

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

**TRACKING NO.: 2024-106**  
**With Confidential**  
**Attachment**

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:	May 1, 2024	Phone No.:	416-392-4829
<b>Purpose</b>	To obtain authority to amend the allocation of monies that was approved by City Council authority GG9.11 and to enter into an Expropriation Agreement (the "Agreement") with 6524443 Canada Inc and Brookfield Properties (Canada) Inc., the owner of 2 Bloor Street East (the "Owner"). The Agreement will facilitate the transfer of a partial freehold fee simple interest, permanent exclusive leasehold easement and temporary exclusive freehold & leasehold easements (collectively referred as the "Property Interests") in favour of the City that is required for the construction of the Toronto Transit Commission ("TTC") Bloor Yonge Capacity Improvement Project (the "Project").		
<b>Property</b>	Part of the property known municipally as 2 Bloor Street East, Toronto, Ontario shown on the location maps in Appendix "A" and legally described in Appendix "B", being the parts set out on the expropriation plans over PIN: 21110-0266 (LT) and PIN: 21110-0043 (LT) shown in Appendix "C", in the Land Registry Office of Toronto (No. 66) in the Land Titles Division.		
<b>Actions</b>	<ol style="list-style-type: none"> <li>1. Authority to amend the allocation of monies that was approved by City Council authority GG9.11 that was adopted on February 6 &amp; 7, 2024, substantially on the terms and conditions outlined in the Confidential Attachment, and on such other or amended terms and conditions as may be acceptable to the Deputy City Manager, Corporate Services and in a form satisfactory to the City Solicitor.</li> <li>2. Authority be granted for the City to enter into the Agreement with the Owner, substantially on the terms and conditions outlined Appendix "D" and in the Confidential Attachment, and on such other or amended terms and conditions as may be acceptable to the Deputy City Manager, Corporate Services and in a form satisfactory to the City Solicitor.</li> <li>3. The Confidential Attachment to remain confidential until there has been a final determination of all property transactions and claims for compensation relative to the Project and only released publicly thereafter in consultation with the City Solicitor.</li> </ol>		
<b>Financial Impact</b>	<p>Funding for the compensation, as set out in the Confidential Attachment, has been referred to the City's annual budget process and has been included in the 2024-2033 Capital budget and Plan Submission for the TTC under capital account CTT155-01</p> <p>The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial impact information.</p>		
<b>Comments</b>	<p>On May 11 and 12, 2022, in Item No. GL29.10 City Council authorized the initiation of expropriation proceedings for the partial fee simple taking and temporary easements from the freehold and leasehold property located at 2 Bloor Street East, and on July 19, 20, 21 and 22, 2022 in Item No. CC47.6 City Council further authorized the initiation of expropriation proceedings for the full fee simple taking of the freehold property located at 2 Bloor Street East, for the purposes of the Project. On February 6 and 7, 2024 in Item No. GG9.11 City Council approved the expropriation of interests in the Property.</p> <p>In order to avoid the necessity of formal expropriation proceedings, an agreement in accordance with of the Expropriations Act, has been negotiated with the Owner to transfer the Property Interests and the City has agreed that it will not proceed with the fee simple expropriation of the full freehold lands.</p> <p>TTC staff have reviewed the terms and conditions of the Agreement and concur with proceeding.</p> <p>The Agreement is considered fair, reasonable and reflective of market value, and it is recommended for acceptance.</p>		
<b>Terms</b>	See Appendix "D" and the Confidential Attachment		
<b>Property Details</b>	<b>Ward:</b>	Ward 11 – University Rosedale	
	<b>Assessment Roll No.:</b>	n/a	
	<b>Approximate Size:</b>	Irregular	
	<b>Approximate Area:</b>	Irregular	
	<b>Other Information:</b>	n/a	

A.	Executive Director, Corporate Real Estate Management has approval authority for:	Deputy City Manager, Corporate 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/REOs:</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 &amp; Parks &amp; Open Space Areas of Official Plan:</p> <p>9. Leases/Licences (City as Landlord/Licensor):</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 \$3 Million.</p> <p><input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$3 Million.</p> <p><input type="checkbox"/> (a) Acceptance of statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$3 Million.</p> <p><b>Request/waive hearings of necessity delegated to less senior positions.</b></p> <p><input type="checkbox"/> Issuance of RFPs/REOs.</p> <p><input type="checkbox"/> Initiate process &amp; authorize GM, Transportation Services to give notice of proposed by-law.</p> <p><input type="checkbox"/> Transfer of Operational Management to Divisions, Agencies and Corporations.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$3 Million.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$3 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 \$3 Million.</p> <p><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.</p> <p><b>Delegated to a more senior position.</b></p> <p><input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$3 Million.</p> <p><input type="checkbox"/> (a) Where total compensation does not exceed \$3 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 \$3 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>	<p><input type="checkbox"/> Where total compensation does not exceed \$5 Million.</p> <p><input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$5 Million.</p> <p><input type="checkbox"/> (a) Acceptance of statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$5 Million.</p> <p><b>Request/waive hearings of necessity delegated to less senior positions.</b></p> <p><input type="checkbox"/> Issuance of RFPs/REOs.</p> <p><input type="checkbox"/> Initiate process &amp; authorize GM, Transportation Services to give notice of proposed by-law.</p> <p><input type="checkbox"/> Transfer of Operational Management to Divisions, Agencies and Corporations.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$5 Million.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$5 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 \$5 Million.</p> <p><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.</p> <p><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.</p> <p><input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$5 Million.</p> <p><input type="checkbox"/> (a) Where total compensation does not exceed \$5 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 \$5 Million.</p> <p><input checked="" 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. Deputy City Manager, Corporate Services and Executive Director, Corporate Real Estate Management each has signing authority on behalf of the City for:**

- 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:	Councillor Dianne Saxe	Councillor:	
Contact Name:	Andrew Greene	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**

