

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

TRACKING NO.: 2024-098

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

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|----------------|----------------|------------|----------------------------------|
| Prepared By: | Irina Fofanova | Division: | Corporate Real Estate Management |
| Date Prepared: | April 26, 2024 | Phone No.: | (416) 397-0806 |

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| Purpose | To obtain authority to grant permanent easements over portions of the property described below to The Corporation of the City of Markham ("Markham"), Bell Canada ("Bell"), Enbridge Gas Inc. ("Enbridge") and Alectra Utilities Corporation ("Alectra") (collectively, the "Transferees") for the purposes of public utility and sanitary/sewer infrastructures. |
| Property | Portions of the property municipally known as 4468 Steeles Avenue East, Markham, Ontario, being part of PIN No. 2953-0008 (LT), legally described as Pt Lt 1 PI 2687 Markham; Pt Lt 2 PI 2687 Markham; Pt Lt 3PL 2687 Markham Pts 1 & 2 Exprop PI R359473 except Pt 2 65R7115 ; Markham and shown on the Location Map in Appendix 'A' (Property"), particularly, a surface and subsurface non-exclusive easement over portions of the Property designated as Parts 1, 2 and 3 on Reference Plan 65R-39951 to Markham, Bell, Enbridge and Alectra, and an exclusive permanent subsurface easement in gross over a portion of the Property designated as Part 4 on 65R-39951 to Markham as shown on Reference Plan 65R-39951 in Appendix "B"(collectively the "Easements"). |
| Actions | 1. Authority be granted to enter into agreements with the Transferees (the "Agreements") for the grant of the Easements to the Transferees, for the sums indicated below, substantially on the major terms and conditions set out below, and including such and other terms as deemed appropriate by the approving authority herein, and in a form satisfactory to the City Solicitor. |
| Financial Impact | Revenue in the amount of \$1,100,000 exclusive of HST is anticipated from the granting of the permanent easements and will be directed to Land Acquisition Reserve Fund (XR1012). The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial impact information. |
| Comments | The Property was expropriated by the former Metro Toronto in 1984, for the purposes of widening Steeles Avenue West and construction of a grade separation at the train tracks (now Stouffville GO Rail Corridor). Due to the grade separation work completed by Metrolinx as part of its GO Expansion Transit Project, public utilities have been relocated within the Property by Metrolinx. Permanent easements are required for Enbridge, Bell, Alectra, and Markham (sanitary/sewer) to maintain the relocated utility and sanitary/sewer infrastructures. As per Chapter 213-1.10 of Toronto Municipal Code, Transit Projects are exempted from Article 1 of the same Chapter requiring declaration of surplus for disposal of lands (permanent easement is considered a disposal). The terms and conditions of the Agreements are considered fair, reasonable and reflective of market values, substantially on the terms and conditions set out below. |
| Terms | Total Easements Sale Price: \$1,100,000 plus HST as follows: City of Markham: \$687,500 plus HST Alectra Utilities Corp.: \$137,500 plus HST Bell Canada: \$137,500 plus HST Enbridge Gas Inc.: \$137,500 plus HST Due Diligence Date: N/A Closing Date: To be fixed by Metrolinx, as coordinated by the City, upon 30 days' written notice to the Transferees. |

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| Property Details | Ward: | 0 – Outside City |
| | Assessment Roll No.: | |
| | Approximate Area: | 613.4 m ² ± (6,602.6 ft ² ±) |
| | Other Information: | |

| A. | Executive Director, Corporate Real Estate Management has approval authority for: | Deputy City Manager, Corporate Services has approval authority for: |
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| 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. |
| 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 checked="" 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 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 |

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| 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)

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|---------------|---------------------------|--------|------|-------|--|---------------|-------|--------|------|-------|--|
| Councillor: | N/A (Outside of the City) | | | | | Councillor: | | | | | |
| Contact Name: | | | | | | Contact Name: | | | | | |
| Contacted by: | Phone | E-Mail | Memo | Other | | Contacted by: | Phone | E-mail | Memo | Other | |
| Comments: | | | | | | Comments: | | | | | |

