

DELEGATED APPROVAL FORM **CHIEF CORPORATE OFFICER** **DIRECTOR OF REAL ESTATE SERVICES**

TRACKING NO.: 2012-142

<input checked="" type="checkbox"/> Approved pursuant to the Delegated Authority contained in Executive Committee Item EX43.7 entitled "Delegation of Authority in Certain Real Estate Matters" adopted by City Council on May 11 and 12, 2010. City Council confirmatory By-law No. 532-2010, enacted on May 12, 2010.													
<input type="checkbox"/> Approved pursuant to the Delegated Authority contained in Executive Committee Item EX33.44 entitled "Union Station Revitalization Implementation and Head Lessee Selection" adopted by City Council on August 5 and 6, 2009. City Council confirmatory By-law No. 749-2009, enacted on August 6, 2009.													
Prepared By:	M. Hale-Carter	Division:	Real Estate Services										
Date Prepared:	November 28, 2012	Phone No.:	392-1227										
Purpose	To obtain approval for the sale of City-owned vacant land municipally known as 90 Ward Street, Toronto, Ontario.												
Property	A parcel of vacant land municipally known as 90 Ward Street, being Block F on Plan M213 and shown as Part 1 on Sketch No. PS-2003-063 attached (the "Property"). Authority is requested to:												
Actions	1. accept the Offer to Purchase the Property from Jushro Developments Limited, the owner of the adjacent property, for the sum of \$145,000.00, subject to retaining an easement over the entire property in favour of the City to protect existing water mains and on the terms substantially as outlined below and on such additional or other terms as may be acceptable to the Chief Corporate Officer. 2. direct a portion of the closing funds to fund the outstanding expenses related to the Property and the completion of the sale transaction. 3. authorize the City Solicitor to complete the transaction on behalf of the City, including paying any necessary expenses, amending the closing, due diligence and other dates, and amending and waiving terms and conditions, on such terms as she considers reasonable.												
Financial Impact	Revenue in the amount of \$145,000.00, less closing costs and the usual adjustments is anticipated. The Deputy City Manager and Chief Financial Officer has reviewed this DAF and agrees with the financial impact information.												
Background	In accordance with the City's Real Estate Disposal By-law, No. 814-2007, the Property was declared surplus on March 26, 2012 (DAF 2012-055), with the intended manner of disposal to be by way of an invitation of an Offer to Purchase from Jushro Developments Limited, owner of the adjoining property at 80 Ward Street. All steps necessary to comply with the City's real estate disposal process as set out in Chapter 213 of the City of Toronto Municipal Code have been complied with. The property was not acquired through expropriation proceedings.												
Comments	Negotiations have taken place between the City and Jushro Developments Limited for the sale of the Property. The Offer to Purchase submitted by Jushro Developments Limited, in the amount of \$145,000.00, (plus HST, if applicable) is considered fair, reasonable and reflective of market value. It is recommended for acceptance substantially on the terms and conditions outlined below.												
Terms	As outlined on Schedule "A".												
