

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

TRACKING NO.: 2022-023

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

Prepared By:	Joe Corigliano	Division:	Corporate Real Estate Management
Date Prepared:	January 24 th , 2022	Phone No.:	416-392-1167

Purpose	To obtain authority to enter into a Temporary Easement Transfer Agreement (the "Easement Agreement") with Metro Toronto Condominium Corporation No. 805 (the "Owner") for construction staging and storage, utility relocation, and works ancillary to the construction of a new public road (the "Project")
Property	5795 Yonge Street, Part Lot 22, Con 1, EYS- Parts 1, 2 and 3 on 66R-15154 as described in Schedule "A" to D90986, City of Toronto (the "Owner Property"); and shown in Appendix "B"
Actions	1. Authority be granted to enter into the Agreement with the Owner to acquire a temporary 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 Director, Transaction Services ("Director") and in a form acceptable to the City Solicitor.
Financial Impact	<p>The City will pay the Owner consideration in the amount of \$32,800 (exclusive of HST) and \$6,500.00 (inclusive of HST) for legal expenses.</p> <p>Funding is available in the Corporate Real Estate Management Division's 2021 Council Approved Capital Budget and included in the Staff recommended 2022-2031 Budget and Plan under (CCA226-01 - Strategic Property Acquisitions - 2015)</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	As a result of a new future public street extending from Cummer Avenue to Yonge Street, an easement over the lands know as 5795 Yonge Street are need in order to allow for ancillary construction, including without limitation, the disconnection, relocation and re-connection of utilities, water, storm water and sanitary sewer service connections, alterations to hard and soft landscaping, re-grading and restoration work and the right to enter, occupy, and store all vehicles, materials, machinery, tools and equipment necessary (the "Works");
Terms	Corporate Real Estate Management staff consider the major terms and conditions of the Agreement set out in Appendix "A" to be fair and reasonable.

Property Details	Ward:	18 – Willowdale
	Assessment Roll No.:	
	Approximate Size:	
	Approximate Area:	1600 m ² ± (17,222 ft ² ±)
	Other Information:	

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/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>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 (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:	J.Filion	Councillor:	
Contact Name:	J Filion	Contact Name:	
Contacted by:	Phone <input type="checkbox"/> X 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:	Concurs (Jan 12 th 2022)	Comments:	

Consultation with Divisions and/or Agencies

Division:	Transportation Services	Division:	Financial Planning
Contact Name:	Perry Korouyenis (Jan 12 th 2022)	Contact Name:	Ciro Tarantino
Comments:	Concurs	Comments:	Concurs (Jan 12 th 2022)

Legal Services Division Contact

Contact Name: Vanessa Bacher (Jan 17 2022)

DAF Tracking No.: 2022- 023	Date	Signature
Concurred with by: Manager, Real Estate Services Ronald Ro	Jan. 24, 2022	Signed by Ronald Ro
<input type="checkbox"/> Recommended by: Manager, Real Estate Services Scott Delahunt	Jan. 24, 2022	Signed by Scott Delahunt
<input checked="" type="checkbox"/> Approved by:		
<input type="checkbox"/> Approved by: Director, Real Estate Services		N/A

DAF 2022-023

Appendix A - Term Sheet

Property: 5795 Yonge Street, Part Lot 22, Con 1, EYS- Parts 1, 2 and 3 on 66R-15154 as described in Schedule "A" to D90986, City of Toronto

Term: 8 weeks commencing on a date to be named by the City or the City on at least two weeks written Notice (the "Commencement Date").

Extension Term: maximum of 4 weeks, on 1 week's written Notice to the Transferor

Temporary Easement Fee: \$25,600.00 exclusive of HST for the full 8 week term of the Temporary Easement;

Extension Term Fee: \$1,800.00 per week, (to a maximum of 4 weeks). Resulting in a further expenditure of \$7,200.00 if all four weeks are exercised.

Legal Fee: To be covered, estimated at \$6500.00 inclusive of HST

Insurance: The Licensee will be required to provide Commercial General Liability in the amount of \$20 million per occurrence for bodily injury (including death) and property damage. The City will be added as an additional insured.

Indemnity: The Owner releases and forever discharges and saves harmless the City, its councillors, directors, officials, officers, employees, consultants, contractors, agents, successors and assigns, or any of them, from any claims, losses, injury, costs or damages the Owner may have from time to time relating directly or indirectly to this Agreement, including but without limiting the generality of the foregoing:

- i. the removal by the City of any structures, pavement, trees, landscaping, physical encumbrances, improvements of any kind from the Temporary Easement Lands in exercising the City's rights under the Temporary Easement;
- ii. any diminution in ability of the Owner to use, enjoy and/or dispose of the Owner Property related to the Temporary Easement;
- iii. any adverse effect caused to any proximate lands by the City's exercise of the rights under the Temporary Easement; and
- iv. any losses or damages or injury incurred by the Owner or the Owner's invitees' arising from the use or occupation of the Temporary Easement Lands.

Appendix B – Easement Location and Map

