

DELEGATED APPROVAL FORM

CITY MANAGER

TRACKING NO.: 2022-294

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

Prepared By:	Leila Valenzuela	Division:	Corporate Real Estate Management														
Date Prepared:	November 29, 2022	Phone No.:	416-392-7174														
Purpose	To obtain authority for the City to enter into a licence agreement with Metrolinx for certain City-owned lands south of the rail corridor west of Strachan Avenue, including lands under the Gardiner Expressway and portion of Exhibition Place north of Manitoba Drive, for the purposes of all works and uses in connection with the construction of the Ontario Line Project (the "Licence Agreement").																
Property	City-owned lands south of Metrolinx's rail corridor, west of Strachan Avenue, including lands under the Gardiner Expressway and portion of Exhibition Place north of Manitoba Drive, being parts of PIN Nos. 21299-0166, 21299-0167, 21299-0168 and 21383-0039 (collectively, the "Licensed Area") and shown in Appendix "A".																
Actions	1. Authority be granted to enter into the Licence Agreement with Metrolinx, substantially on major terms and conditions set out in Appendix "A", including such other terms and conditions as deemed appropriate by the approving authority herein, and in a form acceptable to the City Solicitor.																
Financial Impact	<p>The City will receive total licence fee revenues of \$3,478,352 over the five (5) year term of the licence agreement. If the option to extend for 2 additional 1-year terms are exercised, then the overall total revenue is estimated to be \$5,611,692 (plus HST). Revenues will be directed to the 2022 Council Approved Operating Budget for Corporate Real Estate Management under cost centre in FA1379 and functional area code 3220200000, and will be included in future operating budget submissions for Council consideration.</p> <p>Revenues remitted to the City for each fiscal year is as follows:</p> <table border="1"> <thead> <tr> <th>Year</th><th>Amount:</th></tr> </thead> <tbody> <tr> <td>2022</td><td>\$798,263.00</td></tr> <tr> <td>2023</td><td>\$ 626,615.00</td></tr> <tr> <td>2024</td><td>\$ 578,953.00</td></tr> <tr> <td>2025</td><td>\$578,953.00</td></tr> <tr> <td>2026</td><td>\$895,568.00</td></tr> <tr> <td>TOTAL</td><td>\$3,478,352 (plus HST)</td></tr> </tbody> </table>			Year	Amount:	2022	\$798,263.00	2023	\$ 626,615.00	2024	\$ 578,953.00	2025	\$578,953.00	2026	\$895,568.00	TOTAL	\$3,478,352 (plus HST)
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Comments	<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> <p>At its meeting held on December 15, 2021, City Council adopted Item EX28.12 which authorized the City and the Toronto Transit Commission to enter into the Real Estate Protocol and Land Valuation Principles for Subways and GO Expansion Programs with Metrolinx. The general terms and conditions for Real Estate Protocol for Property Acquisitions and Dispositions Relating to Subway Projects in the City of Toronto (the "RE Protocol"), was executed on June 16, 2022. The RE Protocol provides a clear process for the parties to follow relating to the acquisition, ownership and disposition of real property between the parties, both temporary and permanent interests, required for the Subways Program, which includes the Scarborough Subway Extension, the Ontario Line and the Yonge North Subway Extension.</p> <p>The City has agreed to grant Metrolinx a temporary license to enter and utilize the Licensed Areas to undertake certain works associated with the Ontario Line. Staff from Exhibition Place, Transportation Services, Engineering & Construction Services, TTC and Transit Expansion Office have been consulted and have no objections to the agreed terms. The form of the Licence Agreement is substantially in the form appended to the RE Protocol.</p>																
Terms	See Appendix "A".																
Property Details	<table border="1"> <tr> <td>Ward:</td><td>10 – Spadina - Fort York</td></tr> <tr> <td>Assessment Roll No.:</td><td></td></tr> <tr> <td>Approximate Size:</td><td></td></tr> <tr> <td>Approximate Area:</td><td>Varies – See Appendix "A"</td></tr> <tr> <td>Other Information:</td><td></td></tr> </table>			Ward:	10 – Spadina - Fort York	Assessment Roll No.:		Approximate Size:		Approximate Area:	Varies – See Appendix "A"	Other Information:					
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Approximate Area:	Varies – See Appendix "A"																
Other Information:																	

