

DELEGATED APPROVAL FORM
DEPUTY CITY MANAGER, CORPORATE SERVICES
EXECUTIVE DIRECTOR, CORPORATE REAL ESTATE MANAGEMENT

TRACKING NO.: 2022-268

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

Prepared By:	Patricia Palmieri	Division:	Corporate Real Estate Management
Date Prepared:	November 17, 2022	Phone No.:	(416) 392-4829

Purpose	To obtain authority to enter into an easement transfer agreement (the "Agreement") with The Governing Council of the University of Toronto (the "Owner") to acquire for and on behalf of Toronto Transit Commission (the "TTC") short term and long term easements over parts of 84 Queens Park and 90 Queens Park shown on the Location Maps in Schedule "A", to facilitate construction works at Museum station (the "Station") in connection with the Easier Access and Second Exit projects (collectively the "Projects").																
Property	The properties municipally known as Queens Park, Toronto and 84 and 90 Queens Park, Toronto, Ontario, shown as Part 2 on Plan 66R-32705 and Part 2 on Plan 66R-32704 known as (the "Long Term Temporary Easements") and Parts 1 and 3 on Plan 66R-32705 and Part 1 on Plan 66R-32704 known as (the "Short Term Temporary Easements") collectively known as (the "Easement Lands"), shown on the Reference Plans in Appendix "B".																
Actions	1. Authority be granted to enter into the Agreement with the Owner, substantially on the major terms and conditions set out below, and including such other or amended terms and conditions as deemed appropriate by the Executive Director, Corporate Real Estate Management or his or her designate, and in a form satisfactory to the City Solicitor.																
Financial Impact	The total cost to the City is \$1,396,470.00 (plus HST) for the use of the Easement Lands, should TTC exercise the extensions, the total additional fee would be \$1,392,527.96 (plus HST). Funding is available in the 2022-2031 Council Approved Capital Budget and Plan for the TTC under capital project account CTT024-1 and CTT028-1 for the Projects. 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 Projects, the TTC is proposing to make the Station accessible by constructing two new elevators and is also improving customer safety and convenience by constructing a new second exit building, on the Easement Lands. This will enable pedestrian access from two new elevators and a second exit at the Station. The terms of the Agreement are fair, reasonable and reflective of market value.																
Terms	Closing Date: November 30, 2022 Fees: \$1,396,470.00 (plus HST) \$1,392,527.96 (plus HST) extension fee <u>Easier Access</u> <table border="1"> <tr> <td>Long Term Easement (49 years)</td> <td>\$104,500.00</td> </tr> <tr> <td>Short Term Easement (2 Years)</td> <td>\$ 52,360.00</td> </tr> <tr> <td>Long Term Easement (2 x 25 year extension)</td> <td>\$ 106,632.65</td> </tr> <tr> <td>Short Term Easement (1 year extension option)</td> <td>\$ 26,180.00</td> </tr> </table> <u>Second Exit</u> <table border="1"> <tr> <td>Long Term Easement (49 years)</td> <td>\$ 985,160.00</td> </tr> <tr> <td>Short Term Easement (1 year)</td> <td>\$ 254,450.00</td> </tr> <tr> <td>Long Term Easement (2 x 25 year extension)</td> <td>\$1,005,265.31</td> </tr> <tr> <td>Short Term Easement (1 year extension option)</td> <td>\$ 254,450.00</td> </tr> </table> Total Compensation payable (if options exercised): \$2,788,997.96 (plus HST)	Long Term Easement (49 years)	\$104,500.00	Short Term Easement (2 Years)	\$ 52,360.00	Long Term Easement (2 x 25 year extension)	\$ 106,632.65	Short Term Easement (1 year extension option)	\$ 26,180.00	Long Term Easement (49 years)	\$ 985,160.00	Short Term Easement (1 year)	\$ 254,450.00	Long Term Easement (2 x 25 year extension)	\$1,005,265.31	Short Term Easement (1 year extension option)	\$ 254,450.00
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Property Details	Ward:	11 – University-Rosedale
	Assessment Roll No.:	1904-06-8-350-00400, 1904-06-810-00300, 1904-06-7-540-00702
	Approximate Size:	Irregular
	Approximate Area:	Irregular
	Other Information:	None

