

DELEGATED APPROVAL FORM

DIRECTOR, REAL ESTATE SERVICES

MANAGER, REAL ESTATE SERVICES

TRACKING NO.: 2024-225

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

Prepared By:	Joseph Sergnese	Division:	Corporate Real Estate Management
Date Prepared:	September 5, 2024	Phone No.:	416-392-1857
Purpose	To obtain authority for the City of Toronto to acquire fee simple ownership of the property municipally known as 12 Leslie Street, Toronto as further defined below, from City of Toronto Economic Development Corporation c.o.b. as Toronto Port Lands Company (the "Owner"), for the purpose of handover of a new municipal park, subject to an easement in favour of the Owner over a portion of the Property, to allow the Owner to continue operating a sanitary sewer, watermain and water chamber for the benefit of its adjoining property.		
Property	The property municipally known as 12 Leslie Street, Toronto, legally described as Part of Block Q, Part of Unwin Avenue on Plan 675-E Being Parts 1 to 3 on Plan 66R34146, City of Toronto, being part of PIN 21385-0218 (LT), (the "Property"), as shown on the Location Map in Appendix "B" with the easement lands being defined as Part 2 on Plan 66R34146.		
Actions	1. Authority be granted to enter into a Transfer Agreement and Easement Agreement with the Owner, substantially on the major terms and conditions set out in Appendix "A", and including such other terms and conditions as deemed appropriate by the approving authority herein, and in a form satisfactory to the City Solicitor.		
Financial Impact	<p>The Property is being conveyed to the City for nominal consideration. The following costs will be incurred by the City in connection with the Agreement:</p> <ol style="list-style-type: none"> 1. Land Transfer Tax (Provincial) \$34,475.00 (based on an appraised value of \$1,900,000.00) 2. Search and Registration Costs \$1,733.49 (approximately) <p>Funding for these costs totaling approximately \$36,208.49 is available in the 2024 Council Approved Capital Budget for Parks, Forestry and Recreation under Parkland Acquisition capital project account (CPR115-50-01).</p> <p>The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial impact information.</p>		
Comments	<p>CreateTO acting on behalf of the Owner, agreed pursuant to a letter agreement signed by representatives of the City and CreateTO and dated February 2, 2023 (the "Letter Agreement"), to oversee design and construction of new municipal park known as Leslie Lookout Park (the "Park") on the Property. The Park is nearing completion and will be turned over to the City for management.</p> <p>There is a sanitary sewer, watermain and waterchamber ("Owner Utilities") within the north-east corner of the Property that service an adjoining portion of the Owner's Property and will not be assumed by the City as part of the Park pursuant to the Handover Protocol. The Owner will reserve an easement on closing to permit the continued operation, maintenance and repair of the Owner Utilities.</p>		
Terms	The terms of the Transfer Agreement and the Easement Agreement, as both set out in Appendix "A", and are considered to be fair and reasonable and are recommended for acceptance.		
Property Details	Ward:	Ward 14 Toronto—Danforth	
	Assessment Roll No.:	1904081080004100000	
	Approximate Size:	irregular	
	Approximate Area:	Transfer Lands: 7,908.7 m ² ± (85,128.54 ft ² ±) Easement Lands: 131.9 m ² ± (1,419.76 ft 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/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 & Parks & 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 checked="" 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 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/REOs.</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:	Nicolas Valverde	Contact Name:	
Contacted by:	Phone <input checked="" type="checkbox"/> E-Mail <input type="checkbox"/> Memo <input type="checkbox"/> Other <input type="checkbox"/>	Contacted by:	Phone <input type="checkbox"/> E-mail <input type="checkbox"/> Memo <input type="checkbox"/> Other <input type="checkbox"/>
Comments:	No Objection	Comments:	

Consultation with Divisions and/or Agencies

Division:	Parks Forestry and Recreation	Division:	Financial Planning
Contact Name:	Danny Brown	Contact Name:	Ciro Tarantino
Comments:	Concurs	Comments:	Concurs

Legal Services Division Contact

Contact Name: Catherine Thomas

DAF Tracking No.: 2024-225	Date	Signature
Concurred with by: Manager, Real Estate Services Niall Robertson	September 6, 2024	Signed by Niall Robertson
<input type="checkbox"/> Recommended by: Manager, Real Estate Services Jennifer Kowalski	September 5, 2024	Signed by Jennifer Kowalski
<input checked="" type="checkbox"/> Approved by:		
<input type="checkbox"/> Approved by: Director, Real Estate Services Alison Folosea		X

Appendix "A"

Major Terms and Conditions

Transfer Agreement

Purchase Price: Nominal

Closing Date: that the transfer is conditional on and shall occur upon the City agreeing to accept the park assets, which is to be documented via the signing the Handover Acceptance Letter by Parks, Forestry and Recreation.

Vacant Possession: Transferor shall provide the City with vacant possession of the Park Lands.

Encumbrances: The Property is currently encumbered by several planning agreements for which releases have been secured and will be registered prior to close. The Property is benefited by an easement over an adjoining property owned by Canada Post and since the City has no interest in the associated infrastructure, a release will be sought following close.

Environmental Condition: A Record of Site Condition has been filed and the Ministry of Environment, Conservation and Parks has confirmed that the Property is now fit for use as a public park. Upon acquiring the Property, the City will need to comply with the risk management measures imposed under Certificate of Property Use number 5846-CZYMYB

Closing Costs: The parties are to cover their own closing costs with the exception of land transfer tax and the cost of registering the transfer, which the City must pay on close.

Easement Agreement

Consideration: Nominal

Easement Lands: Part 2 on Plan 66R-34146

Dominant Lands: The easement is for the benefit of the abutting property municipally known as 575 Commissioners St which is owned by the Owner and used as a cement plant by Essroc Canada,

Rights: A permanent, non-exclusive right to enter onto the Easement Lands with all necessary equipment, vehicles, supplies and personnel to repair, operate, and maintain the Owner Utilities (the "Easement"). Rights may be exercised by Owner's employees, tenants, licensees, agents, contractors, and consultants from time to time.

Owner's Obligations: Owner must maintain Owner Utilities at their sole cost and expense, fully restore the Property upon every each successive entry, provide City notice prior to entry, adhere to reasonable safety rules, and property decommission the Owner Utilities at the end of their lifecycle.

Risk Management: The Owner confirms represents and warrants that the existence and operation of the Owner Utilities are compatible with applicable Risk Management Measures.

City's Self-Help Remedies: In the event that Owner fails to abide by any of the covenants required under the Easement Agreement, the City is entitled to carry out all necessary work and take all necessary measures at the Owner's cost and expense.

Insurance: The Owner shall require any authorized user of the Owner's Utilities to maintain in force general liability insurance to an amount of not less than five million dollars (\$5,000,000.00) per occurrence, and such policy of insurance shall endorse Owner & the City as an additional insured. The City reserves the right to call for additional coverage types and/or amounts in the event of a significant repair or other unforeseen event.

Indemnity: The Owner must fully indemnify and save harmless, the City, its Councillors, directors, officials, officers, employees, consultants, contractors, agents, successors and assigns, or any of them from and against all actions, causes of action, suits, claims, demands, damages, liability, interest, expenses, losses, costs, liens, charges, prosecutions, and other type of proceedings whatsoever which may be brought against or made upon the Indemnified Persons:

Appendix “B”

Location Map