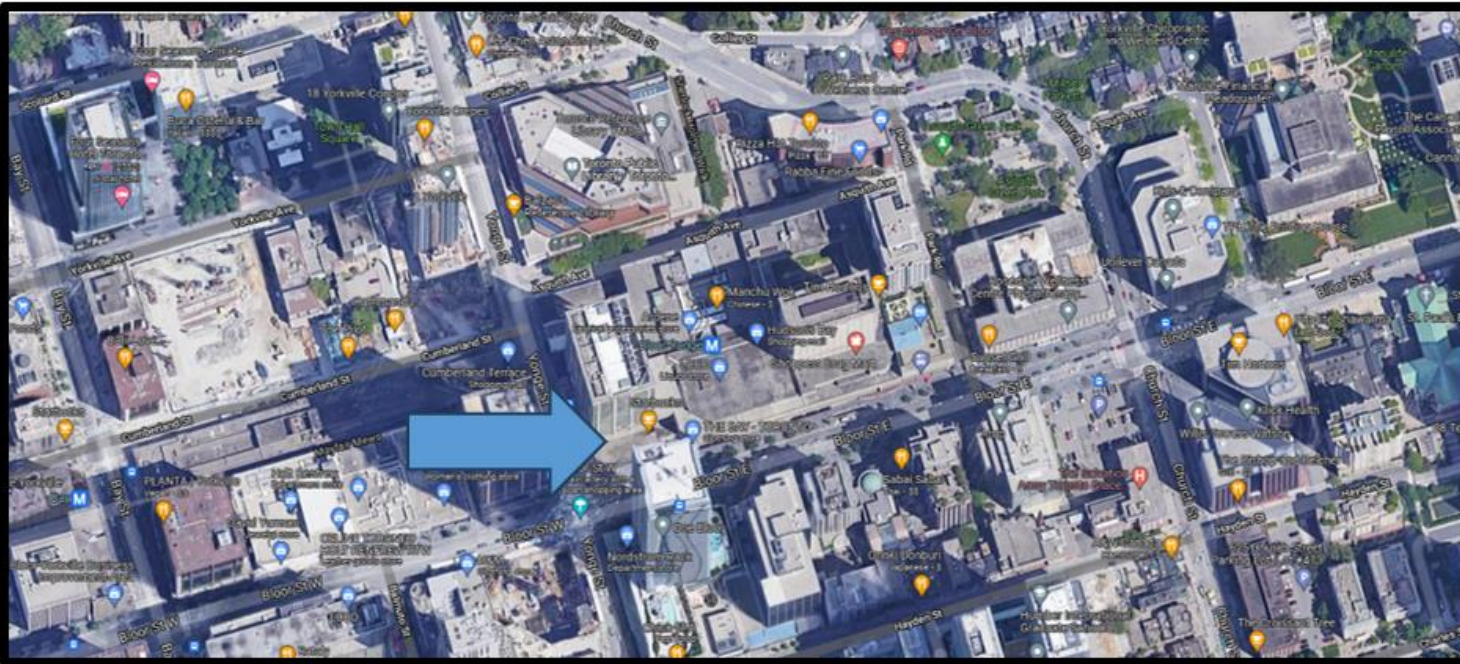
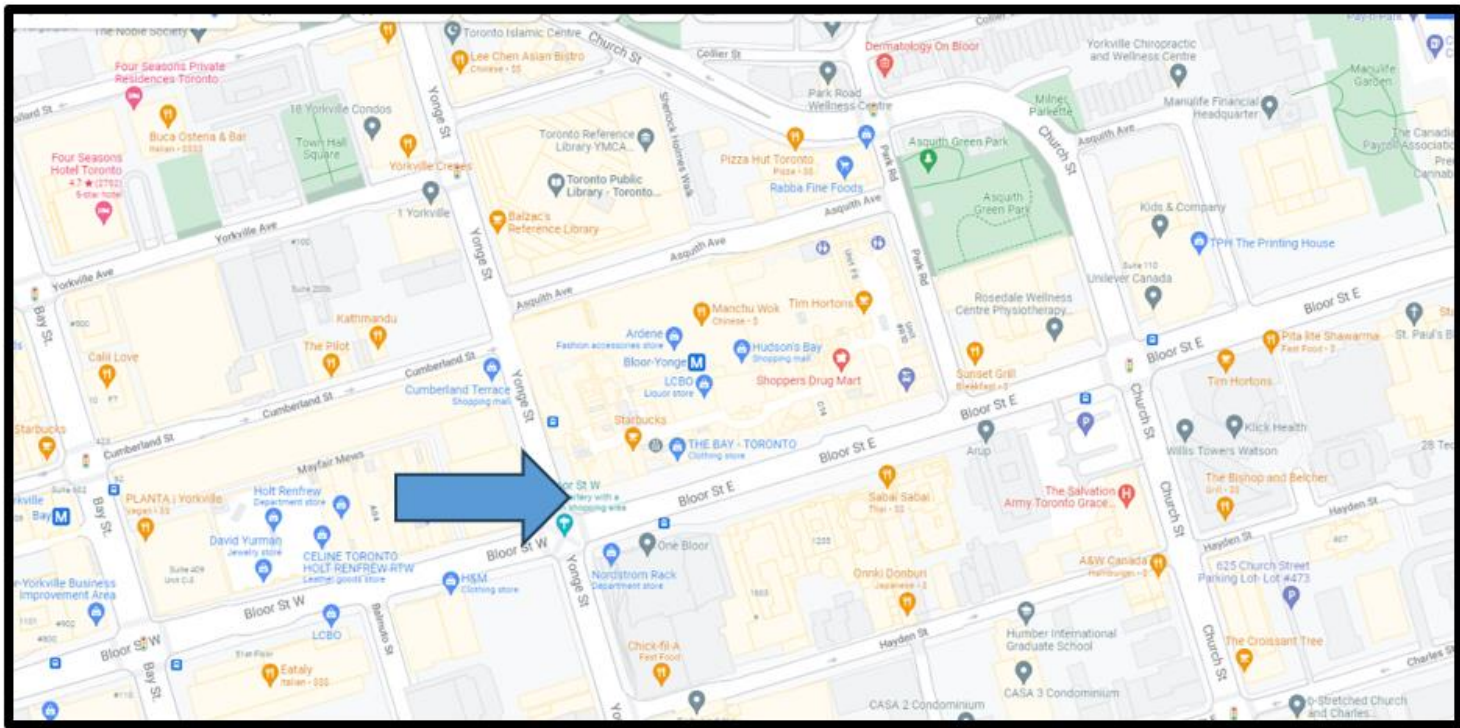
Division:	TTC	Division:	Financial Planning
Contact Name:	Michael Stevenson	Contact Name:	Ciro Tarantino
Comments:	Concurs	Comments:	Concurs

**Legal Services Division Contact**

Contact Name:	Dale Mellor
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DAF Tracking No.: 2024- 106	Date	Signature
Recommended by: Vinette Prescott-Brown, Manager, Real Estate	May 1, 2024	Signed by Vinette Prescott-Brown
Recommended by: Alison Folosea, Director, Real Estate Services	May 1, 2024	Signed by Alison Folosea
<input checked="" type="checkbox"/> Recommended by: Executive Director, Corporate Real Estate Management	May 1, 2024	Signed by Patrick Matozzo
<input type="checkbox"/> Approved by: Patrick Matozzo		
<input checked="" type="checkbox"/> Approved by: Deputy City Manager, Corporate Services	May 1, 2024	Signed by David Jollimore
David Jollimore		