A.	City Manager has approval authority for:
1. Acquisitions:	<input type="checkbox"/> Where total compensation does not exceed \$10 Million.
2A. Expropriations Where City is Expropriating Authority:	<input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$10 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 \$10 Million.
3. Issuance of RFPs/REOs:	Request/waive hearings of necessity delegated to less senior positions.
4. Permanent Highway Closures:	Delegated to less senior positions.
5. Transfer of Operational Management to Divisions, Agencies and Corporations:	Delegated to less senior positions.
6. Limiting Distance Agreements:	<input type="checkbox"/> Where total compensation does not exceed \$10 Million.
7. Disposals (including Leases of 21 years or more):	<input type="checkbox"/> Where total compensation does not exceed \$10 Million.
8. Exchange of land in Green Space System & Parks & Open Space Areas of Official Plan:	Delegated to less senior positions.
9. Leases/Licences (City as Landlord/Licensor):	<input checked="" type="checkbox"/> Where total compensation (including options/ renewals) does not exceed \$10 Million. Leases/licences for periods up to 12 months at less than market value delegated to less senior positions. Leases pursuant to the Community Space Tenancy Policy delegated to a less senior position.
10. Leases/Licences (City as Tenant/Licensee):	<input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$10 Million.
11. Easements (City as Grantor):	<input type="checkbox"/> Where total compensation does not exceed \$10 Million. Nominal sum easements to pre-existing utilities when closing roads delegated to less senior positions.
12. Easements (City as Grantee):	<input type="checkbox"/> Where total compensation does not exceed \$10 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)).
14. Miscellaneous:	Delegated to less senior positions.

B. City Manager has signing authority on behalf of the City for:

- Documents required to implement matters for which this position also has delegated approval authority.

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:	Ausma Malik	Councillor:	
Contact Name:		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:	Has been notified	Comments:	

Consultation with Divisions and/or Agencies

Division:	ECS / Exhibition Place	Division:	Financial Planning
Contact Name:	Sherif Sidky / Tony Porter	Contact Name:	Filisha Jenkins
Comments:	No objection	Comments:	

Legal Services Division Contact

Contact Name:	Luxmen Aloysius
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DAF Tracking No.: 2022- 294	Date	Signature
Recommended by: Manager, Real Estate Services: Vinette Prescott-Brown	Nov. 29, 2022	Signed by Vinette Prescott-Brown
Recommended by: Director, Real Estate Services: Alison Folosea	Nov. 29, 2022	Signed by Alison Folosea
<input type="checkbox"/> Recommended by: Executive Director, Corporate Real Estate Management Patrick Matozzo	Nov. 30, 2022	Signed by Patrick Matozzo
<input checked="" type="checkbox"/> Recommended by: Deputy City Manager, Corporate Services Josie Scioli	Dec. 5, 2022	Signed by Josie Scioli
<input checked="" type="checkbox"/> Approved by: City Manager Paul Johnson	Dec. 5, 2022	Signed by Paul Johnson

APPENDIX "A" – MAJOR TERMS AND CONDITIONS

Licensed Area, Licence Term and Licence Fee:

Specific Licensed term for each Licensed area shall commence on the date as set out in phases set out below. Any individual work stage may be extended, as needed, on notice to the City provided that the total duration of the Licence, including extensions, does not exceed seven (7) years.

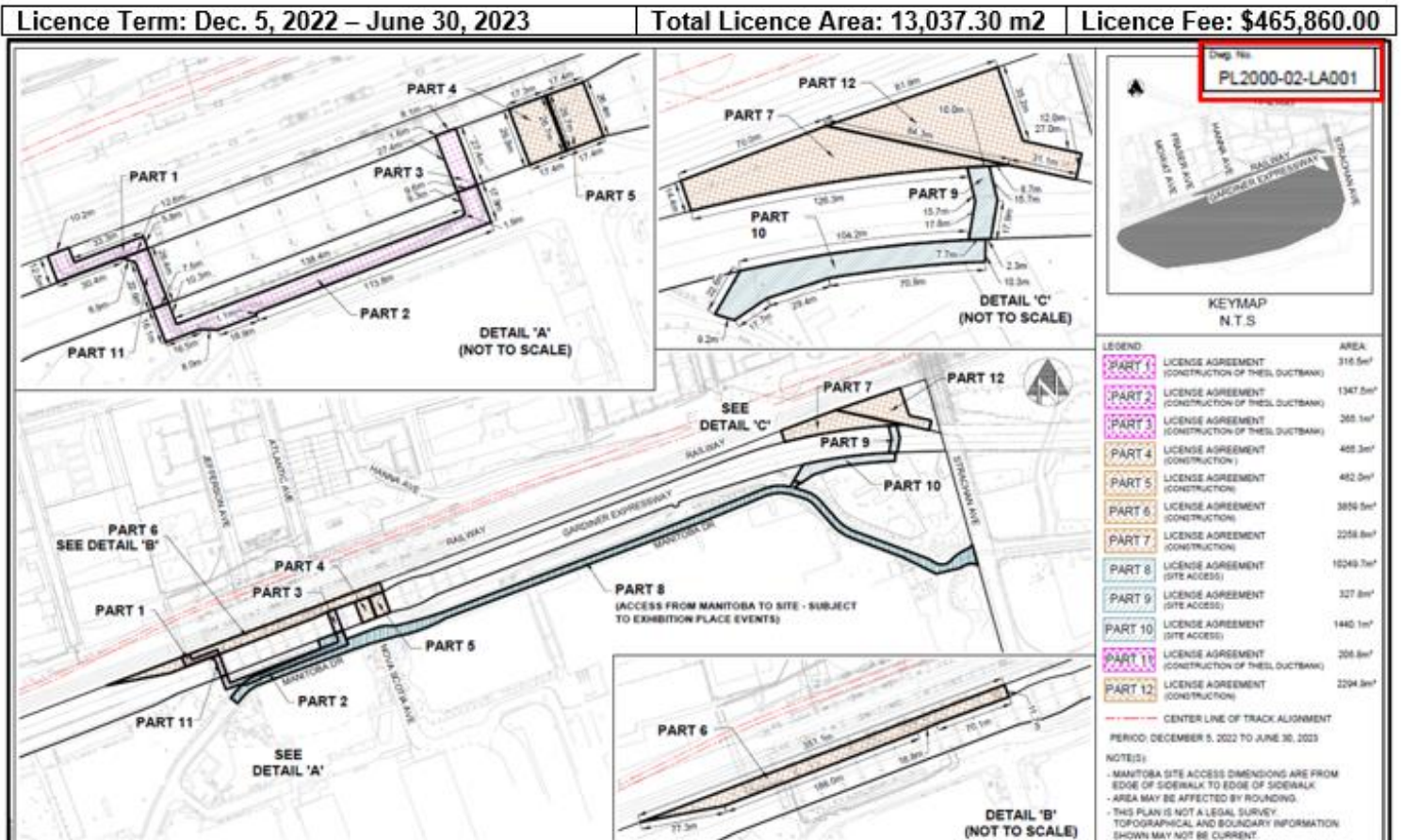
For interests with permanent requirements, the term shall be five (5) years, with one (1) option to extend for a period up to twelve (12) months, or when the Licensed Area is transferred to Metrolinx by way of fee simple transfer or permanent easement, whichever is the latter, upon six (6) months prior written notice to the City.