Property Details	<table border="1"> <tr> <td>Ward:</td> <td>18-Davenport</td> </tr> <tr> <td>Assessment Roll No.:</td> <td>1904-03-1-520-00200</td> </tr> <tr> <td>Approximate Size:</td> <td>20m x 67m (65.6 ft x 219.8 ft)</td> </tr> <tr> <td>Approximate Site Area:</td> <td>1,339 m² (14,413.3 ft²)</td> </tr> <tr> <td>Other Information:</td> <td>Vacant land-subject to easements and Condition Precedent identified herein</td> </tr> </table>			Ward:	18-Davenport	Assessment Roll No.:	1904-03-1-520-00200	Approximate Size:	20m x 67m (65.6 ft x 219.8 ft)	Approximate Site Area:	1,339 m ² (14,413.3 ft ²)	Other Information:	Vacant land-subject to easements and Condition Precedent identified herein
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A.	Director of Real Estate Services has approval authority for:	Chief Corporate Officer has approval authority for:
<p>1. Acquisitions:</p> <p>2. Expropriations:</p> <p>3. Issuance of RFPs/REOs:</p> <p>4. Permanent Highway Closures:</p> <p>5. Transfer of Operational Management to ABCDs:</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/Licensors):</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 \$1 Million.</p> <p><input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$1 Million.</p> <p>Delegated to a more senior position.</p> <p>Delegated to a more senior position.</p> <p>Delegated to a more senior position.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$1 Million.</p> <p><input checked="" type="checkbox"/> Where total compensation does not exceed \$1 Million.</p> <p>Delegated to a more senior position.</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 three (3) months, including licences for environmental assessments and/or testing, etc.</p> <p><input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$1 Million.</p> <p><input checked="" type="checkbox"/> (a) Where total compensation does not exceed \$1 Million.</p> <p><input type="checkbox"/> (b) When closing road, 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 may include increase not to exceed the amount of the original decision by the lesser of 10 per cent and \$500,000).</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/Estoppels/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 \$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"/> Issuance of RFPs/REOs.</p> <p><input type="checkbox"/> Initiate process & authorize GM, Transportation Services to give notice of proposed by-law.</p> <p><input type="checkbox"/> Transfer of Operational Management to ABCDs.</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 six (6) months, including licences for environmental assessments and/or testing, etc.</p> <p><input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$3 Million.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$3 Million.</p> <p>Delegated to a less senior position.</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 may include increase not to exceed the amount of the original decision by the lesser of 10 per cent and \$1 Million).</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/Estoppels/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; 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B. Chief Corporate Officer and Director of Real Estate Services each has signing authority on behalf of the City for:		
<p><input type="checkbox"/> 1. Agreements of Purchase and Sale and all implementing documentation for purchases, sales and land exchanges not delegated to staff for approval.</p> <p><input type="checkbox"/> 2. Expropriation Applications and Notices following Council approval of expropriation.</p> <p><input checked="" type="checkbox"/> 3. Documents required to implement the delegated approval exercised by him.</p>		
Chief Corporate Officer also has approval authority for:		
<p><input type="checkbox"/> Leases/licences/permits at Union Station during the Revitalization Period, if the rent/fee is at market value.</p>		