Appendix "A"- Location Map



## **Appendix “B” – Legal Description**

### **PIN: 21110-0266 (LT)**

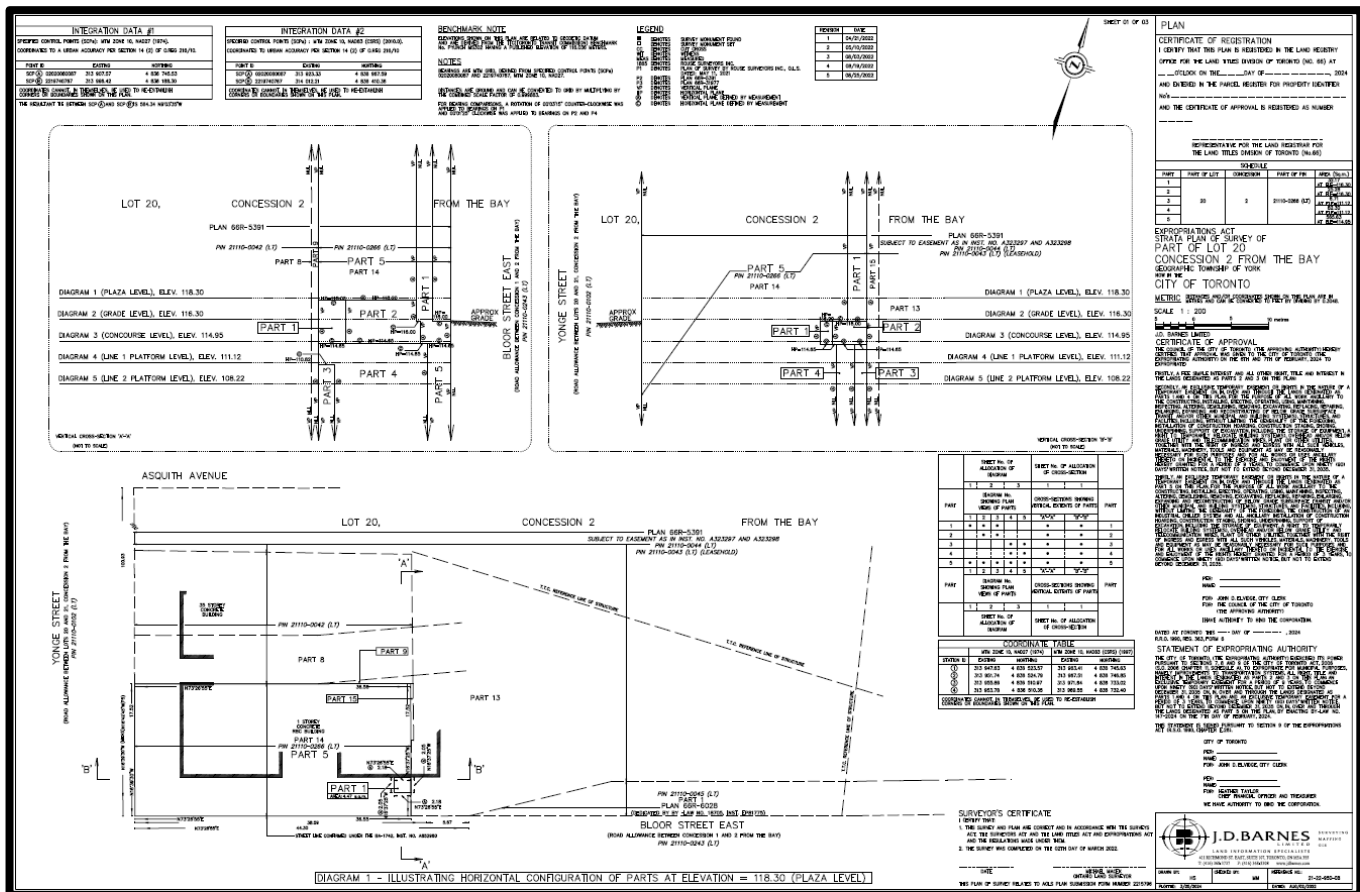
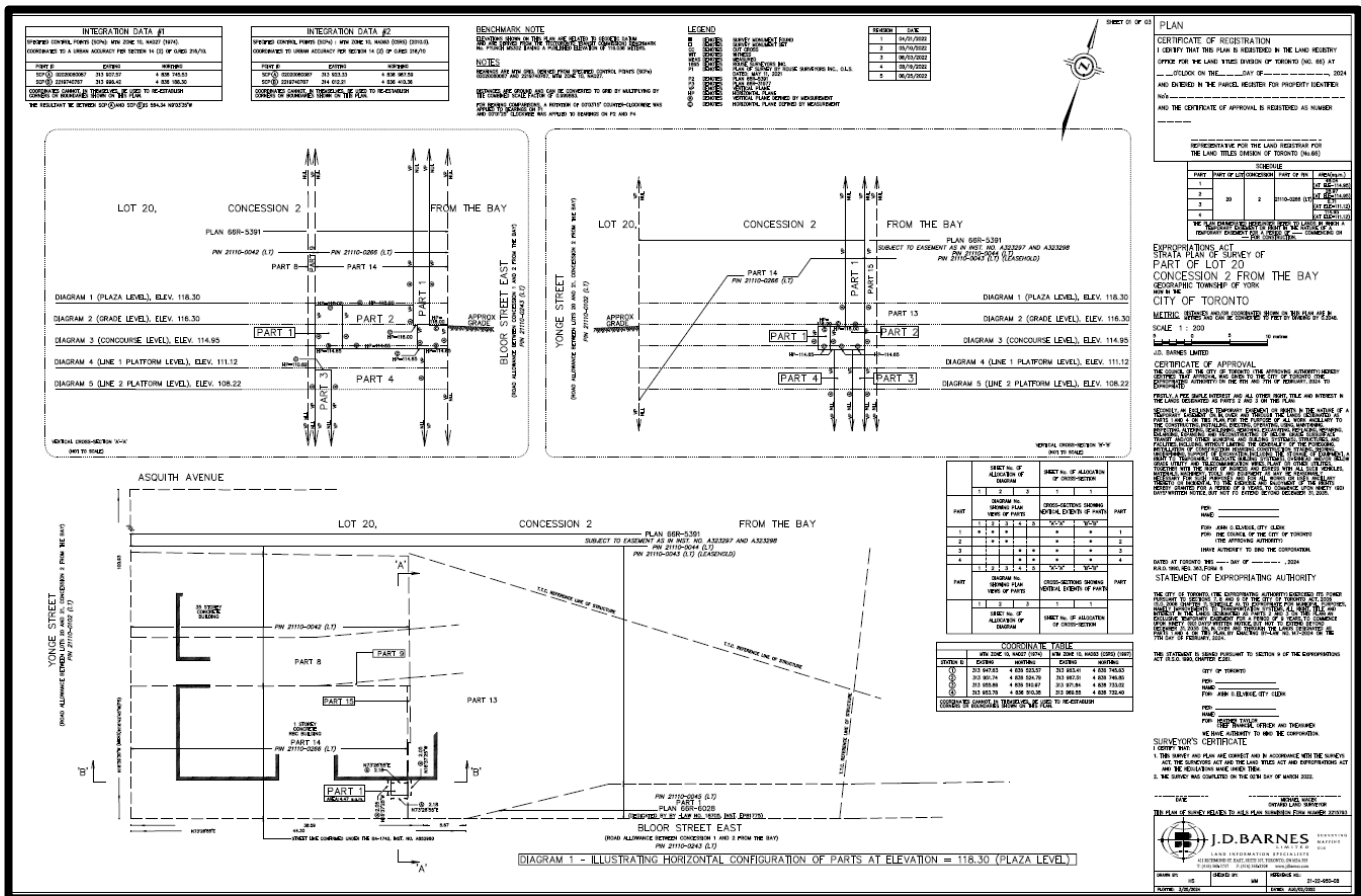
CONSOLIDATION OF VARIOUS PROPERTIES PART OF LOT 20 CONCESSION 2 FTB TOWNSHIP OF YORK DESIGNATED AS PART 14, 66R5391, TORONTO; CITY OF TORONTO