For interests with temporary requirements, Metrolinx shall have the right to extend the initial term of the licence for a period of four years upon six (6) months prior written notice to the City.

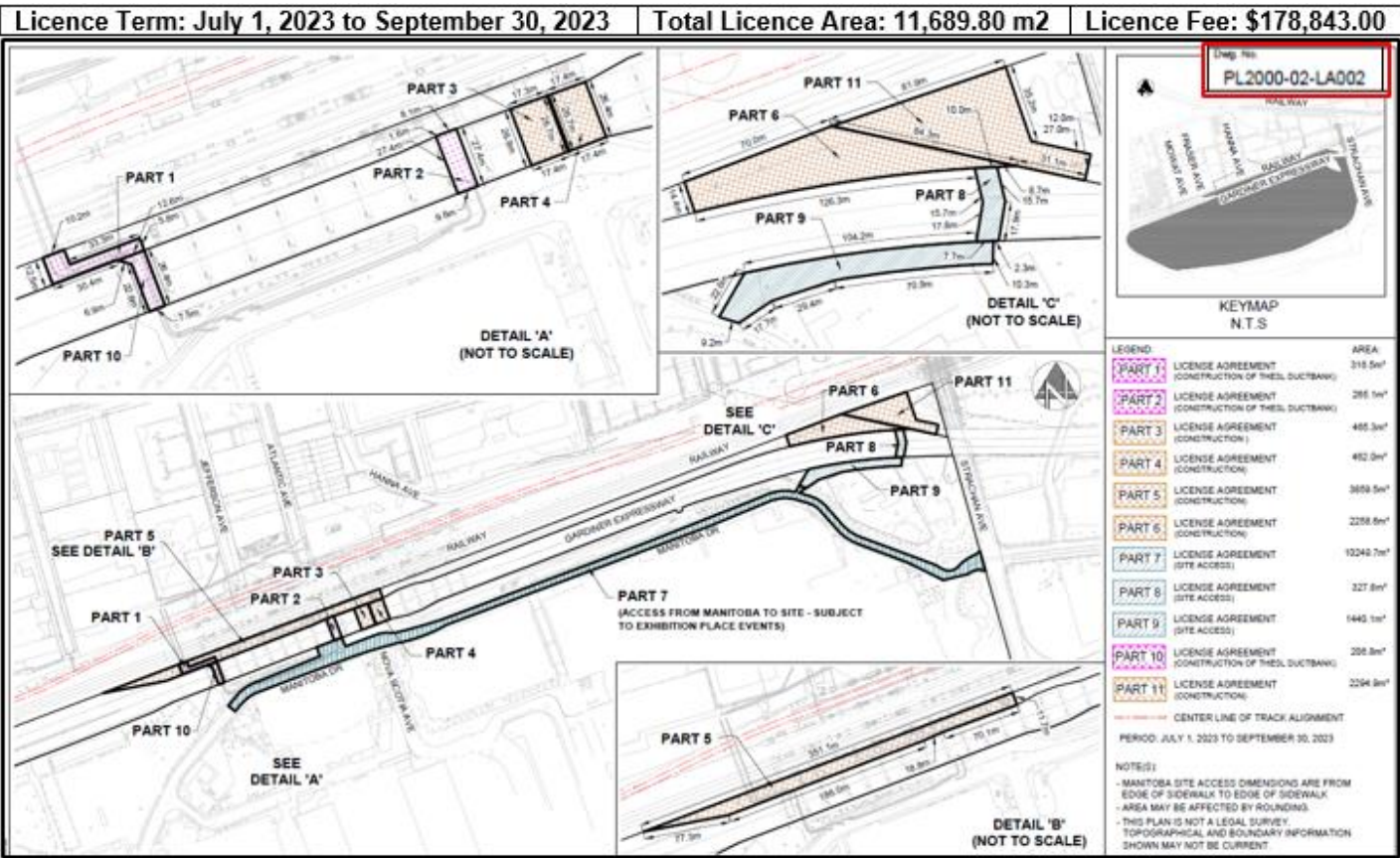
Permitted Purposes:

Various works and uses for general construction work purposes associated with the Project, including but not limited to, the relocation of Toronto Hydro infrastructure, construction of sub-station and station headhouse, for construction staging and access.

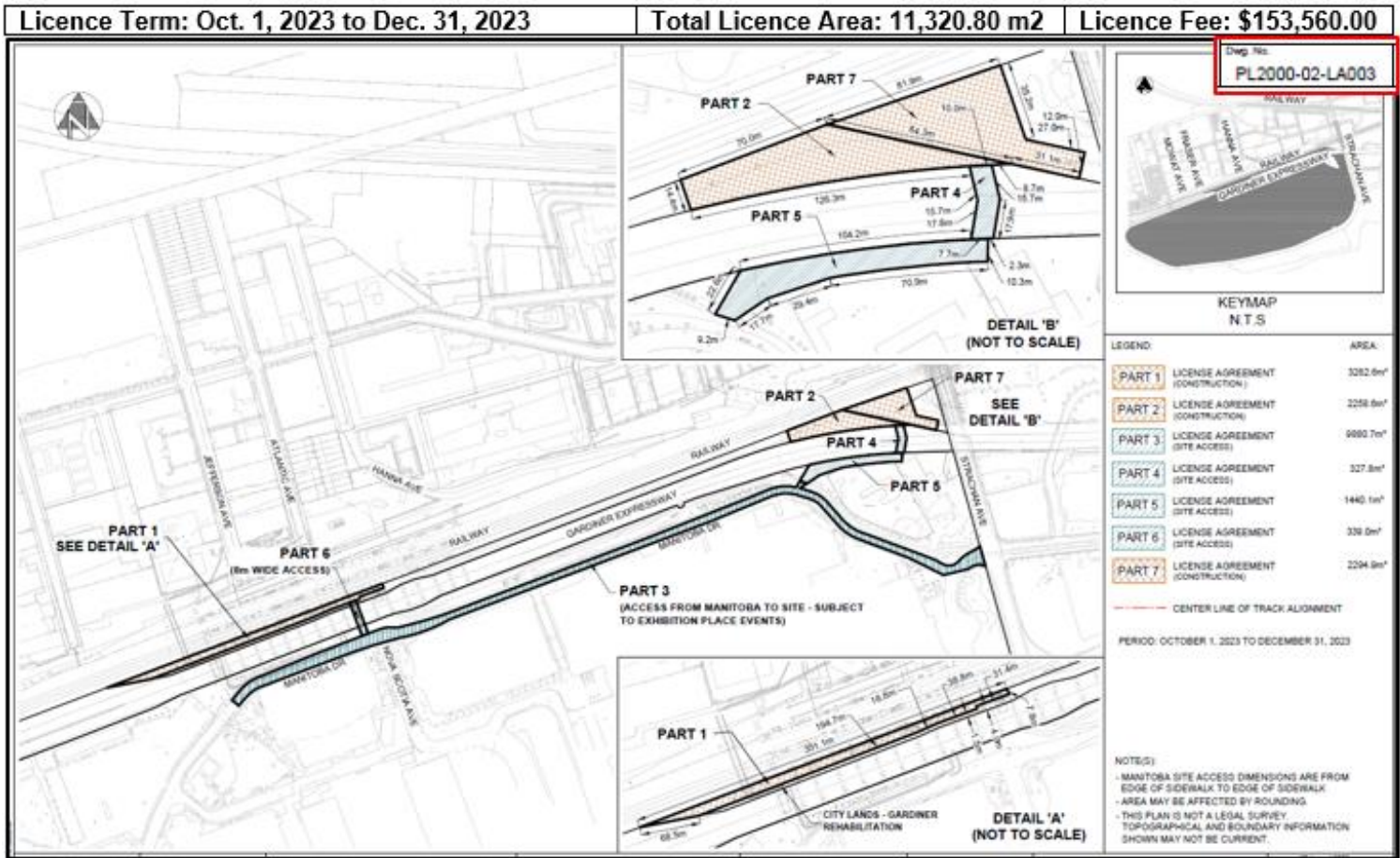
Phase 1:



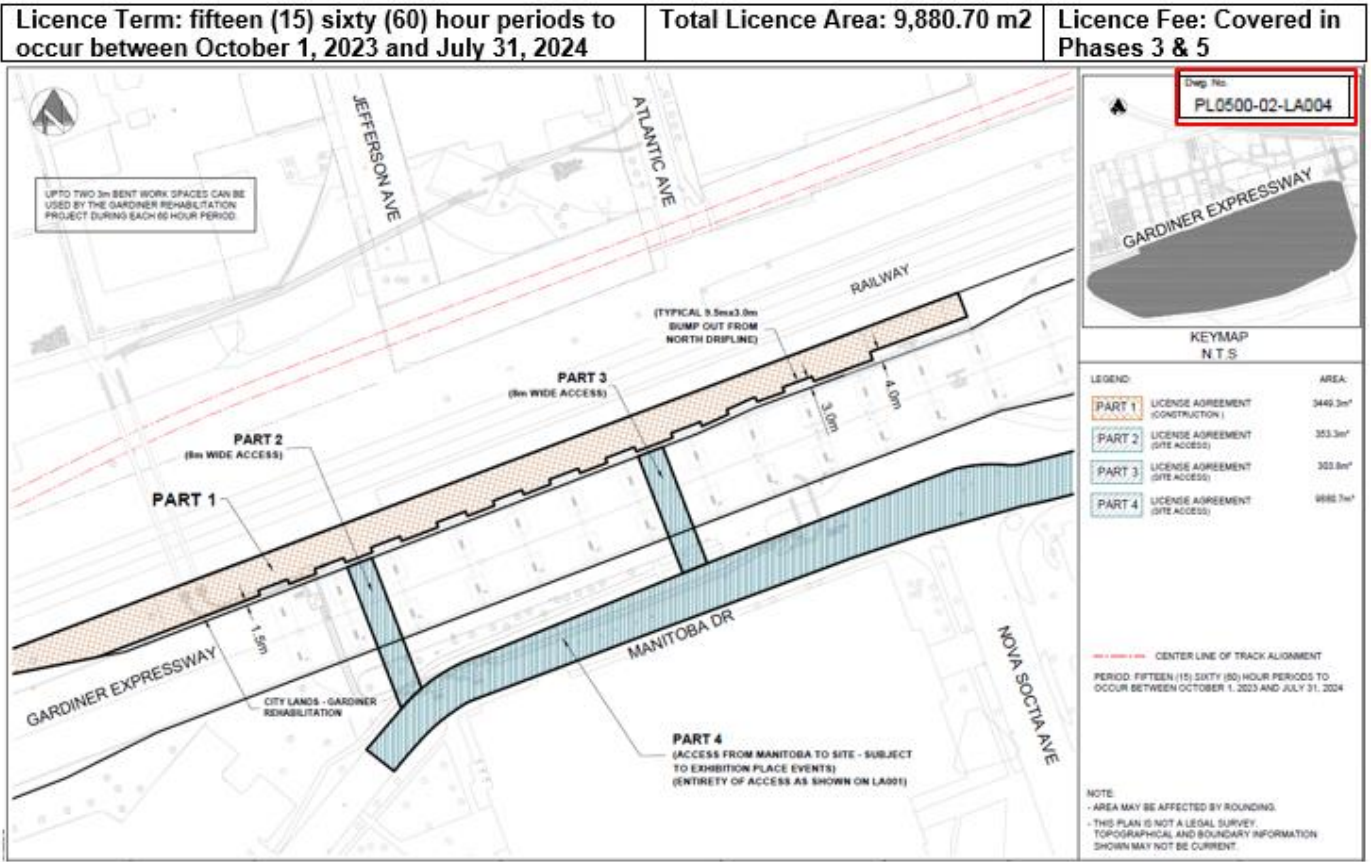
Phase 2:



