

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

**TRACKING NO.: 2021-217**

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>              | To obtain authority to grant a Licence Agreement (the "Licence") in favour of Imperial Oil Limited, over parts of multiple City properties that have been identified as required for the Waterdown to Finch Pipeline Replacement project, for the purposes of access and construction staging, in order to facilitate the installation of an oil pipeline.   |            |                                  |              |  |                             |  |                          |  |                          |  |                           |  |
| <b>Property</b>             | City properties along the existing pipeline route and any other additional City-owned Properties required for the Waterdown to Finch Pipeline Replacement project, listed in Appendix "A" and shown coloured green in the sketches attached in Appendix "B" (the "Licensed Areas").  |            |                                  |              |  |                             |  |                          |  |                          |  |                           |  |
| <b>Actions</b>              | 1. Authority be granted to enter into the Licence in favour of Imperial Oil Limited for the access, construction staging, storage of vehicles, equipment and materials in order to facilitate and carry out the installation of an oil pipeline (the "Works") further described in Appendix "C", on terms and conditions as set out herein and as deemed appropriate by the Director, Real Estate Services, or his or her designate, and in a form satisfactory to the City Solicitor.   |            |                                  |              |  |                             |  |                          |  |                          |  |                           |  |
| <b>Financial Impact</b>     | <p>Total licence fee revenues to the City for the Licensed Area identified on Appendix "B" are \$84,450.00 (plus HST) which is considered fair market value and proceeds 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.</p> <p>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 "D" largely within the hydro corridor. In addition to the Licensed Areas, Hydro One owned lands that are licensed to the City for use as parks are also required for pipeline construction activities. The construction will cause disruptions to some Parks infrastructure and recreational trails and Imperial Oil has agreed to mitigate disruptions to recreational trails and provide alternate routes and signage as needed.</p> |            |                                  |              |  |                             |  |                          |  |                          |  |                           |  |
| <b>Terms</b>                | Continued on Page 4  |            |                                  |              |  |                             |  |                          |  |                          |  |                           |  |
| <b>Property Details</b>     | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 40%;"><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> |  |
| <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>   |  |            |                                  |              |  |                             |  |                          |  |                          |  |                           |  |

| A.   | Manager, Real Estate Services<br>has approval authority for:  | Director, Real Estate Services<br>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/REOs:</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/REOs.</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 checked="" 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 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.: 2021-217  | Date          | Signature                |
|---|---------------|--------------------------|
| <input checked="" type="checkbox"/> Recommended by: <b>Manager, Real Estate Services</b><br><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><br><b>Alison Folosea</b> | July 29, 2021 | Signed by Alison Folosea |

## MAJOR TERMS

|                       |  |
|-----------------------|--|
| <b>Licensee:</b>      | Imperial Oil Limited   |
| <b>Licence Fee:</b>   | \$84,450.00 (plus HST) for total of the Licensed Area identified on Appendix "B"   |
| <b>Term:</b>          | 6 months, commencing on the day of execution   |
| <b>Insurance:</b>     | \$10,000,000 commercial general liability<br>\$5,000,000 sudden and accidental pollution liability<br>\$5,000,000 standard automobile liability  |
| <b>Use:</b>           | Generally for the purposes of the Works as listed in Appendix "C"  |
| <b>Indemnity:</b>     | Imperial Oil Limited will indemnify and save harmless the City from and all manner of claims, demands, losses, costs, charges, actions and other proceedings whatsoever, directly or indirectly resulting from occupation of or use of the Licensed Area.  |
| <b>Restoration:</b>   | Imperial Oil Limited shall restore the Licensed Area to its original condition prior to occupancy by Imperial Oil Limited or its Authorized Users, at Imperial Oil's sole cost and expense.  |
| <b>Environmental:</b> | <p>The Licensee 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 Pollutant attributable to the Licensee's use of the Licensed Area.</p> <p>The Licensee hereby assumes all environmental liabilities relating to its use of the Licensed Area, including but not limited to any liability for clean-up of any Pollutant on or under the Licensed Area which results from the operations of Licensee within the Licensed Area.</p> <p>The Licensee shall ensure that third parties working upon or utilizing any portion of the Licensed Area 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 Licensed Area.</p> |