### **PIN: 21110-0043 (LT)**

PCL 20-8 SEC Y3 LEASEHOLD; FIRSTLY: PT LT 20 CON 2 FTB TWP OF YORK PT 6, 7, 8 AND 9, 66R5391; S/T THEREOUT AND THEREFROM TO THE MUNICIPALITY OF METROPOLITAN TORONTO, ITS SUCCESSORS AND ASSIGNS, EASEMENTS OR RIGHTS IN THE NATURE OF EASEMENTS TO PASS THROUGH ALL THE SUBSOIL AND SUB-SURFACE OF THE FOLLOWING LANDS FOR THE PURPOSE OF MAINTAINING, REPAIRING, RECONSTRUCTING AND OPERATING THE RAPID TRANSIT SYSTEM OF THE TORONTO TRANSIT COMMISSION, WHICH LANDS ARE MORE PARTICULARLY DESCRIBED AS FOLLOWS: (A) PT 8 ON PL 66R5391, LYING BELOW A PLANE HAVING AN ELEVATION OF 387.71 FT CITY OF TORONTO DATUM IN USE IN 1964; (B) PT 6 ON PL 66R5391, LYING BELOW A PLANE HAVING AN ELEVATION OF 374.25 FT CITY OF TORONTO DATUM IN USE IN 1964; SECONDLY: PT LT 20 CON 2 FTB TORONTO PT 1, 2, 3, 4, 5, 10, 11, 12, 13, 15, 16, 17, 18, 19, 20, 21, 22 AND 26, 66R5391; T/W RIGHTS OF WAY OVER THOSE PARTS OF SAID LT 20, IN CON 2, FTB (SOMETIMES KNOWN AS PARTS OF LOT 12 ACCORDING TO A CERTAIN PLAN MADE BY W. C. GWYNNE) DESIGNATED AS PARTS 32 AND 33 ON SAID PLAN 66R5391 AS IN EM32466 (A323297) & EM59393 (A323298); S/T PT 2, PL 66R5391 AS IN EM32466 (A323297) & EM59393 (A323298); SUBJECT THEREOUT AND THEREFROM TO THE MUNICIPALITY OF METROPOLITAN TORONTO, ITS SUCCESSORS AND ASSIGNS, EASEMENTS OR RIGHTS IN THE NATURE OF EASEMENTS TO PASS THROUGH ALL THE SUBSOIL AND SUB-SURFACE OF THE FOLLOWING LANDS FOR THE PURPOSE OF REPAIRING, RECONSTRUCTING AND OPERATING THE RAPID TRANSIT SYSTEM OF THE TORONTO TRANSIT COMMISSION: (A) PT 12 ON PL 66R5391, LYING BELOW A PLANE HAVING AN ELEVATION OF 378.59 FT CITY OF TORONTO DATUM IN USE IN 1964; (B) PT 11 ON PL 66R5391, LYING BELOW A PLANE HAVING AN ELEVATION OF 387.71 FT CITY OF TORONTO DATUM IN USE IN 1964; (C) PT 3 ON PL 66R5391, LYING BELOW A PLANE HAVING AN ELEVATION OF 374.25 FT CITY OF TORONTO DATUM IN USE IN 1964; (D) PT 22 ON PLAN 66R5391, LYING BELOW A PLANE HAVING AN ELEVATION OF 399.23 FT CITY OF TORONTO DATUM IN USE IN 1964; (E) PARTS 18, 19, 20 AND 21, ON PL 66R5391, LYING BELOW A PLANE HAVING AN ELEVATION OF 387.71 FT CITY OF TORONTO DATUM IN USE IN 1964; (F) PT 26 ON PL 66R5391, LYING BELOW A PLANE HAVING AN ELEVATION OF 378.59 FT CITY OF TORONTO DATUM IN USE IN 1964; (G) PT 10 ON PL 66R5391, LYING BELOW A PLANE HAVING AN ELEVATION OF 378.59 FT CITY OF TORONTO DATUM IN USE IN 1964; FURTHER SUBJECT THEREOUT AND THEREFROM TO THE MUNICIPALITY OF METROPOLITAN TORONTO, ITS SUCCESSORS AND ASSIGNS, AN EASEMENT OR RIGHT IN THE NATURE OF AN EASEMENT, TO MAINTAIN, REPAIR, RECONSTRUCT AND OPERATE A FAN SHAFT IN CONNECTION WITH THE RAPID TRANSIT SYSTEM OF THE TORONTO TRANSIT COMMISSION ON THE LANDS BEING PT 4 ON PL 66R5391; FURTHER SUBJECT THEREOUT AND THEREFROM AN EASEMENT OR RIGHT IN THE NATURE OF AN EASEMENT, TO MAINTAIN, REPAIR, RECONSTRUCT AND OPERATE A CONCRETE VENTILATOR IN CONNECTION WITH THE RAPID TRANSIT SYSTEM OF THE TORONTO TRANSIT COMMISSION ON THE LANDS BEING PARTS 16 ON AND 17 ON PL 66R5391; ADDITION TO PARCEL BY A535578, AND PT LT 20 CON 2 FTB PT 1, 2, 3 AND 4 66R6028; TORONTO PT 1, 2, 3 AND 4, 66R6028; SUBJECT THEREOUT AND THEREFROM TO THE MUNICIPALITY OF METROPOLITAN TORONTO, ITS SUCCESSORS AND ASSIGNS, EASEMENTS OR RIGHTS IN THE NATURE OF EASEMENTS TO PASS THROUGH ALL THE SUBSOIL AND SUBSURFACE OF THE FOLLOWING LANDS, FOR THE PURPOSE OF REPAIRING, RECONSTRUCTING AND OPERATING THE RAPID TRANSIT SYSTEM OF THE TORONTO TRANSIT COMMISSION: (A) PT 2 ON PL 66R6028; LYING BELOW A PLANE HAVING AN ELEVATION OF 377.00 FT CITY OF TORONTO DATUM IN USE IN 1964; (B) PT 4 ON PL 66R6028, LYING BELOW A PLANE HAVING AN ELEVATION OF 378.59 FT CITY OF TORONTO DATUM IN USE IN 1964; TORONTO, CITY OF TORONTO; TOGETHER WITH AN EASEMENT OVER PART 3 ON REFERENCE PLAN 66R-32952 AS IN AT6469549

