

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

TRACKING NO.: 2022-201

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 31, 2022	Phone No.:	(416) 392-8151

Purpose	To obtain authority to acquire a permanent easement (the "Easement") from Toronto Port Authority (the "Transferor") to permit the City to operate as part of the public highway a small triangular portion of sidewalk area on the newly constructed Cherry Street bridge over the new mouth of the Don River (the "Cherry Street Bridge").
Property	An aerial portion of the Transferor's lands in which part of the Cherry Street Bridge is situated, being part of PIN 21385-0052(LT), Part of Block 8 on Plan 540E, designated as Part 59 on Plan 66R-32609, attached hereto as Appendix "B" (the "Easement Lands").
Actions	1. Authority be granted to acquire the Easement from the Transferor and enter into the associated easement agreement, 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, as the purchase price is being paid directly to the Transferor by Waterfront Toronto. 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 Project and Enabling Infrastructure Project (the "PLFP Project"), 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 continued on page 4.
Terms	Use: To construct, reconstruct, maintain, occupy and operate a bridge structure and public road Maintenance: City to maintain in accordance with its standards for roads and remove any hazardous materials. Covenant: The City covenants to repair and maintain the new Cherry Street realignment that crosses the Property as required in accordance with the City of Toronto's standard for public roads Indemnity: The City shall indemnify and save the Transferor, including the federal Crown, and the Transferor's directors, officers, employees, agents and contractors (collectively, the "Transferor Indemnified Parties") harmless from and against all actions, claims, complaints, demands, damages, losses, expenses, costs (including the costs of their respective solicitors of defending any such claims), charges, and proceedings which may be brought, suffered, sustained or incurred by the Transferor Indemnified Parties arising from or as a result of the acts or omissions of the City, third party utility companies or other permittees, or otherwise relating to new Cherry Street, except to the extent caused or contributed to by the negligence or willful misconduct of the Transferor. Transferor's Covenant: The Transferor shall not interfere with, obstruct, damage or destroy the Easement Lands or do anything to interfere with or render more costly the exercise of the City's rights under the Easement. Subsequent Encumbrances: The Transferor shall not grant any other easements or other right or interest in, on, under, over or through the Easement Lands Public Highway Status: The Transferor acknowledges and agrees that a by-law dedicating the Easement Lands as a public highway has been or will be enacted by Toronto City Council and registered on title to the Easement Lands

Property Details	Ward:	14 – Toronto Danforth
	Assessment Roll No.:	
	Approximate Size:	
	Approximate Area:	22 m 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 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:	Paula Fletcher	Councillor:	
Contact Name:	Susan Serran – Executive Assistant	Contact Name:	
Contacted by:	<input type="checkbox"/> Phone <input checked="" type="checkbox"/> E-Mail <input type="checkbox"/> Memo <input type="checkbox"/> Other	Contacted by:	<input type="checkbox"/> Phone <input type="checkbox"/> E-mail <input type="checkbox"/> Memo <input type="checkbox"/> Other
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 (10/3/2022)	Comments:	No issues (09/1/2022)

Legal Services Division Contact

Contact Name:	Charlene Farrugia (10/3/2022)
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DAF Tracking No.: 2022-201	Date	Signature
Concurred with by: Manager, Real Estate Services Susan Lin	October 3, 2022	Signed by Susan Lin
<input type="checkbox"/> Recommended by: Manager, Real Estate Services Van Hua <input checked="" type="checkbox"/> Approved by:	October 3, 2022	Signed by Van Hua
<input type="checkbox"/> Approved by: Director, Real Estate Services Alison Folosea		

Comments

The vehicular lanes and sidewalks are being constructed to base asphalt condition, and sections on the north side of new Cherry Street and the east side of the Commissioners Street extension will still be under construction during the interim opening of new Cherry Street. While the Transferor prepares its application for Supplementary Letters Patent, which is required in order for the Transferor to transfer fee simple ownership of any of its land, the City will need to acquire the Easement to allow for operation of a small triangular sidewalk area of the new Cherry Street Bridge situated over the water lot owned by the Transferor. Waterfront Toronto has contracted with the Transferor to convey the Easement to the City, and is responsible to pay the purchase price for the Easement. As such, the Easement is being transferred at no cost to the City.

Appendix "A" – The Property



