

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

TRACKING NO.: 2022-060

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

Prepared By:	Avery Carr	Division:	Corporate Real Estate Management
Date Prepared:	March 3, 2022	Phone No.:	647-458-1934

Purpose	To obtain authority for the City of Toronto to enter into an easement transfer agreement (the " Agreement ") with The Toronto and Region Conservation Authority (the " Owner "), to acquire permanent rights over a portion of their property municipally known as 10 Catherine Street and a portion of their property on the east bank of the Humber River, Toronto Ontario.
Property	Portion of the property municipally known as 10 Catherine Street and a portion of the east bank of the Humber River, legally described as Part of PIN 10526-0646 (LT), Part Lot 1 & 2 Concession 2 on Humber Township of York; Designated as Part 1 on Reference Plan 66R-32071; Toronto (York), City of Toronto, as shown in the R-Plan in Appendix "A" (the " Property ").
Actions	1. Authority be granted to enter into the Agreement with the Owner to acquire a permanent easement over the Property, substantially on the major terms and conditions set out below, and including such other terms and conditions as may be deemed appropriate by the approving authority herein, and in a form acceptable to the City Solicitor.
Financial Impact	The City will pay the Owner up to \$2,000 (plus HST) for legal expenses. Funding is available in the 2022 Approved Capital Budget and 2023-2031 Approved Capital Plan for Toronto Water under capital account CWW421-15-04. The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial implications as identified in the Financial Impact section.
Comments	The Owner has agreed to transfer permanent easement rights over the Property to the City. The permanent easement will permit sewer outfall works, including all appurtenances, improvements and services. The easement will also allow for ingress and egress at any time, on foot and with vehicles, equipment, gear, apparatus, machinery, tools, implements, supplies, stores and materials.
Terms	Irrevocable Period: 60 days Closing Date: 60 days after the Acceptance Date Fee: Nominal Legal Expenses: the City will pay the owner up to \$2000 plus HST Indemnity: the City shall fully indemnify the Transferor from any and all claims from injuries, damages or costs of any nature resulting in any way, either directly or indirectly, from the granting and use of the easements herein or the carrying out of construction Restoration: All parts of the Property disturbed by the proposed works shall be revegetated/stabilized by the City following construction and, where deemed appropriate by the Transferor, a landscape plan be prepared by the City for the review and approval in accordance with existing landscaping guidelines of the Transferor Corporate Real Estate Management staff consider the major terms and conditions of the Agreement, including those noted above, to be fair and reasonable. For all terms please refer to the Agreement and easement to be registered on title.

Property Details	Ward:	4 – Parkdale - High Park
	Assessment Roll No.:	
	Approximate Size:	
	Approximate Area:	
	Other Information:	Easement area is approximately 679 m ²

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"/> (c) 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 checked="" 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"/> (c) Waive Hearings of Necessity.</p> <p><input type="checkbox"/> Issuance of RFPs/REOIs.</p> <p><input 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 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"/> (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 (Managers whose position includes responsibility for implementing Council-approved expropriations are the only Managers 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:	Councillor Perks	Councillor:	
Contact Name:	Meri Newton	Contact Name:	
Contacted by:	Phone <input type="checkbox"/> X <input checked="" type="checkbox"/> 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:	Notified (Mar 7, 2022)	Comments:	

Consultation with Divisions and/or Agencies

Division:	Engineering and Construction Services	Division:	Financial Planning
Contact Name:	Carolina Santamaria	Contact Name:	Ciro Tarantino
Comments:	No comments (Mar 16, 2022)	Comments:	No comments (Mar 7, 2022)