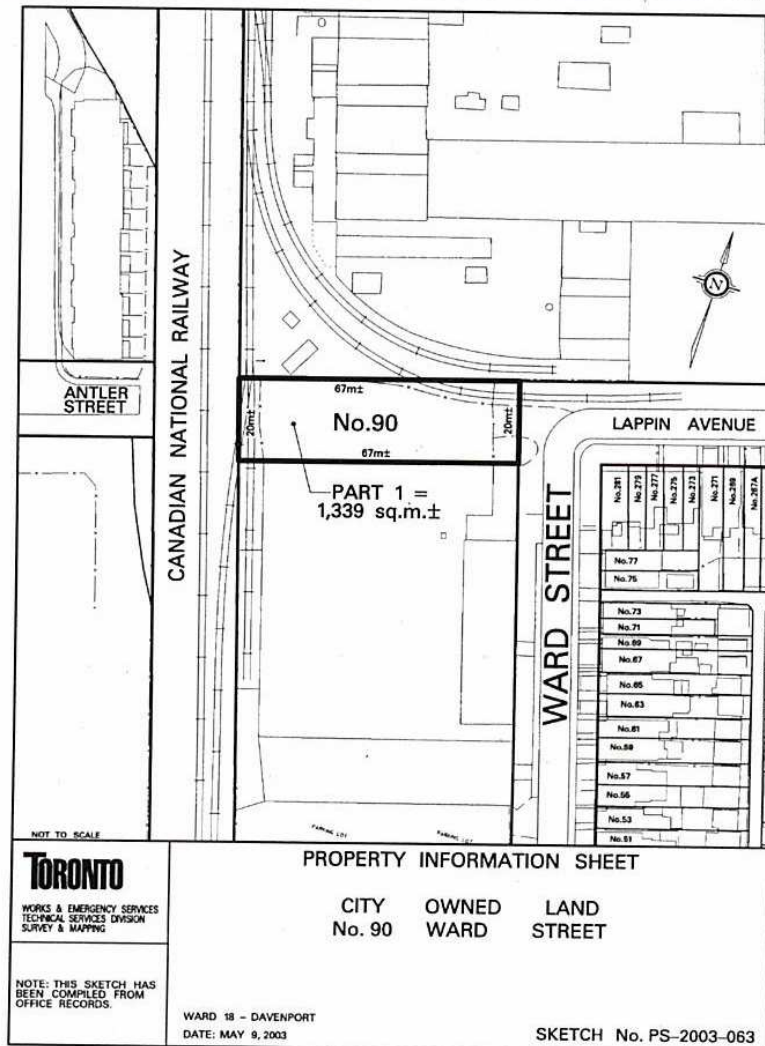
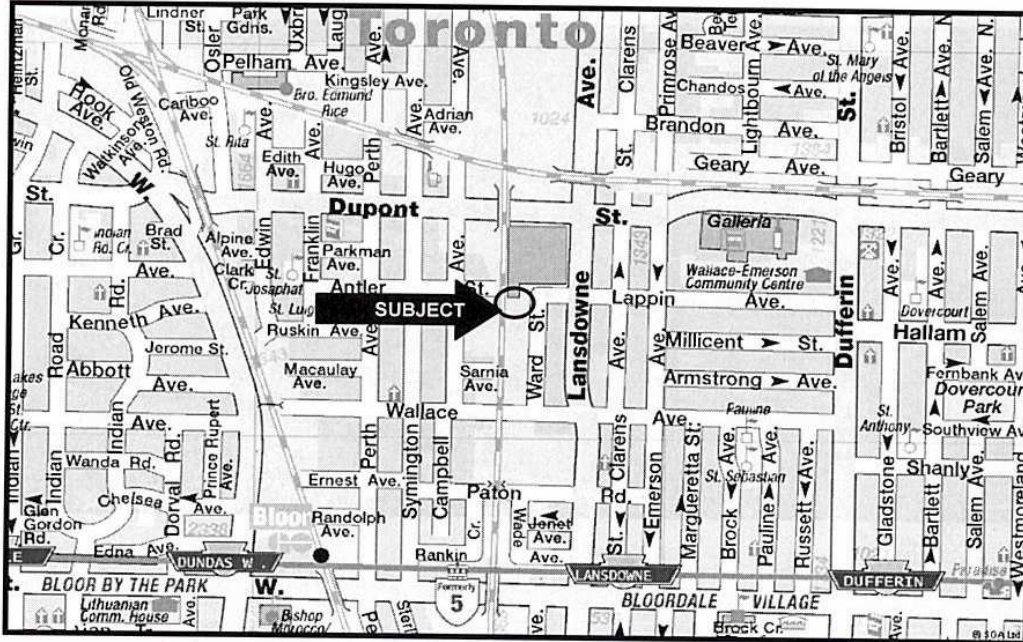
Consultation with Councillor(s)									
Councillor:	Ana Bailao					Councillor:			
Contact Name:	Braden Root-McCraig					Contact Name:			
Contacted by:	X	Phone		E-Mail		Memo		Other	
Comments:	Please proceed Nov 21, 2012					Comments:			
Consultation with ABCDs									
Division:						Division:	Financial Planning		
Contact Name:						Contact Name:	Karin Dahm		
Comments:						Comments:	Concurs with Financial Impact Statement-Nov 21, 2012		
Legal Division Contact									
Contact Name:	M. Desimone, Nov 28, 2012-comments incorporated								