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

PT LT A, CON RIVER ETOBICOKE, PART 2, RS969; S/T EB116888, EB120774, EB167305, EB398528, TB244216 ETOBICOKE, CITY OF TORONTO

**SECONDLY****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 SUBJECT TO C574230, C734392 ETOBICOKE, CITY OF TORONTO

**THIRDLY****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 SUBJECT TO A636397, C574230 ETOBICOKE, CITY OF TORONTO

**FOURTHLY****PIN 10283-0643 (LT)**

PT LT 21 CON 5 WYS TWP OF YORK PT 1-9, 64R11231 BEING YORK GATE BLVD CLOSED BY TB480735; S/T NY226820 AMENDED BY NY541141A; S/T TB490212, TB704408; TORONTO (N YORK), CITY OF TORONTO

**FIFTHLY****PIN 07434-0524 (LT)**

PT LT B&C, CON RIVETS, AS IN EB277703 EXCEPT EB314056, PT 1 64R7446, PT 21 64R10480 AND LANDS LYING S OF EB57351; ETOBICOKE, CITY OF TORONTO

**SIXTHLY****PIN 10310-0200 (LT)**

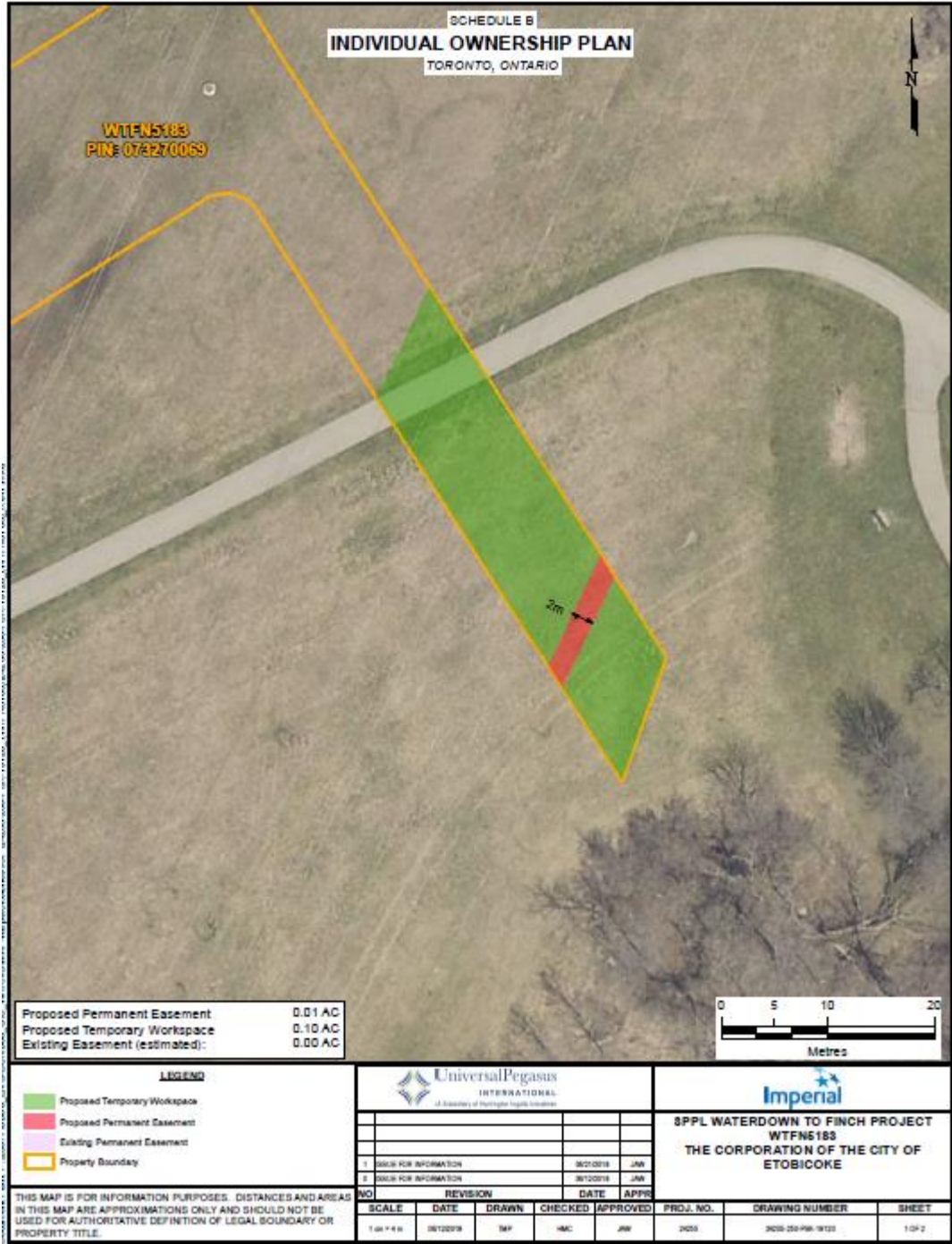
PCL H-1, SEC M715 BLK J 66M715 TWP OF YORK/NORTH YORK, CITY OF TORONTO