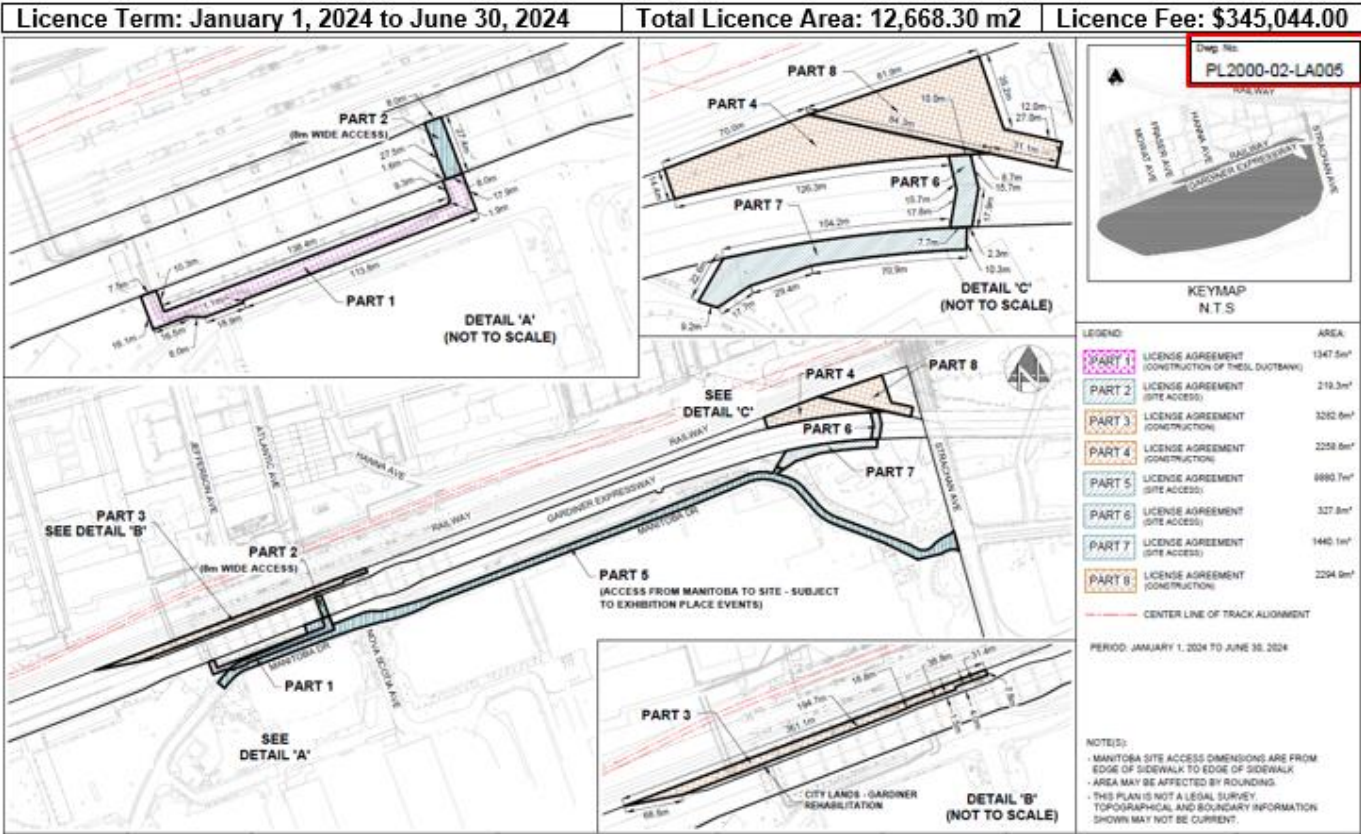
Phase 3:



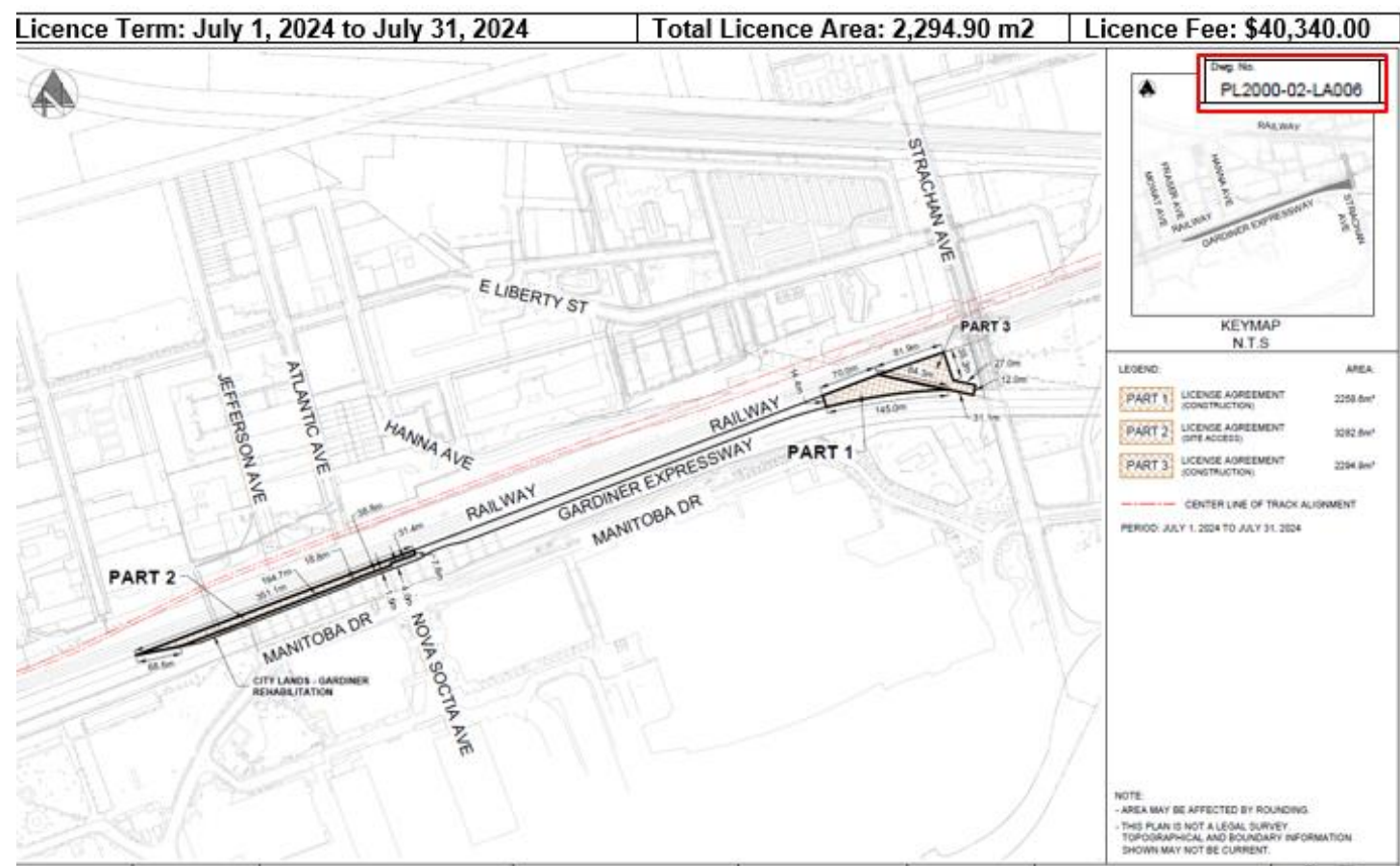
Phase 4:



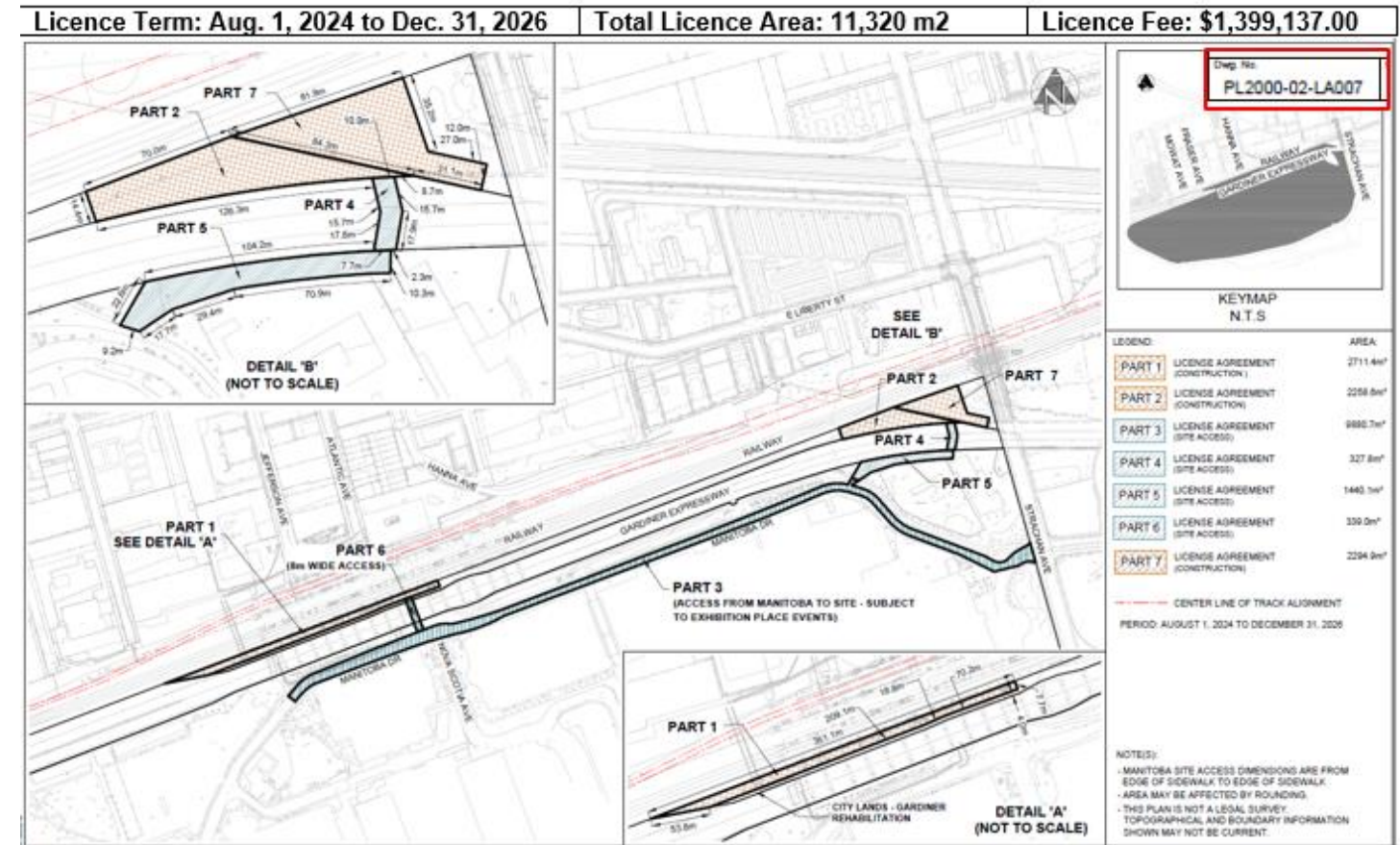
Phase 5:



Phase 6:

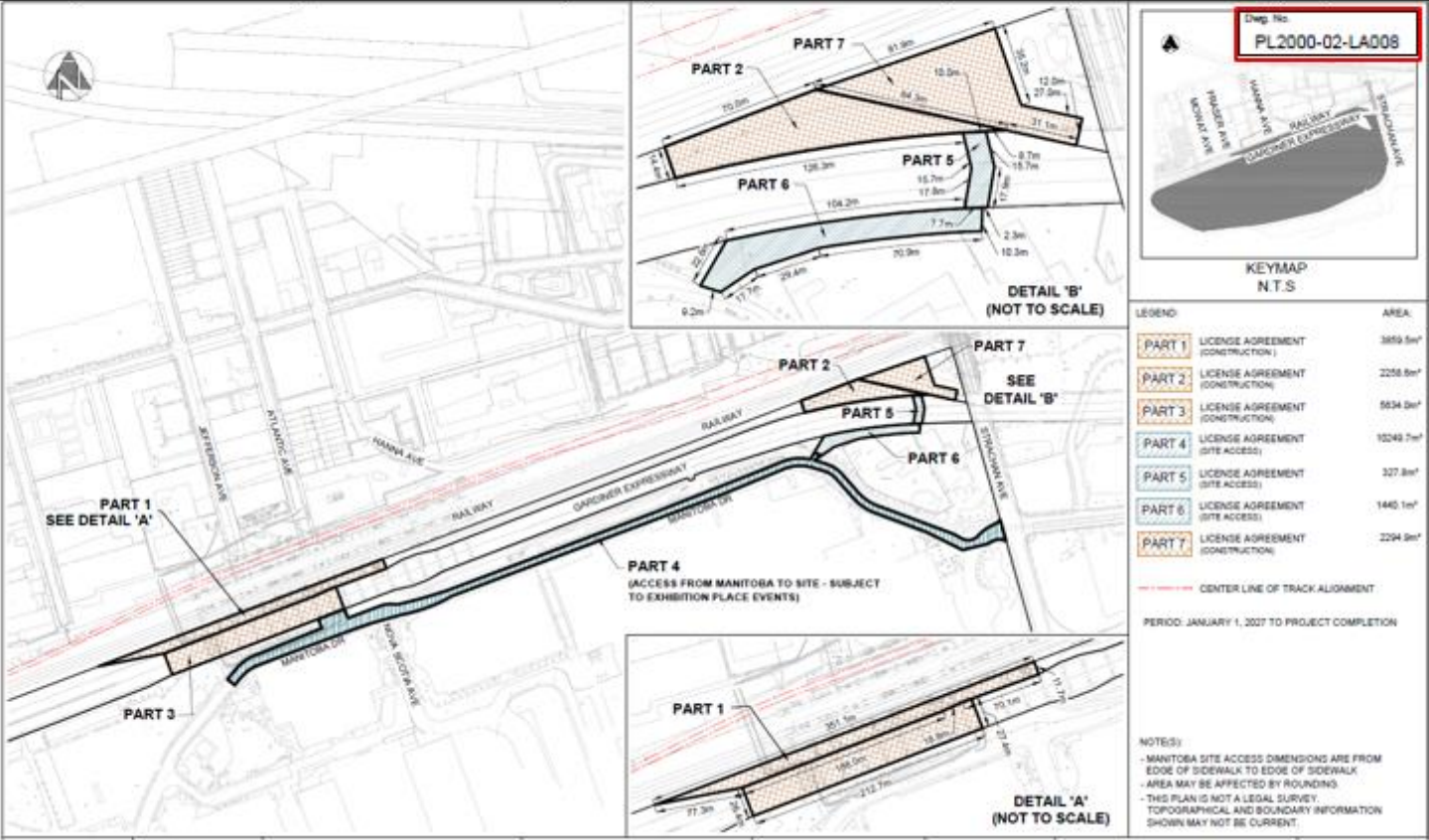


Phase 7:



Phase 8:

Licence Term: Jan. 1, 2027 to Dec. 4, 2027	Total Licence Area: 11,689.80m ²	Licence Fee: \$895,568.00
1 st Option to extend: 1 year term from Dec. 5, 2027	Total Licence Area: 11,689.80m ²	Licence Fee: \$1,035,602.00
2 nd Option to extend: 1 year term from Dec. 5, 2028	Total Licence Area: 11,689.80m ²	Licence Fee: \$1,097,738.00



APPENDIX "B" – LOCATION MAP AND GENERAL LICENSED AREA