DAF Tracking No.: DAF-2012-142	Date	Signature
Recommended by: Manager: Luba Tymkewycz		
<input type="checkbox"/> Recommended by: Director of Real Estate Services <input checked="" type="checkbox"/> Approved by: Joe Casali	Dec. 10, 2012	Joe Casali
<input type="checkbox"/> Approved by: Chief Corporate Officer Jose Scioli		X

General Conditions ("GC")

- (a) The local Councillor (or local Councillors if the subject property is located on a ward boundary or if the transaction involves an exchange of properties in more than one ward), will be consulted prior to the exercise of delegated Approving Authority by staff for all Acquisitions, Disposals, Land Exchanges and Leases.
- (b) Where approving power has been delegated to staff, the Chief Corporate Officer, in consultation with the applicable Deputy City Manager or the City Manager, may determine that such matter is of such special interest that same should be returned to the relevant Committee and Council for consideration and determination.
- (c) Exercise of delegated authority is subject to all applicable Council policies, statutes or other applicable law.
- (d) Authority to approve financial commitments/expenditures is subject to all amounts being available in an approved budget [or funding is available from alternative sources].
- (e) Property interests are to be based on appraised value, and no interest shall be granted at less than market value unless otherwise specifically authorized.
- (f) Authority to approve transactions at less than market value is subject to statutory anti-bonusing provisions.
- (g) Total compensation means the aggregate of all types of payments, including land value, estimated clean-up costs, potential arbitration awards, loss claims, etc, but exclusive of any applicable taxes and registration costs.
- (h) Authority to acquire property is conditional upon provision being made to bring the property into compliance with applicable MOE or other requirements such that it will be fit for its intended municipal purpose.
- (i) Authority to initiate the permanent road closure process in **A.4** is conditional upon confirmation by the GM of Transportation Services that it is feasible to permanently close the highway.
- (j) Disposal authorities in **A.7** are subject to the property having been declared surplus, and the disposal policy complied with.
- (k) Land exchanges, except for those in **A.8**, may be authorized based on the delegated Approving Authority for Disposals in **A.7**.
- (l) Approving Authority with respect to land located in the Designated Waterfront Area is conditional upon the approval of the Director, Waterfront Secretariat.
- (m) Authority to approve an exchange of land in **A.8** is conditional upon confirmation by the Chief Planner and Executive Director, and the GM of Parks, Forestry & Recreation, that the land being exchanged is (i) nearby land of equivalent or larger area, and (ii) of comparable or superior green space utility.
- (n) Approving Authority in leasing matters (**A.9** and **A.10**) is limited to periods (including options/renewals) of less than twenty-one (21) years.
- (o) Total compensation in leasing matters where the City is landlord (**A.9**) includes the value of tenant improvements if factored into tenant's rental payments.
- (p) Total compensation in leasing matters where the City is the tenant (**A.10**) includes the value of any tenant improvements to be paid by the City.
- (q) Where options/renewals are included in leases, if the renewal rent is to be determined at a date later than the original approval date, total compensation is to be calculated as though all options are exercised, estimating the renewal rent based on the highest rent payable in the first term of the lease.
- (r) Total compensation in leasing matters where the City is landlord (**A.9**) or tenant (**A.10**) is to be calculated from the date of approval pursuant to this delegation (ie. first allowing for the expiry of any prior approvals, whether by Council or a delegated authority).
- (s) Approving Authority in leasing matters includes authority to approve renewals/extensions within the parameters of the delegated Approving Authority.
- (t) Approving Authority includes authority for amendments within the parameters of the delegated Approving Authority, the cumulative total of which may not exceed the delegated financial limit.
- (u) Where proposed additional amounts in **A.13** exceed 10 per cent of the original decision, even if otherwise in compliance with all other conditions, then approving authority is transferred upwards to the next more senior level of approving authority having the relevant overall financial limit.
- (v) Approving Authority includes authority for all documents necessary to implement the authority, on terms and conditions satisfactory to the Approving Authority, in consultation with the relevant operating Division(s).
- (w) Staff positions referred to in this delegation include successors from time to time.
- (x) Documents are to be in a form satisfactory to the City Solicitor (including indemnity and insurance provisions).
- (y) Delegated signing authorities in **B** are conditional upon the documents having received the City Solicitor's prior "Approval as to Form".
- (z) This delegation does not affect sales, acquisitions and leases over which the Affordable Housing Committee has responsibility.
- (aa) Authority to use land acquired by the City for parking purposes by the Toronto Parking Authority is conditional upon Council enacting a by-law designating such use.

Appendix "A"
Site Map and PS-Sketch



Comments:

Property to be sold on an "as is" basis and will be encumbered on closing by the following:

(a) the Property is subject to the right of the Canadian General Electric Company Limited to use the siding upon the westerly 17 feet of the Property by a space of 66 feet measured from the north to the south, being the full breadth of Block F so far as is requisite for the protection and operation of the works thereon; (b) the Property is also subject to an existing easement in favour of The Consumers' Gas Company (now Enbridge Gas Company) which easement has been mortgaged twice in favour of (i) Canada Permanent Toronto General Trust Company and (ii) Canada Permanent Trust Company; and (c) as there are two large water mains on the property and on closing an easement in favour of the City will be reserved to protect the operation, maintenance and repair of the water mains.

Prior to closing the Purchaser must provide evidence satisfactory to the City Solicitor that the restrictive covenant contained in Instrument No. E432762 has been released and deleted from title to enable the Restricted Lands (as they are defined in that instrument) to be used for ingress and egress from the Development to the north of the Property.

Terms:

Purchase Price:	\$145,000.00 (plus HST, if applicable)
Deposit:	\$14,500.00 (Balance of the purchase price shall be due on closing by certified cheque or bank draft, subject to the usual adjustments)
Irrevocable Date:	January 31, 2013
Closing Date:	April 18, 2013