Consultation with Divisions and/or Agencies

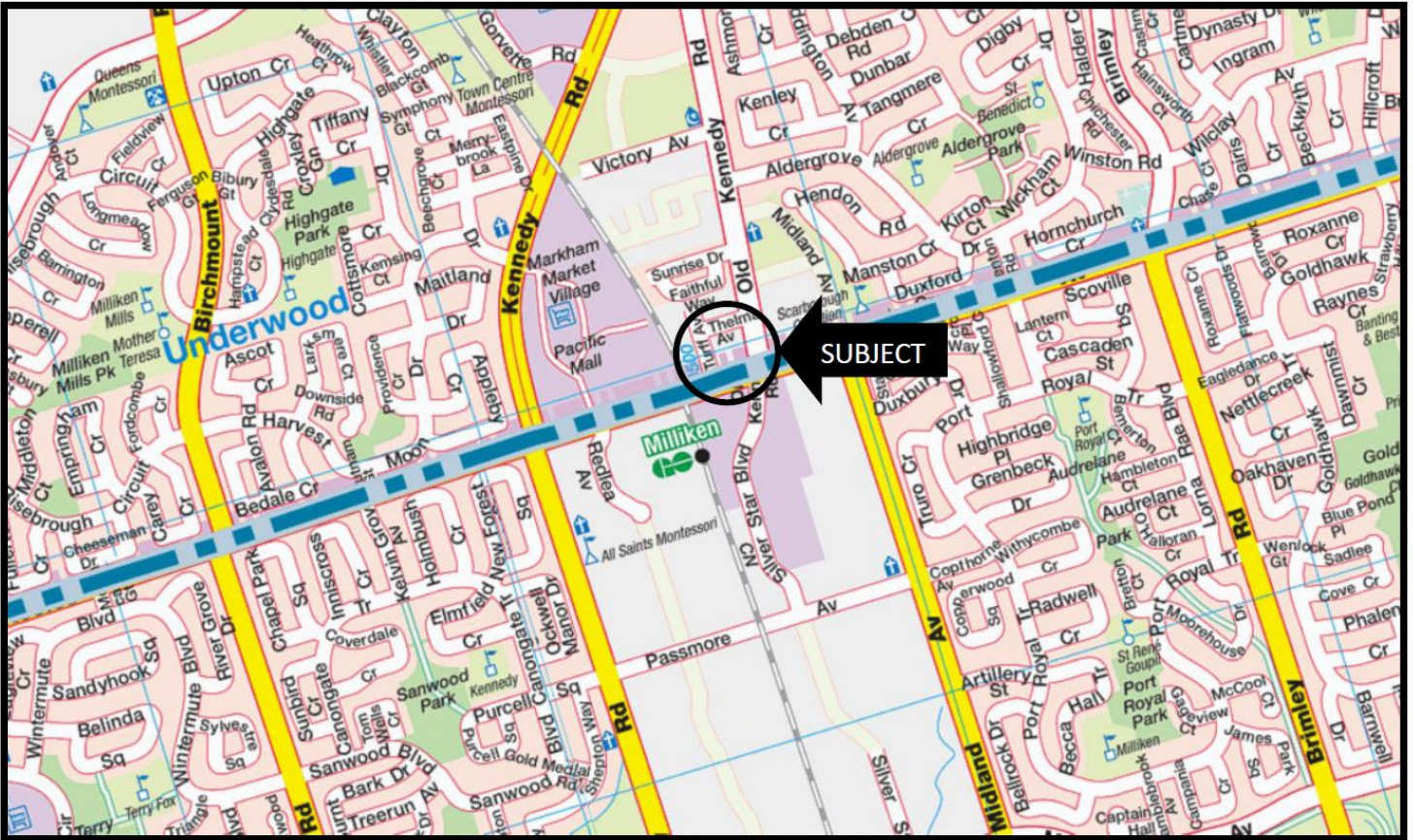
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|---------------|--|---------------|---------------------------|
| Division: | Toronto Water /Transportation Services | Division: | Financial Planning |
| Contact Name: | Vicki Shi/ Matt Paya | Contact Name: | Ciro Tarantino |
| Comments: | | Comments: | Incorporated |

Legal Services Division Contact

Contact Name: **Michelle Xu**

| DAF Tracking No.: 2024-098 | Date | Signature |
|--|----------------|----------------------------------|
| Recommended by: Manager, Transaction Services Vinette Prescott-Brown | April 26, 2024 | Signed by Vinette Prescott-Brown |
| Recommended by: Director, Transaction Services Alison Folosea | April 26, 2024 | Signed by Alison Folosea |
| <input type="checkbox"/> Recommended by: Executive Director, Corporate Real Estate Management | April 26, 2024 | Signed by Patrick Matozzo |
| <input checked="" type="checkbox"/> Approved by: Patrick Matozzo | | |
| <input type="checkbox"/> Approved by: Deputy City Manager, Corporate Services David Jollimore | | |

Appendix "A"- Location Map



Appendix "B" – Parts of R-plan 65 R39951

