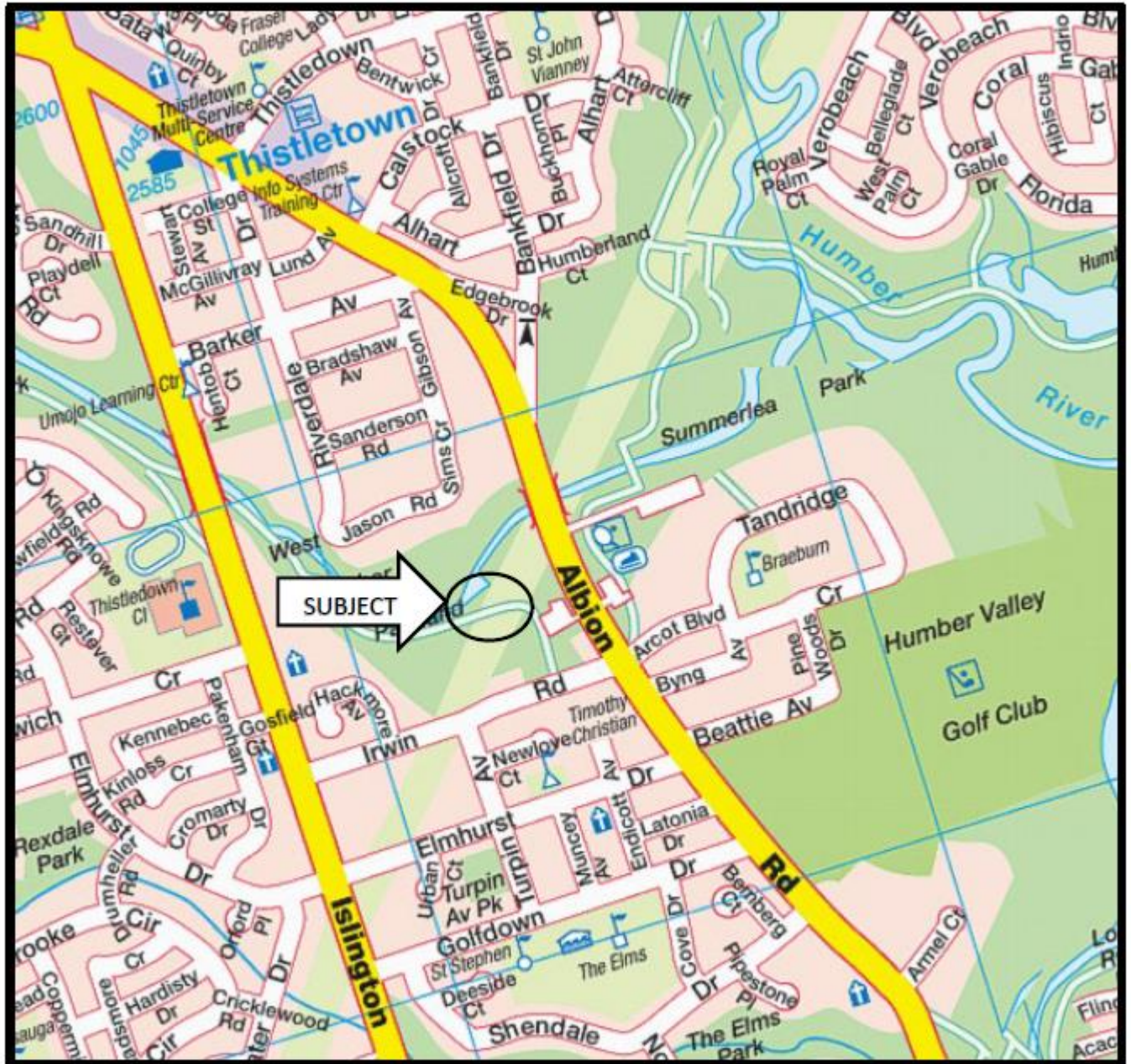
# Temporary Easements – West Humber Parkland