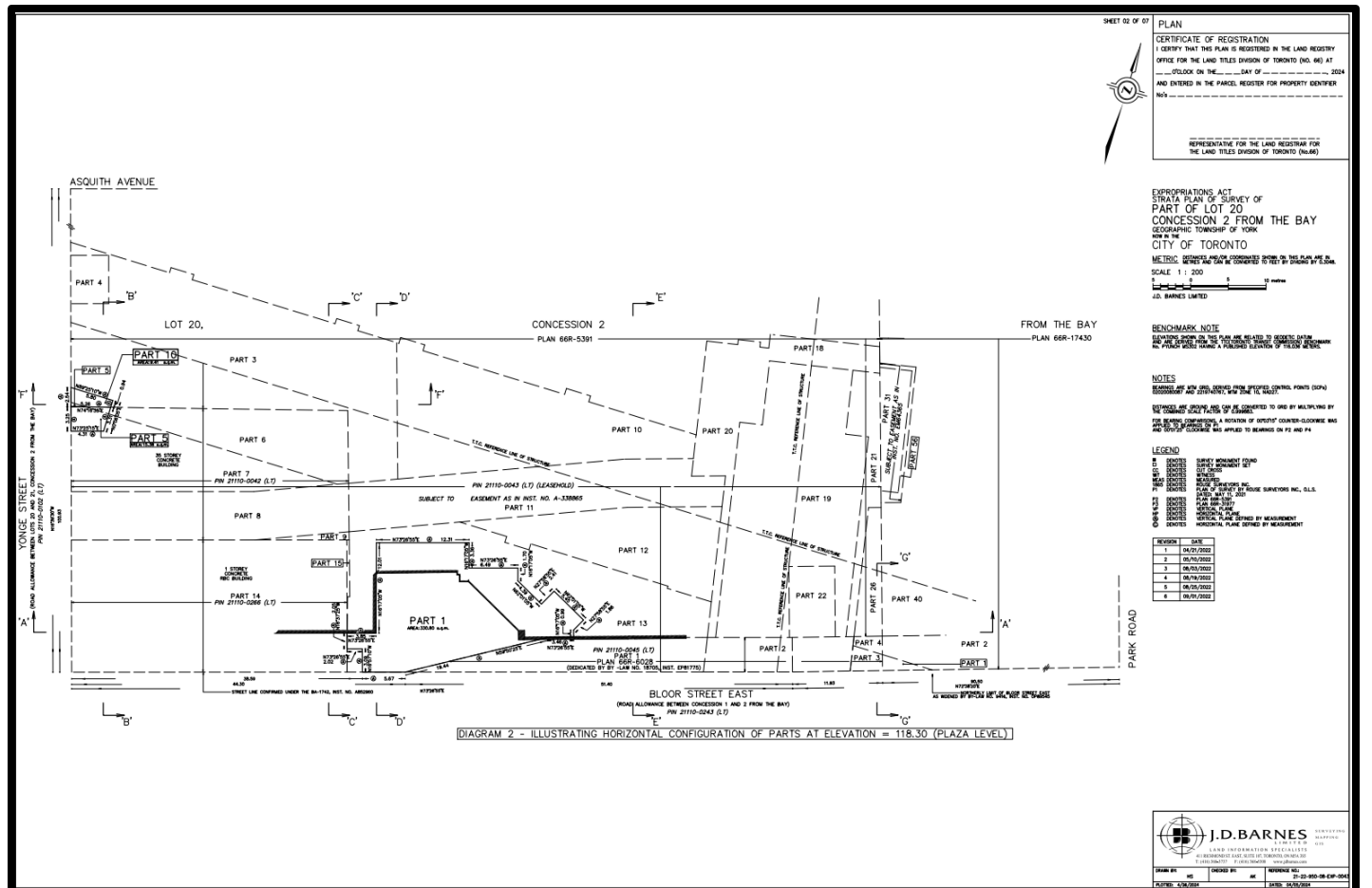
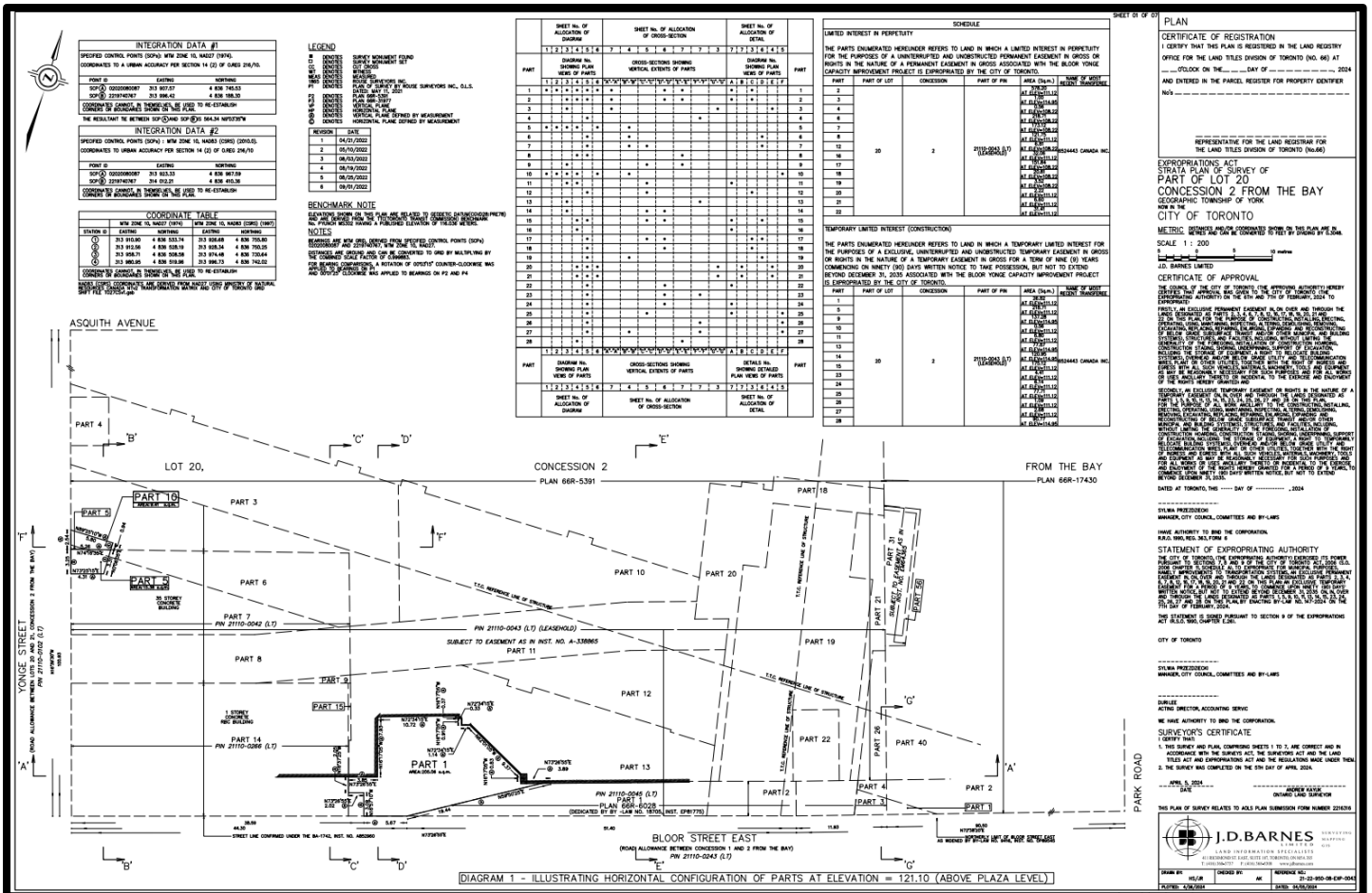