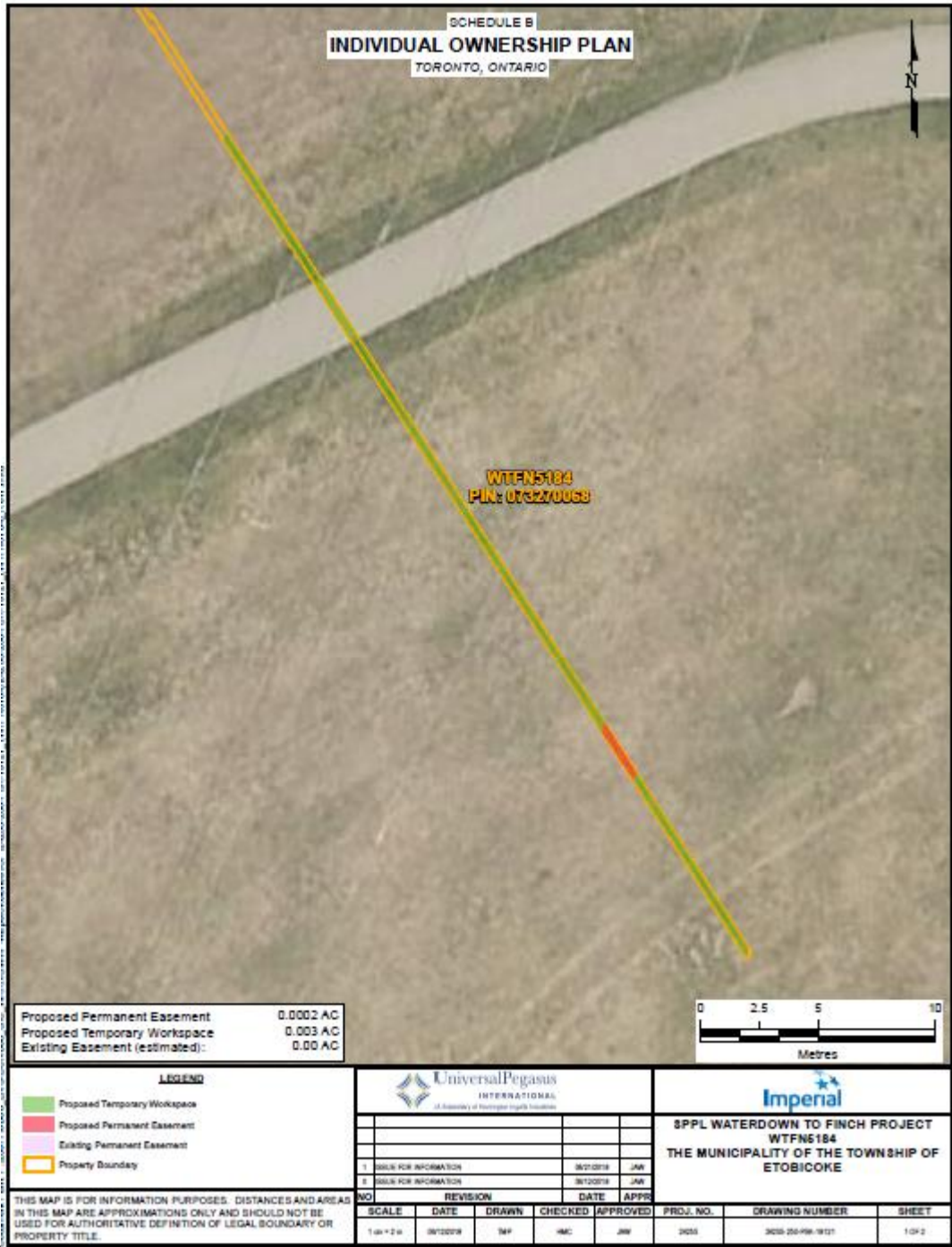
APPENDIX "B"