## Location Map





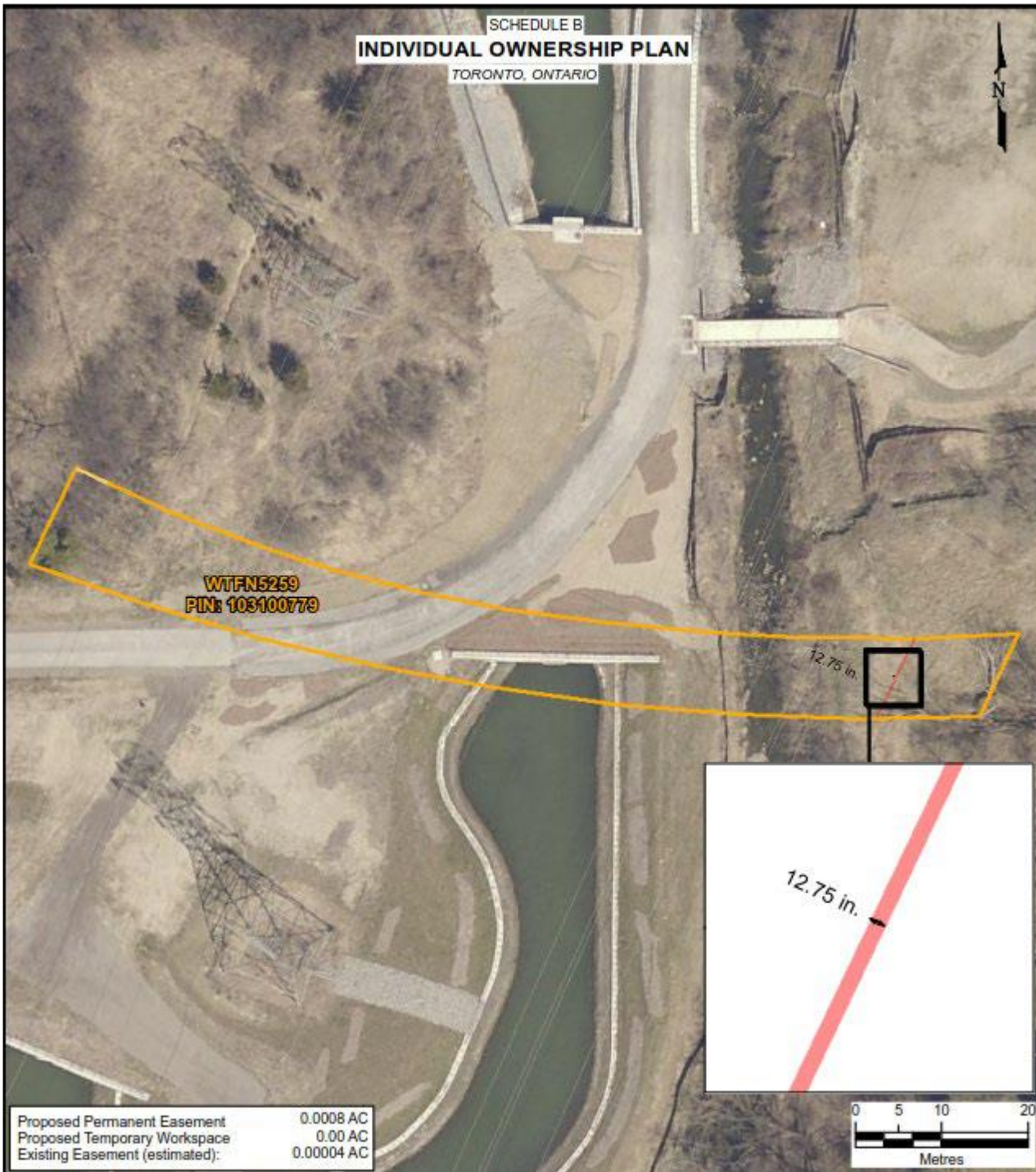
# Temporary Easements – Emery Creek



## LEGEND

- Proposed Temporary Workspace
- Proposed Permanent Easement
- Existing Permanent Easement
- Property Boundary





**LEGEND**

- Proposed Temporary Workspace
- Proposed Permanent Easement
- Existing Permanent Easement
- Property Boundary