## Appendix "C" - References Plans PIN – 21110-0266 (LT)

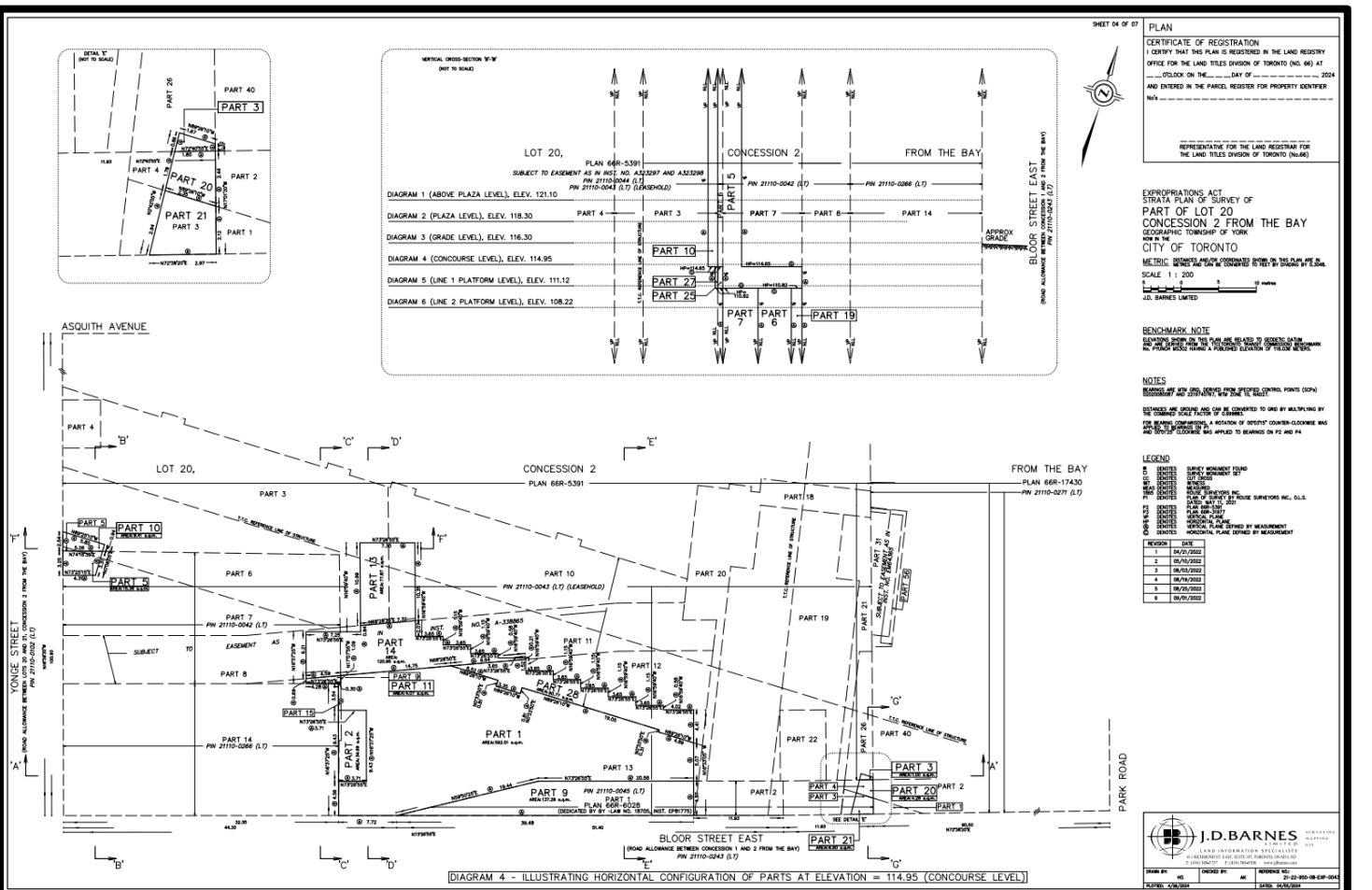
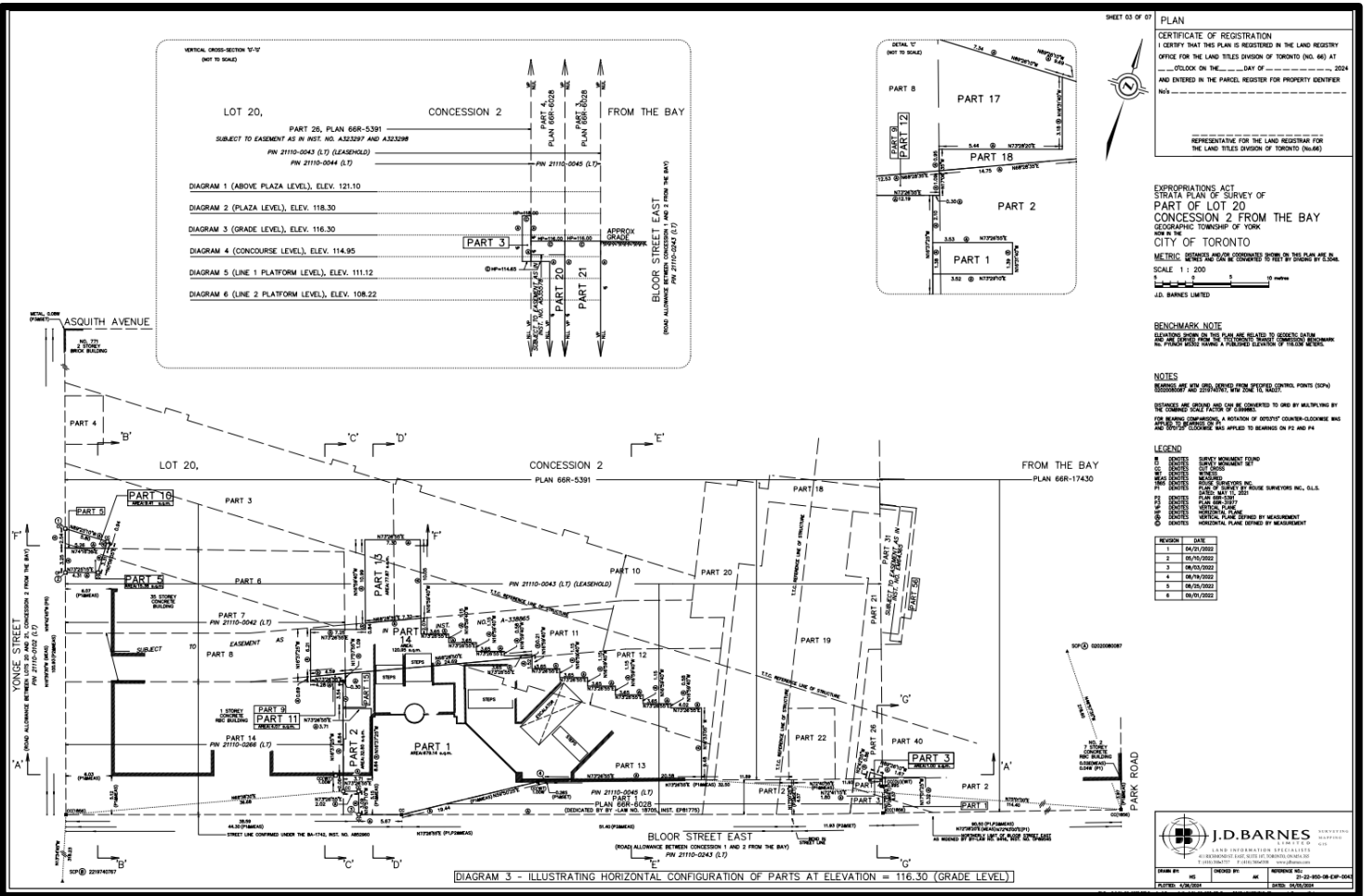


