

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

TRACKING NO.: 2022-200

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

Prepared By:	Bruno Iozzo	Division:	Corporate Real Estate Management
Date Prepared:	August 30, 2022	Phone No.:	(416) 392-8151

Purpose	To obtain authority to grant a temporary easement (the "Easement") to Toronto Hydro-Electric System Limited ("Toronto Hydro") to permit Toronto Hydro to shift its existing overhead hydro utility line on poles (the "Hydro Works") from its current location along an existing portion of Cherry Street (to be stopped up and closed) to another suitable location within the area.
Property	(1) Part of PIN 21385-0232, being Part of Block 4 on Plan 540E, designated as Part 1 on Plan 66R-32871 (attached hereto as Appendix "B), and (2) Part of PIN 21385-0230, being Part of Block 5 on Plan 540E, designated as Part 3 on Plan 66R-32871, (collectively, the "Easement Lands").
Actions	1. Authority be granted to grant the Easement to Toronto Hydro, substantially on the major terms and conditions below and including such other terms as deemed appropriate by the approving authority herein, and in a form satisfactory to the City Solicitor.
Financial Impact	There is no financial impact associated with this Easement. The Easement will be granted by the City for nominal consideration. The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial implications as identified in the Financial Impact section.
Comments	As part of the Port Lands Flood Protection and Enabling Infrastructure Project (the "PLFP"), Waterfront Toronto ("WT"), on behalf of the three levels of government, will construct the new mouth of the Don River through portions of the lands currently designated as Cherry Street (between Commissioners Street and Polson Street). In order to facilitate construction of the new river mouth, WT is constructing a new alignment of Cherry Street to the west of its current location, and a portion of the existing alignment of Cherry Street between Commissioners Street and Polson Street will be removed. The new Cherry Street alignment will connect the remaining portion of existing Cherry Street to the south to Commissioners Street, which is being extended approximately 100 metres west. Vehicular traffic, pedestrians and cyclists on the old Cherry Street alignment will be shifted to the new alignment. Comments section continued on page 4.
Terms	Commencement Date: Upon execution of the Easement agreement by the last of the parties Expiry Date: March 31, 2023 Use/Type: Hydro Installation Easement and Access easement Installation Easement: for the installation, construction, operation, maintenance, repair, removal, inspection and use, from time to time and at any time, of the Hydro Works and related wires, cables, appurtenances, poles, attachments, supports, apparatus, markers, equipment, appliances, fixtures and other improvements which are to form part of the electrical distribution system operated by Toronto Hydro Access Easement: Free, uninterrupted and unobstructed access, ingress, egress and passage (with or without vehicles) over, along, through and upon the easement lands to and from a public road, except those easement lands that are subject to an existing licence with Waterfront Toronto and where access may have to be coordinated between Toronto Hydro and WT's contractor Permitted Installations: Hydro users may alter, remove, use, operate, inspect, demolish, construct, maintain, repair, and excavate the Permitted Installations City Covenant: Not to impair, disrupt or interfere with the use, enjoyment and/or operation involving the easement lands Toronto Hydro Covenant: Toronto Hydro acknowledges that the easement lands are part of an active construction site in connection with the WT license and the PLFP Project, and that the easement is subject to the rights of WT Early Expiry: Upon the dedication of the easement lands as a public highway

Property Details	Ward:	14 – Toronto Danforth
	Assessment Roll No.:	
	Approximate Size:	
	Approximate Area:	351.6 m ² (3,784.6 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/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 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 checked="" 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:	Paula Fletcher	Councillor:	
Contact Name:	Susan Serran – Executive Assistant	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:	No objections (08/29/2022)	Comments:	

Consultation with Divisions and/or Agencies

Division:	City Planning	Division:	Financial Planning
Contact Name:	Christian Giles	Contact Name:	Filisha Jenkins
Comments:	Concurs (09/06/2022)	Comments:	Concurs (09/01/2022)