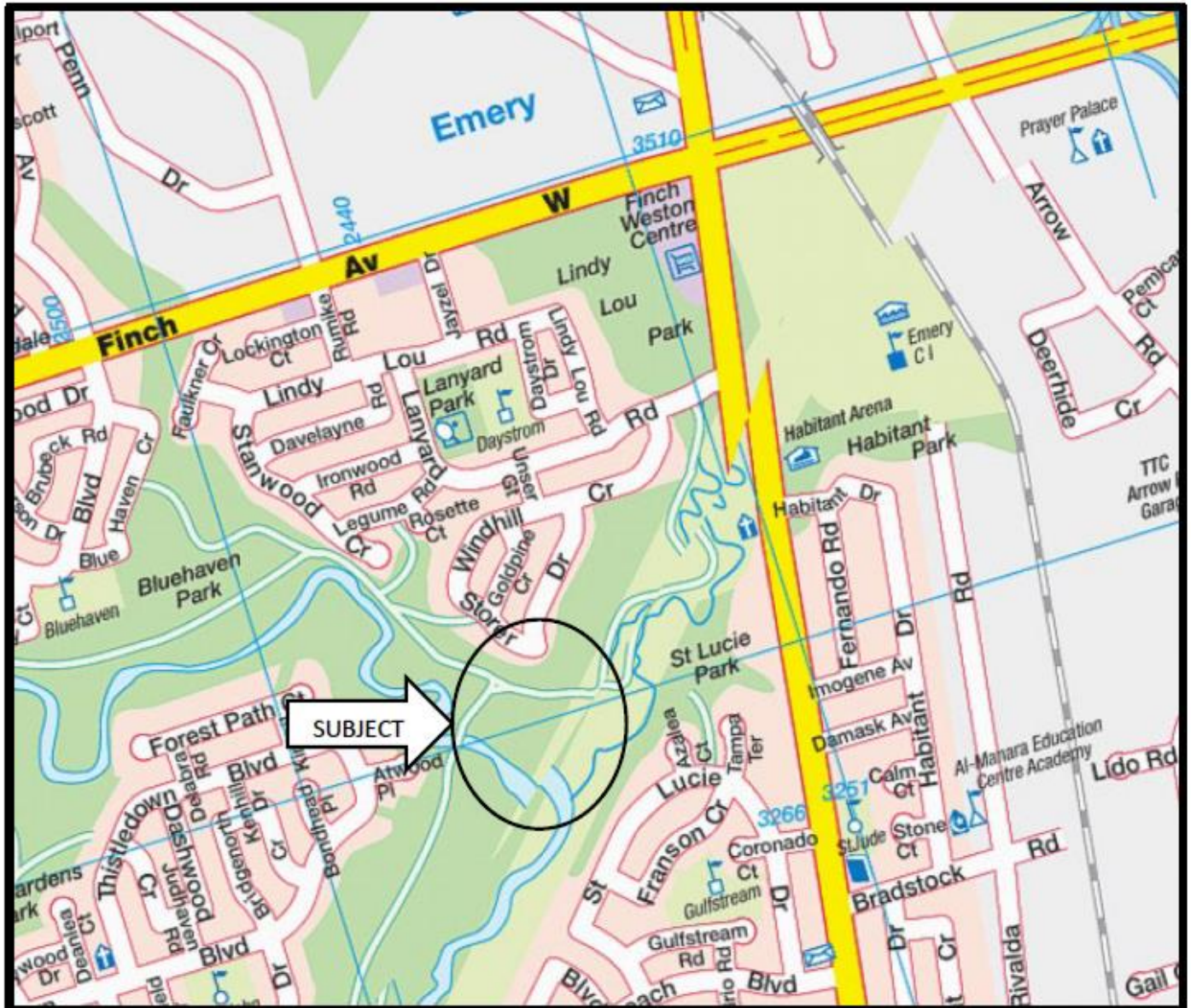


### LEGEND

- Proposed Temporary Workspace
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## Location Map



## APPENDIX "C"

## The "Pipeline Route in Toronto"