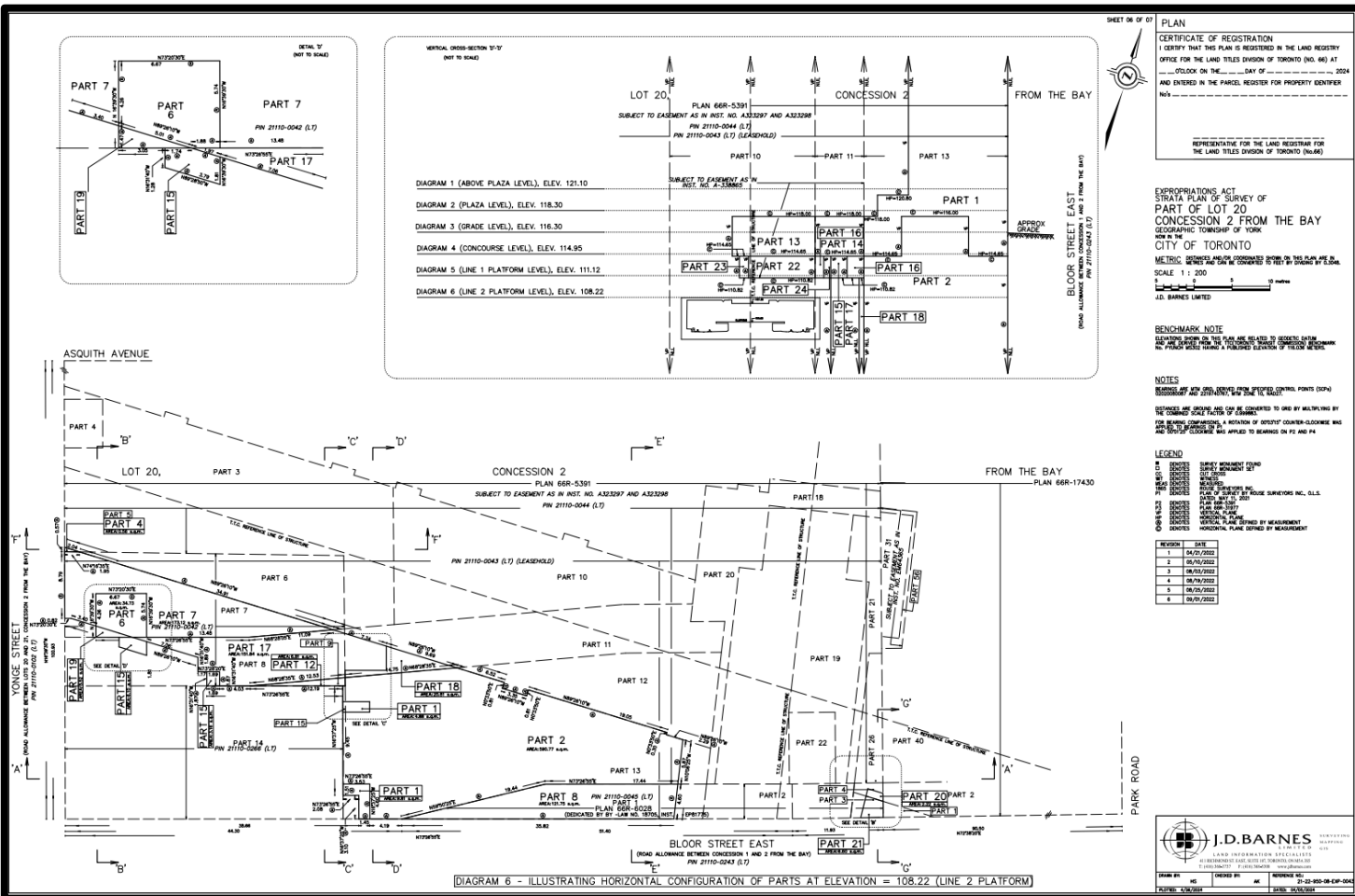
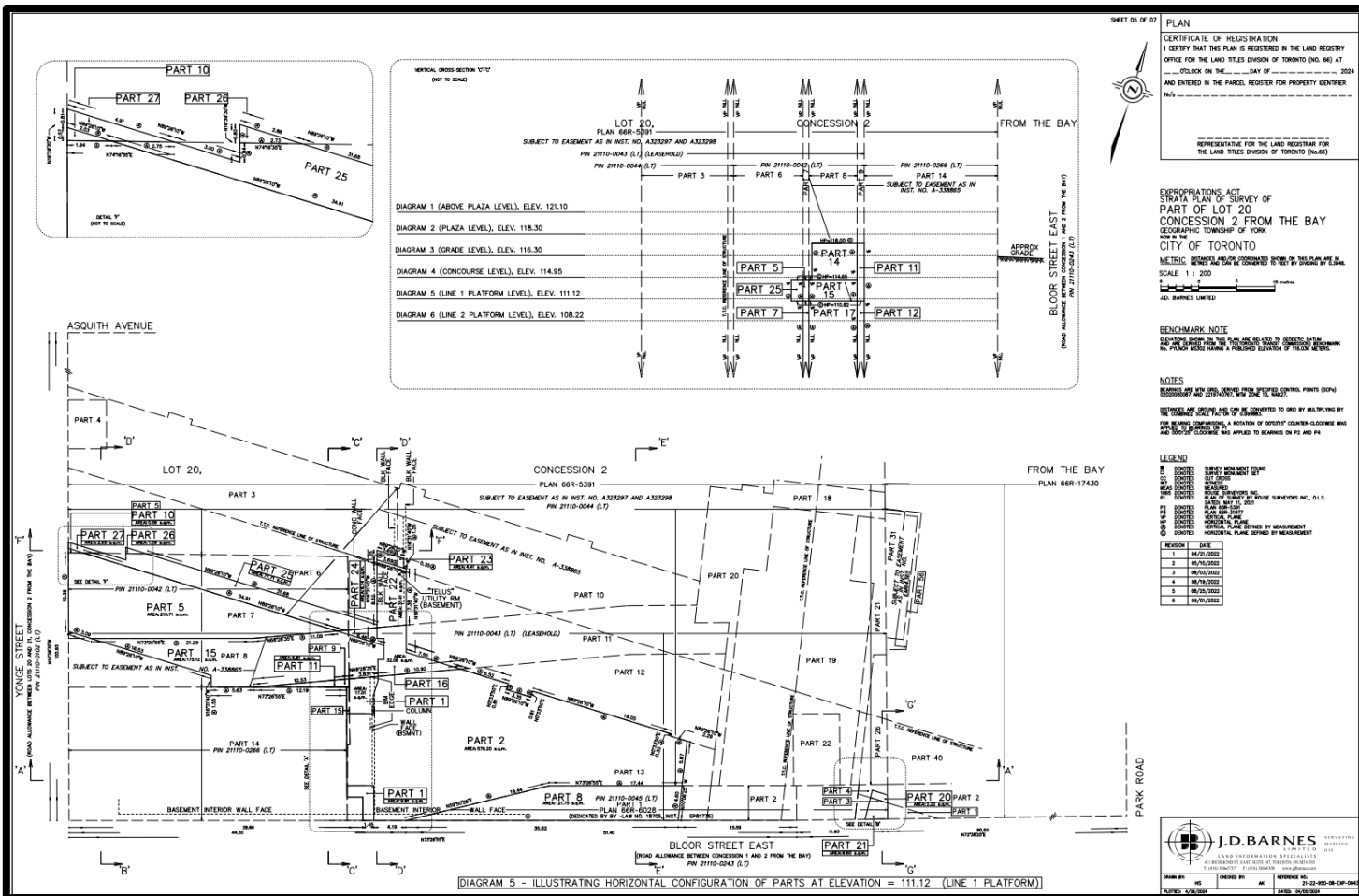
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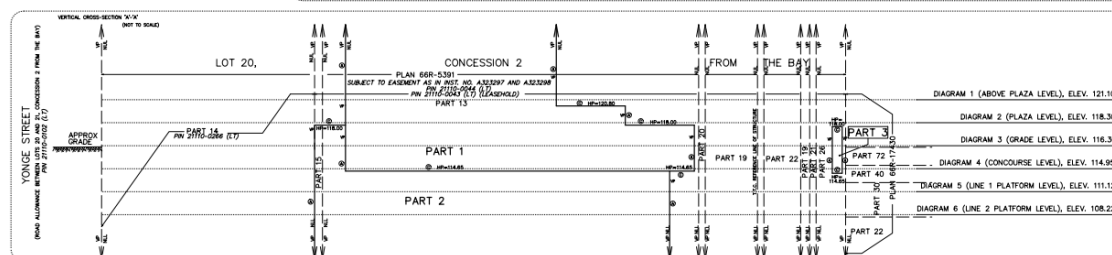
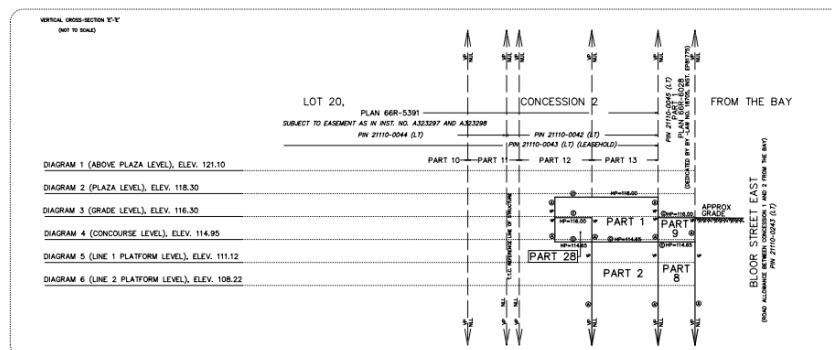
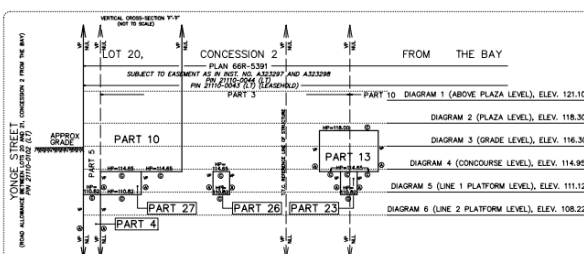
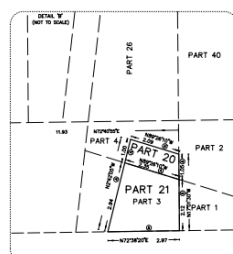
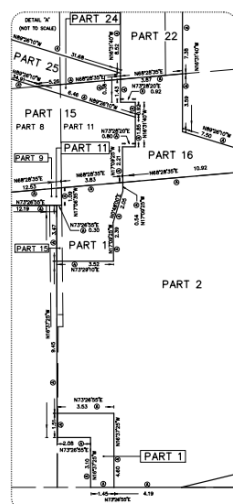
**Reference Plan – PIN -21110 – 0043 (LT)**