A.	Executive Director, Corporate Real Estate Management has approval authority for:	Deputy City Manager, Corporate Services has approval authority for:
1. Acquisitions:	<input type="checkbox"/> Where total compensation does not exceed \$3 Million.	<input type="checkbox"/> Where total compensation does not exceed \$5 Million.
2A. Expropriations Where City is Expropriating Authority:	<input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$3 Million.	<input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$5 Million.
2B. Expropriations For Transit-Related Purposes Where City is Property Owner or Has Interest in Property Being Expropriated:	<input type="checkbox"/> (a) Acceptance of statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$3 Million. Request/waive hearings of necessity delegated to less senior positions.	<input type="checkbox"/> (a) Acceptance of statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$5 Million. Request/waive hearings of necessity delegated to less senior positions.
3. Issuance of RFPs/REOs:	<input type="checkbox"/> Issuance of RFPs/REOs.	<input type="checkbox"/> Issuance of RFPs/REOs.
4. Permanent Highway Closures:	<input type="checkbox"/> Initiate process & authorize GM, Transportation Services to give notice of proposed by-law.	<input type="checkbox"/> Initiate process & authorize GM, Transportation Services to give notice of proposed by-law.
5. Transfer of Operational Management to Divisions, Agencies and Corporations:	<input type="checkbox"/> Transfer of Operational Management to Divisions, Agencies and Corporations.	<input type="checkbox"/> Transfer of Operational Management to Divisions, Agencies and Corporations.
6. Limiting Distance Agreements:	<input type="checkbox"/> Where total compensation does not exceed \$3 Million.	<input type="checkbox"/> Where total compensation does not exceed \$5 Million.
7. Disposals (including Leases of 21 years or more):	<input type="checkbox"/> Where total compensation does not exceed \$3 Million.	<input type="checkbox"/> Where total compensation does not exceed \$5 Million.
8. Exchange of land in Green Space System & Parks & Open Space Areas of Official Plan:	<input type="checkbox"/> Exchange of land in Green Space System and Parks and Open Space Areas of Official Plan.	<input type="checkbox"/> Exchange of land in Green Space System and Parks and Open Space Areas of Official Plan.
9. Leases/Licences (City as Landlord/Licensor):	<input type="checkbox"/> (a) Where total compensation (including options/renewals) does not exceed \$3 Million. <input type="checkbox"/> (b) Where compensation is less than market value, for periods not exceeding twelve (12) months, including licences for environmental assessments and/or testing, etc. Delegated to a more senior position.	<input type="checkbox"/> (a) Where total compensation (including options/renewals) does not exceed \$5 Million. <input type="checkbox"/> (b) Where compensation is less than market value, for periods not exceeding twelve (12) months, including licences for environmental assessments and/or testing, etc. <input type="checkbox"/> (c) Where compensation is less than market value, provided tenant and lease satisfy Community Space Tenancy Policy criteria set out in Item EX28.8, as adopted by Council on November 7, 8 and 9, 2017, as amended from time to time.
10. Leases/Licences (City as Tenant/Licensee):	<input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$3 Million.	<input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$5 Million.
11. Easements (City as Grantor):	<input type="checkbox"/> (a) Where total compensation does not exceed \$3 Million. <input type="checkbox"/> (b) When closing roads, easements to pre-existing utilities for nominal consideration.	<input type="checkbox"/> (a) Where total compensation does not exceed \$5 Million. <input type="checkbox"/> (b) When closing roads, easements to pre-existing utilities for nominal consideration.
12. Easements (City as Grantee):	<input checked="" type="checkbox"/> Where total compensation does not exceed \$3 Million.	<input type="checkbox"/> Where total compensation does not exceed \$5 Million.
13. Revisions to Council Decisions in Real Estate Matters:	<input type="checkbox"/> Amendment must not be materially inconsistent with original decision (and subject to General Condition (U)).	<input type="checkbox"/> Amendment must not be materially inconsistent with original decision (and subject to General Condition (U)).
14. Miscellaneous:	<input type="checkbox"/> (a) Approvals, Consents, Notices and Assignments under all Leases/Licences <input type="checkbox"/> (b) Releases/Discharges <input type="checkbox"/> (c) Surrenders/Abandonments <input type="checkbox"/> (d) Enforcements/Terminations <input type="checkbox"/> (e) Consents/Non-Disturbance Agreements/Acknowledgements/Estoppel Certificates <input type="checkbox"/> (f) Objections/Waivers/Cautions <input type="checkbox"/> (g) Notices of Lease and Sublease <input type="checkbox"/> (h) Consent to regulatory applications by City, as owner <input type="checkbox"/> (i) Consent to assignment of Agreement of Purchase/Sale; Direction re Title <input type="checkbox"/> (j) Documentation relating to Land Titles applications <input type="checkbox"/> (k) Correcting/Quit Claim Transfer/Deeds	<input type="checkbox"/> (a) Approvals, Consents, Notices and Assignments under all Leases/Licences <input type="checkbox"/> (b) Releases/Discharges <input type="checkbox"/> (c) Surrenders/Abandonments <input type="checkbox"/> (d) Enforcements/Terminations <input type="checkbox"/> (e) Consents/Non-Disturbance Agreements/Acknowledgements/Estoppel Certificates <input type="checkbox"/> (f) Objections/Waivers/Cautions <input type="checkbox"/> (g) Notices of Lease and Sublease <input type="checkbox"/> (h) Consent to regulatory applications by City, as owner <input type="checkbox"/> (i) Consent to assignment of Agreement of Purchase/Sale; Direction re Title <input type="checkbox"/> (j) Documentation relating to Land Titles applications <input type="checkbox"/> (k) Correcting/Quit Claim Transfer/Deeds

B. Deputy City Manager, Corporate Services and Executive Director, Corporate Real Estate Management each has signing authority on behalf of the City for:
<ul style="list-style-type: none"> • Documents required to implement matters for which each position also has delegated approval authority. • Agreements of Purchase and Sale and all implementing documentation for purchases, sales and land exchanges not delegated to staff for approval. • Expropriation Applications and Notices following Council approval of expropriation. • 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:	Mike Layton	Councillor:	
Contact Name:	Marco Bianchi	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:	Advised	Comments:	

Consultation with Divisions and/or Agencies

Division:	TTC	Division:	Financial Planning
Contact Name:	Duane Lovelace	Contact Name:	Filisha Jenkins
Comments:	Concurs	Comments:	Concurs

Legal Services Division Contact

Contact Name: **Dale Mellor**

DAF Tracking No.: 2022- 268	Date	Signature
Recommended by: Manager, Transaction Services	Nov. 17, 2022	Signed by Vinette Prescott-Brown
Recommended by: Director, Transaction Services	Nov. 17, 2022	Signed by Alison Folosea
<input type="checkbox"/> Recommended by: Executive Director, Corporate Real Estate Management <input checked="" type="checkbox"/> Approved by: Patrick Matozzo	Nov. 18, 2022	Signed by Patrick Matozzo
<input type="checkbox"/> Approved by: Deputy City Manager, Corporate Services Josie Scioli		X

Appendix "A" - Location Map