Legal Services Division Contact

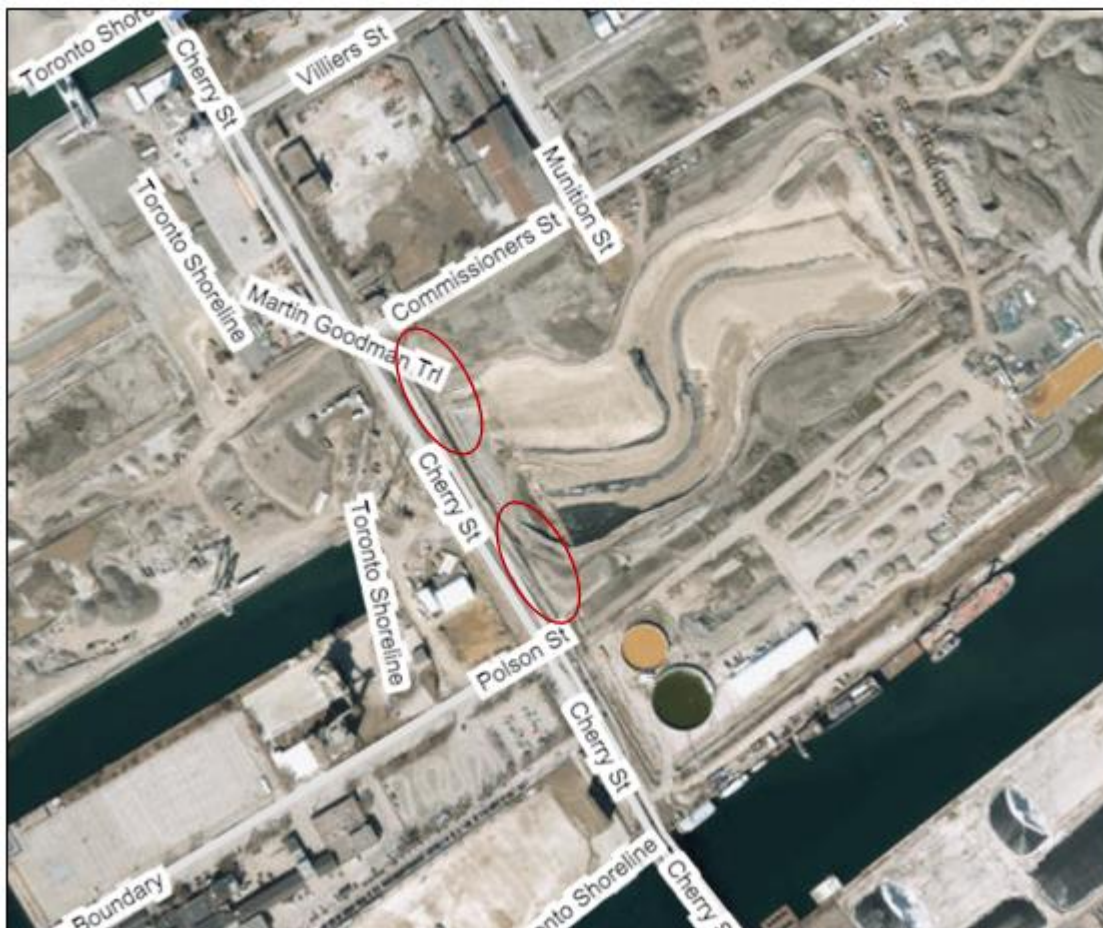
Contact Name: Charlene Farrugia (09/14/2022)

DAF Tracking No.: 2022-200	Date	Signature
<input checked="" type="checkbox"/> Recommended by: Manager, Real Estate Services Van Hua	Sept 14, 2022	Signed by Van Hua
<input type="checkbox"/> Approved by:		
<input checked="" type="checkbox"/> Approved by: Director, Real Estate Services Alison Folosea	Sept 14, 2022	Signed by Alison Folosea

Comments (continued)

To facilitate construction of the river valley and new mouth of the Don River, WT requires that an existing segment of Cherry Street be stopped up and closed as a public highway and the Hydro Works removed from the site. Given the need for continued hydro service in the area, Toronto Hydro has requested that its Hydro Works be temporarily rerouted onto City-owned lands to the east while a permanent duct bank extending from Cherry Street to the Don Roadway is installed. The City has agreed to the requested relocation and is prepared to grant a temporary easement to Toronto Hydro for nominal consideration in order to proceed with the PLFP Project. Parts 1 and 3 on Plan 66R-32871 are owned by the City, while Parts 2 and 4 are owned by the City of Toronto Economic Development Corporation. As the Easement Lands are currently under licence by the City to WT for construction of the PLFP, WT will agree to fulfill the City's obligations to Toronto Hydro relating to access to the site and the condition of the site, and to indemnify the City with respect to same.

Appendix "A" – The Property



Appendix "B" – Plan 66R-32871