**CERTIFICATE OF REGISTRATION**  
I CERTIFY THAT THIS PLAN IS REGISTERED IN THE LAND REGISTRY  
OFFICE FOR THE LAND TITLES DIVISION OF TORONTO (NO. 66) AT  
\_\_\_\_ O'CLOCK ON THE \_\_\_\_ DAY OF \_\_\_\_ 2024  
AND ENTERED IN THE PARCEL REGISTER FOR PROPERTY IDENTIFIER  
No/s \_\_\_\_\_  
  
\_\_\_\_\_  
REPRESENTATIVE FOR THE LAND REGISTRAR FOR  
THE LAND TITLES DIVISION OF TORONTO (NO. 66)

EXPROPRIATIONS ACT  
STRATA PLAN OF SURVEY OF  
PART OF LOT 20  
CONCESSION 2 FROM THE BAY  
GEOGRAPHIC TOWNSHIP OF YORK  
NOW IN THE  
CITY OF TORONTO

METRIC DISTANCES AND/OR COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

SCALE 1 : 200



J.D. BARNES LIMITED

**BENCHMARK NOTE**  
ELEVATIONS SHOWN ON THIS PLAN ARE RELATED TO GEODETIC DATUM  
AND ARE DERIVED FROM THE T10 (TORONTO TRANSIT COMMISSION) BENCHMARK

**NOTES**

BEARINGS ARE WITH GRID, DERIVED FROM SPECIFIED CONTROL POINTS (SCIP# 0302000087 AND 2210740767, WITH ZONE 10, RAD27.

DISTANCES ARE GRIDED AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999983.

FOR BEARING COMPARISONS, A ROTATION OF 0.000151° COUNTER-CLOCKWISE WAS APPLIED TO BEARINGS ON P1.

ALL DISTANCES WERE REDUCED TO BEARINGS ON SD AND SD.

**LEGEND**

MC	DELETED	SURVEY MONUMENT FOUND
CD	DELETED	SURVEY MONUMENT SET
CC	DELETED	CUT CROSS
WT	DELETED	WITNESS
WE	DELETED	NEIGHBOR
TSMS	DELETED	HOUSE SURVEYORS INC.
PT	DELETED	PLAN OF SURVEY BY HOUSE SURVEYORS INC., S.L.S.
		DATED: MAY 17, 2021
PE	DELETED	PLAN 680-5391
PS	DELETED	PLAN 608-3917
VP	DELETED	VERTICAL PLANE
HP	DELETED	HORIZONTAL PLANE
Q	DELETED	VERTICAL PLANE DEFINED BY MEASUREMENT
		HORIZONTAL PLANE DEFINED BY MEASUREMENT

MEASUREMENT	DATE
1	04/21/2011
2	05/10/2011
3	08/03/2011
4	08/19/2011
5	08/25/2011
6	09/06/2011



## **Appendix “D” – Terms and Conditions**

### **Required Interests:**

The City will proceed with an expropriation of the following lands and/or interests for and in connection with the Project:

- (a) Fee simple interest over Parts 2 and 3 on the draft expropriation plan prepared by J.D. Barnes Limited as set forth in **Error! Reference source not found.** hereto being part of PIN 21110-0266 (LT);
- (b) a nine (9) year temporary exclusive easement in, on, over and through the lands designated as Parts 1 and 4 on the draft expropriation plan prepared by J.D. Barnes Limited as set forth in **Error! Reference source not found.** hereto being part of PIN 21110-0266 (LT), expiring no later than December 31, 2035;
- (c) a permanent exclusive easement interest in, on, over and through the lands described as Parts 2, 3, 4, 6, 7, 8, 12, 16, 17, 18, 19, 20, 21, and 22 on the draft expropriation plan prepared by J.D. Barnes Limited as set forth in **Error! Reference source not found.** hereto being part of PIN 21110-0043 (LT); and
- (d) a nine (9) year temporary exclusive easement in, on, over and through the lands designated as Parts 1, 5, 9, 10, 11, 13, 14, 15, 23, 24, 25, 26, 27, and 28 on the draft expropriation plan prepared by J.D. Barnes Limited as set forth in **Error! Reference source not found.** hereto being part of PIN 21110-0043 (LT), expiring no later than December 31, 2035.

### **Part 5 Expropriation & Abandonment:**

The City are expropriating the Part 5 temporary easement interest due to administrative issues, and the City shall use commercially reasonable efforts to forthwith abandon or otherwise release the Part 5 Interest, acknowledging that such abandonment or release is at the City's own cost and risk. The Owner shall cooperate, at no cost, expense or liability to the Owner, with the City's efforts to complete the abandonment or other release of the City's interest in the Part 5 interest.

### **Other Terms and Conditions**

1. The City shall have the right to register a plan of expropriation for the Required Interests in accordance with the Act.
2. The possession date for the Required Interests shall be in accordance with the Notice(s) of Possession issued and served by the City in accordance with the Act. The City agrees that, notwithstanding the exclusive nature of the Permanent Leasehold Easement interest to be expropriated, any use of the Permanent Leasehold Easement interest to be exercised by the City from the date of the Expropriation until the New Operational Date of the New Chiller shall be on a non-exclusive basis (but without derogating from the City's right to exercise the Permanent Leasehold Easement interest on an exclusive basis thereafter and without having the effect of granting a new or additional interest in land to the Owner therein) and shall at all times be subject to the requirements set forth in the Agreement.
3. The Owner waives the requirement for the City to serve offers of compensation and reports appraising the market value of the lands under Section 25 of the Expropriations Act. The compensation payable by the City herein is accepted by the Owner in accordance with the terms and provisions of the Agreement and not as an acceptance under or pursuant to Section 25(1)(a) of the Act.