PROPERTY SKETCHES



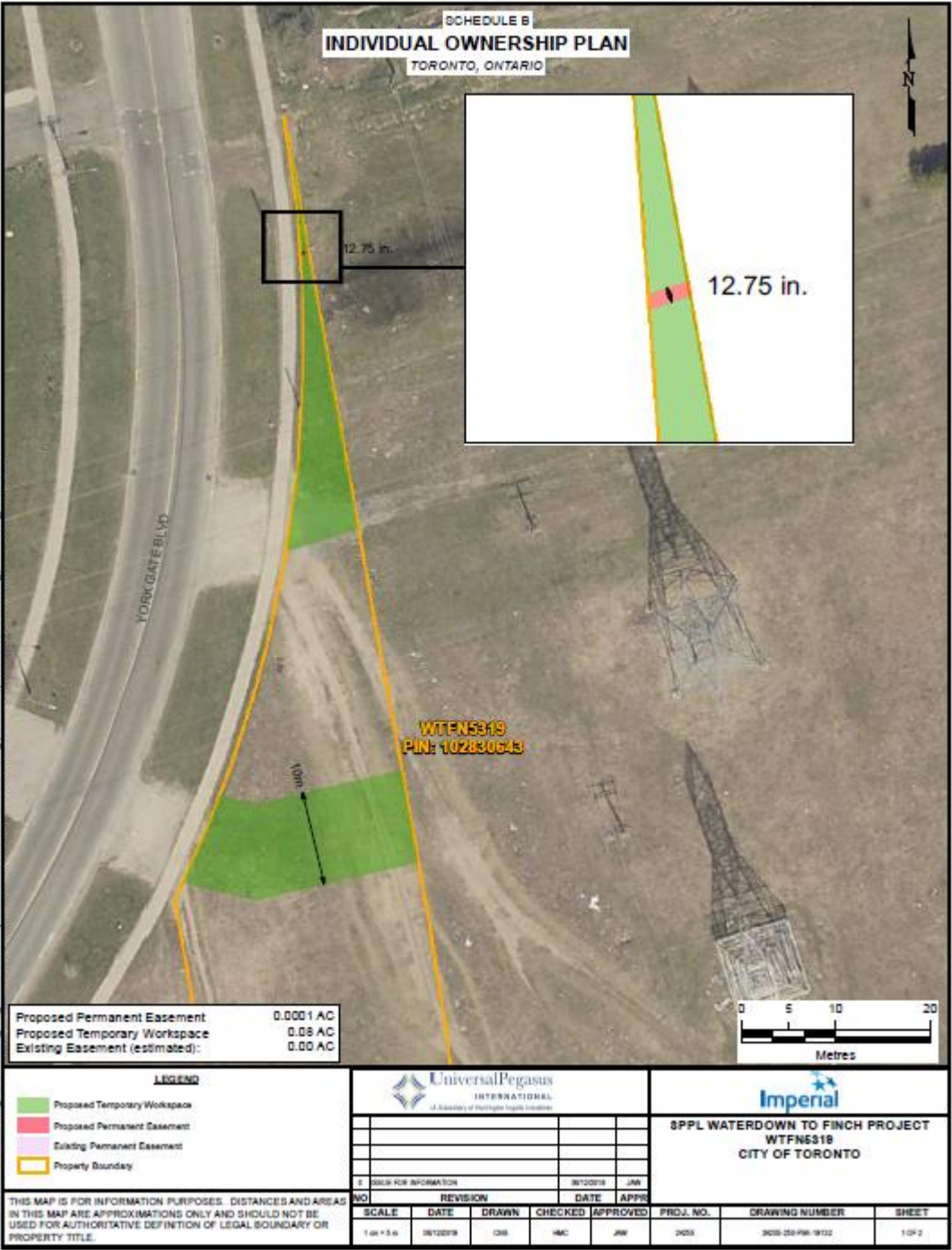


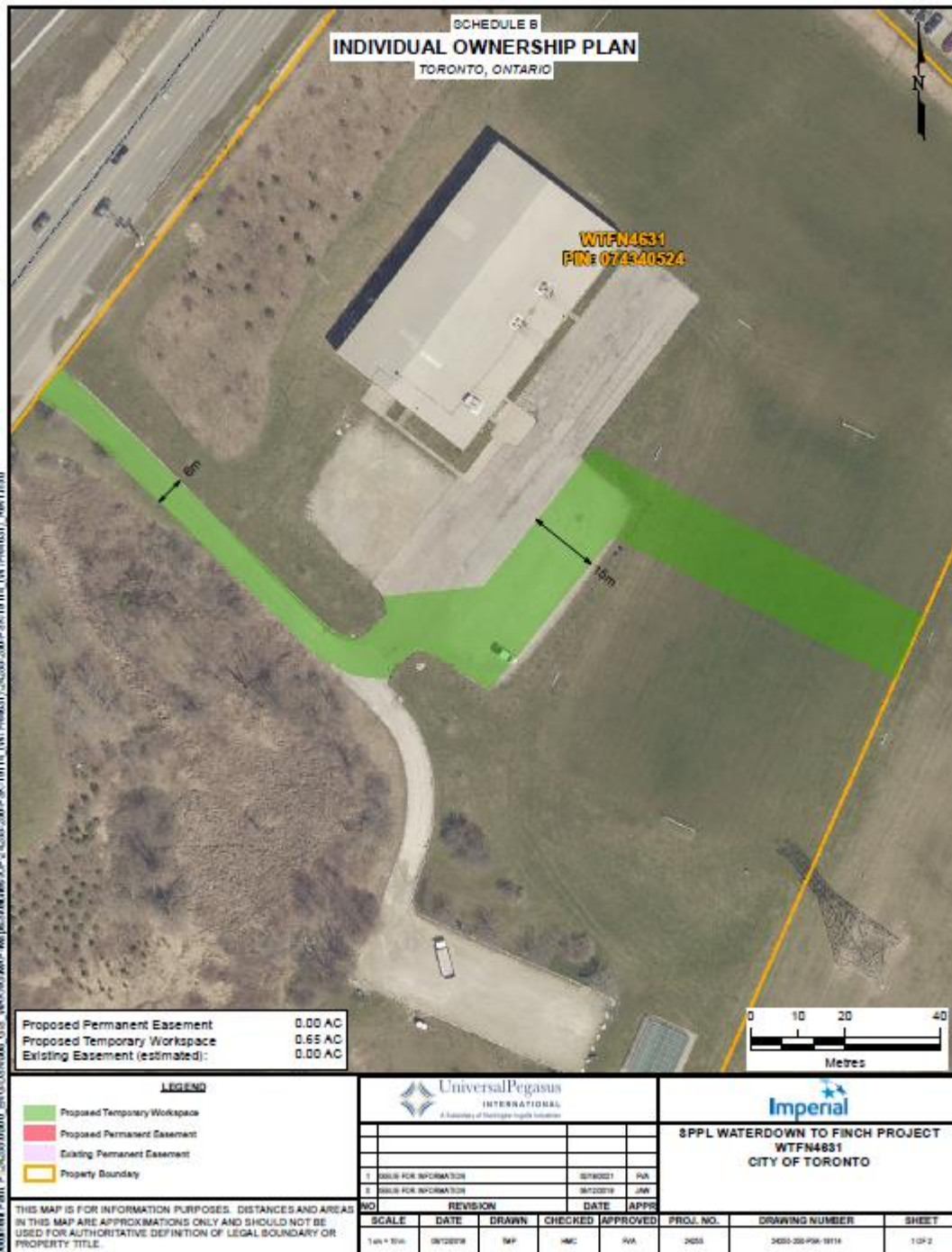


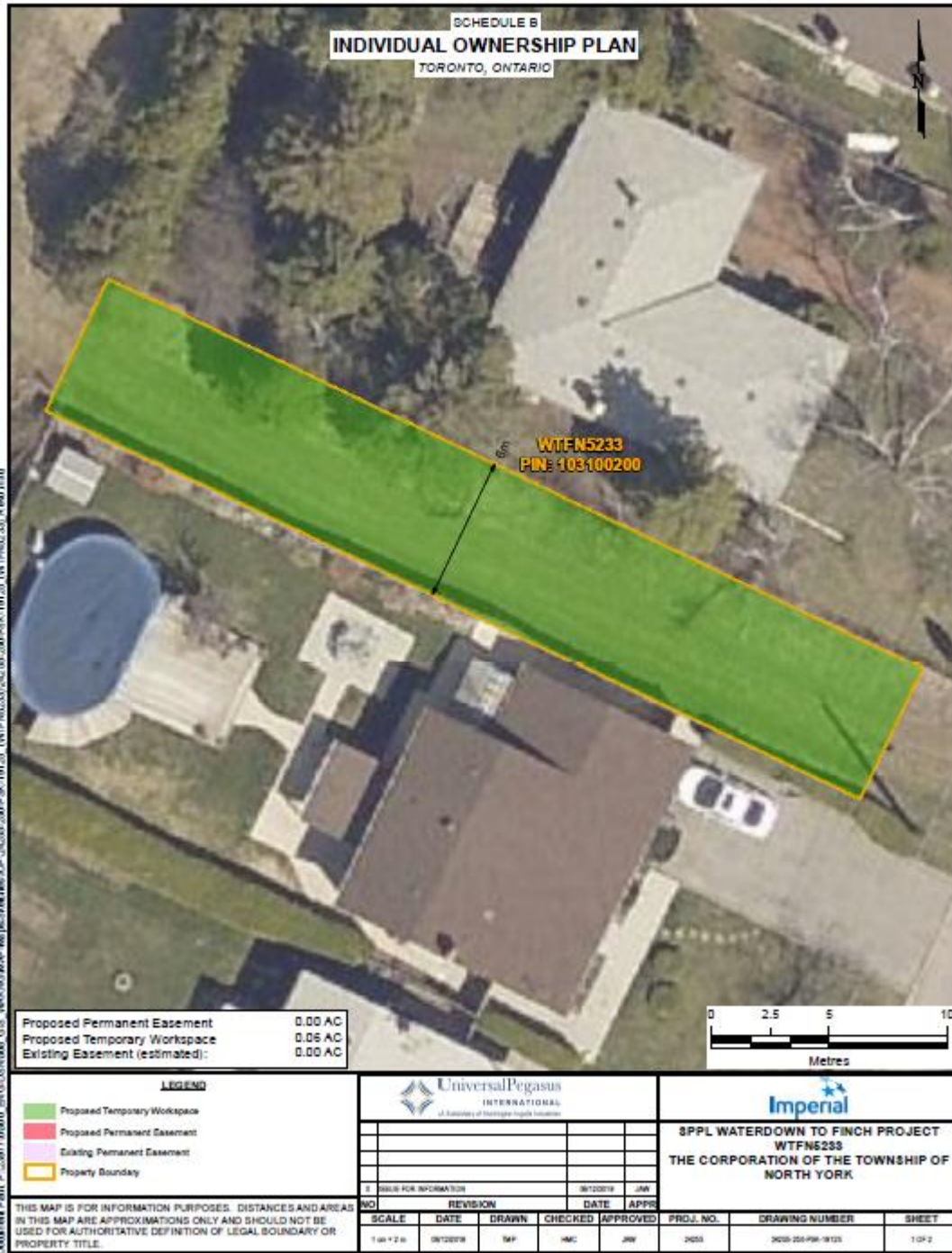


P











## APPENDIX "C"

### The "Works"

Access, construction staging, storage of vehicles, equipment and materials in order to facilitate and carry out the installation of an oil pipeline, with the right to remove any boulder or remove or control the growth of any roots, trees, stumps, brush or other vegetation in, on, above, or under the Licensed Area, and to install temporary gates and fences, including the stockpiling of construction spoil, materials and equipment.

## APPENDIX "D"

### The "Pipeline Route in Toronto"