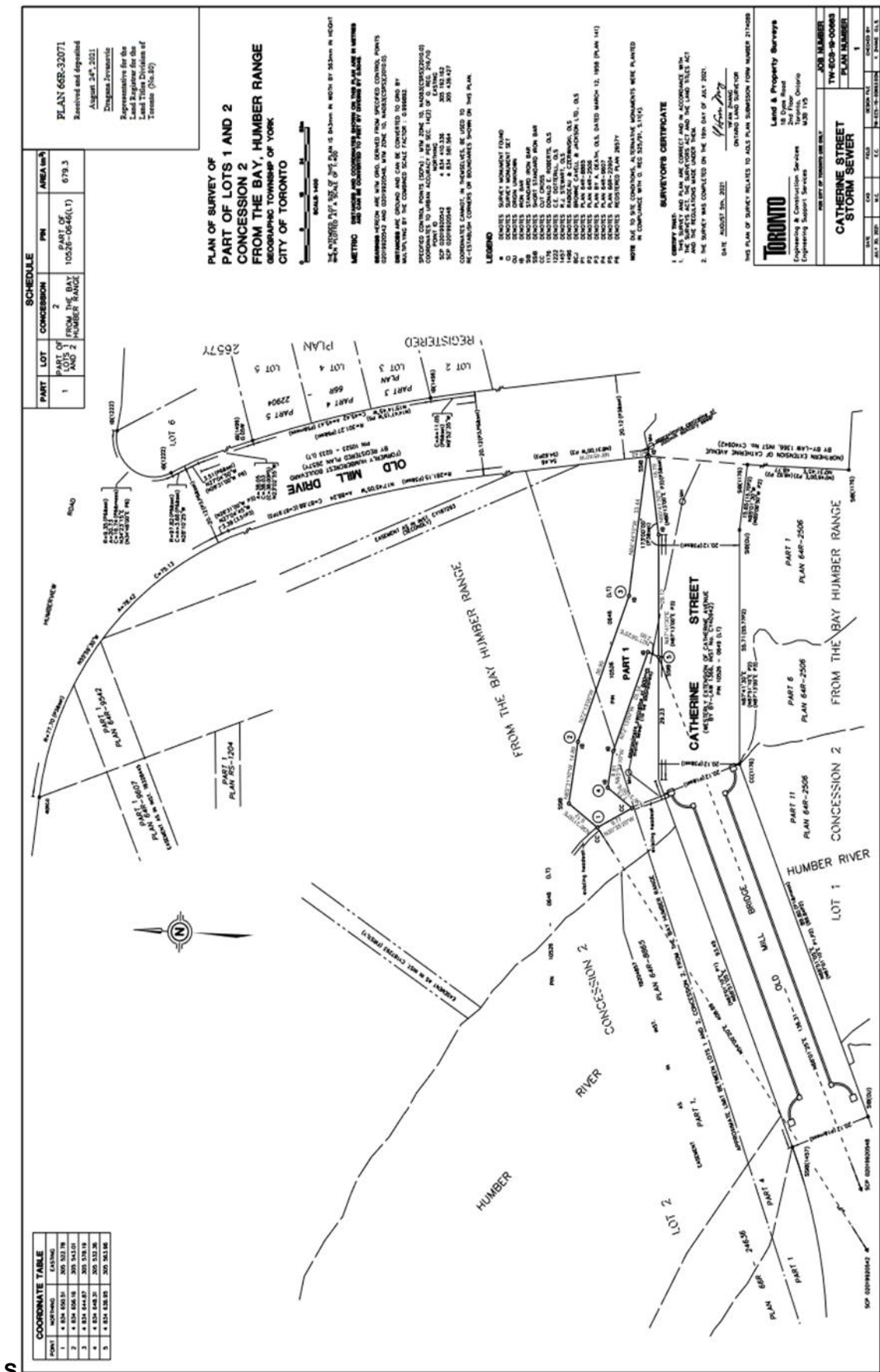
Legal Services Division Contact

Contact Name: Amna Shakil (Feb 25, 2022)

DAF Tracking No.: 2022-060	Date	Signature
Concurred with by: Manager, Real Estate Services	March 24, 2022	Signed by Ronald Ro
<input type="checkbox"/> Recommended by: Manager, Real Estate Services Scott Delahunt	March 24, 2022	Signed by Scott Delahunt
<input type="checkbox"/> Approved by: Director, Real Estate Services Alison Folosea		X

Appendix "A"

Reference Plan



Appendix "B"

Legal Descriptions

For purposes of this Agreement the following legal descriptions shall apply:

1. Transferor Lands

1.1 Transferor Lands means:

PIN 10526-0646 (LT)

PT LT 1-3 CON 2 & 3 ON HUMBER TWP OF YORK AS IN CY475423 (PARCEL TWO & THREE) & PT 1, 64R8865 EXCEPT PT 1, 64R9600; S/T TB204857; S/T CY475423 (PARCELTHREE); T/W CY475423 (PARCEL TWO); S/T CY534442, CY561591, TB328445, TB36702, TB808143; TORONTO (YORK), CITY OF TORONTO

2. Servient Tenement – Permanent Easement Lands

2.1 The burden of the Permanent Easement Rights runs with and binds the Permanent Easement Lands and every part thereof.

2.2 "Permanent Easement Lands" means:

Part of PIN 10526-0646 (LT)

PT LT 1 & 2 CON 2 ON HUMBER TWP OF YORK; DESIGNATED AS PART 1 ON REFERENCE PLAN 66R-32071; TORONTO (YORK), CITY OF TORONTO

3. Easement in Gross

3.1 The Permanent Easement is an easement gross under section 72 of the *City of Toronto Act, 2006*, S.O. 2006, c. 11, and as such is not required to be appurtenant to or annexed to or for the benefit of any specific parcel of land owned by the City in order to be valid and enforceable