



To: Toronto Public Library Board – May 13, 2002

From: City Librarian

Subject: **Maria A. Shchuka Library Site - Ratification of earlier surplus land declaration and other matters to facilitate construction of the new Maria A. Shchuka District Library on a portion of the site and the development of affordable housing on the remainder of the site**

Purpose:

To ratify the Toronto Public Library Board's ("Library Board") earlier declaration as surplus the southerly portion of the Maria A. Shchuka Library site (the "Surplus Lands"); to authorize various easements required for the new Maria A. Shchuka District Library (the "Library Building") and the affordable housing project to be constructed on a portion of the Surplus Lands (the "Affordable Housing Project"); and to authorize the granting of a temporary construction licence to the Toronto Community Housing Corporation ("TCHC") to enable it to begin construction of the Affordable Housing Project.

Funding Implications and Impact Statement:

There are no funding implications.

Recommendations:

It is recommended that:

- (1) the Library Board ratify its earlier surplus land declaration in respect of the Surplus Lands to confirm that such declaration included Parts 2, 3, 4, 5, 6, 7, 9, 10, 11 and 13 as shown on the attached sketch, which lands are to be or have been conveyed to the City;
- (2) at the time the Library Board conveys the remainder of the Surplus Lands to the City, the Library Board reserve the following easement rights:
 - a) an exclusive temporary easement over Parts 2 and 3 as shown on the attached sketch for the construction of the Library Building;
 - b) a permanent easement over Parts 2, 3, 4 and 5 as shown on the attached sketch for rear driveway vehicular access to and from the Library Building, in common with the City and others entitled thereto from time to time;

- c) a permanent easement over Part 6 as shown on the attached sketch for vehicular access to and from the covered parking spaces to be provided to the Library Board by TCHC, at grade, in the Affordable Housing Project, in common with the City and others entitled thereto from time to time; and
 - d) a permanent easement over Parts 7 and 9 as shown on the attached sketch for vehicular access from the public lane to the south of the Affordable Housing Project, in common with the City and others entitled thereto from time to time.
- (3) the Library Board acquire a permanent easement from the City over Part 8 as shown on the attached sketch, for nominal consideration, for vehicular access to the Library Building from the public lane to the south of the Library Building, in common with the City and others entitled thereto from time to time;
 - (4) the Library Board grant a permanent easement (the “Electrical Servicing Easement”) to the City of Toronto (“City”) and Toronto Hydro-Electric System Limited (“Toronto Hydro-Electric”) over Part 1 as shown on the attached sketch, for nominal consideration, to satisfy the requirements of the Library Board, Toronto Hydro-Electric, the City and TCHC for electrical service and distribution to the Library Building and the Affordable Housing Project;
 - (5) the Library Board enter into a temporary construction licence agreement between the City, the Library Board and TCHC, for nominal consideration, to permit TCHC to commence construction of the Affordable Housing Project on a portion of the Surplus Lands prior to the conveyance by the Library Board of the balance of the Surplus Lands to the City;
 - (6) that all documentation necessary or desirable to give effect to the foregoing be on terms and conditions satisfactory to the City Librarian, and in a form acceptable to the City Solicitor; and
 - (7) the appropriate Library Board officials be authorized and directed to take the necessary action to give effect to the foregoing.

Background:

At its meeting of May 29, 2000, the Library Board determined that, subject to final survey, the lands located south of the Maria A. Shchuka District Library at 1745 Eglinton Avenue West, on the east side of Northcliffe Boulevard, described as part of Lots 32 to 36, Plan 1996, City of Toronto, were surplus to the Library Board’s needs. As a result, the Surplus Lands were referred to the City, in keeping with the Library Board’s decision of April 17, 2000, wherein it determined:

“That where the Library Board determines that a property that is owned by the Library Board is, in whole or in part, surplus to the needs of the Library Board, that responsibility for determining if the property should be declared surplus pursuant to Section 193 of the Municipal Act, for declaring the property to be surplus and for disposing of the property, be transferred to the City of Toronto.”

In August, 2000, City Council approved the proposal of the Toronto Housing Company Inc. (“TCHI”) to build affordable rental housing on a portion of the Surplus Lands pursuant to a long term lease, as part of the City’s *Let’s Build* initiative. City Council also authorized the establishment of a new public lane on the remaining portion of the Surplus Lands, shown as Part 10 on the attached sketch. It was determined, therefore, that the Surplus Lands would be conveyed to the City by the Library Board for the foregoing purposes. City Council subsequently authorized the integration of THCI and TCHC, such that the City’s social housing operations, including the Affordable Housing Project, would be conducted by one corporate entity, namely TCHC.

Staff for the Library Building project and the Affordable Housing Project have worked together to plan for the construction of two completely separate facilities sharing the same site; it was determined construction schedules would run concurrently.

In November, 2001, the Library Board awarded a contract to Van Horne construction to demolish and reconstruct the Library Building. The library at this location closed to the public on March 2, 2002 and the project is underway.

Comments:

When the Library Board determined that a portion of the Maria A. Shchuka District Library site was surplus to its needs, the final site plan, construction drawings and reference plan of survey for the Library Building and the Affordable Housing Project had not yet been completed. During the final design and planning process, the boundary between the two sites was finalized and various changes occurred to the original proposals. It is recommended, therefore, that the Library Board confirm that its previous surplus land declaration includes the Surplus Lands, as defined herein.

In the final design, it was determined that the lands shown as Parts 2, 3, 4 and 5 on the attached sketch were required for a shared driveway between the rear of the Library Building and the Affordable Housing Project. It was also determined that: (1) various temporary and permanent easements would have to be retained by the Library Board and granted to it by the City, for construction of the Library Building and for access purposes; and (2) an Electrical Servicing Easement would have to be granted by the Library Board to Toronto Hydro-Electric and the City for a new hydro transformer to be constructed on Part 1 as shown on the attached sketch to service both the Library Building and the Affordable Housing Project.

The land required for the new public lane was conveyed to the City in May, 2000 and recently laid out and dedicated as a public lane.

The balance of the Surplus Lands are to be conveyed to the City as soon as a reference plan of survey is finalized and deposited in the Toronto Registry Office, so that legal descriptions of the lands to be conveyed and the various easements to be granted and reserved can be prepared. A draft of the reference plan has already been prepared. It is anticipated that the reference plan will be finalized and deposited within the next few weeks. Following the conveyance to the City, the City will enter into a long term lease and various other agreements with TCHC for the development and use of the site.

In the meantime, however, in order to adhere to its planned construction schedule and avoid costly delay claims from its contractor, TCHC has advised that it needs to commence construction of the Affordable Housing Project the week of May 13, 2002. Library Board staff, City staff and TCHC have agreed that, subject to Library Board approval and City Council approval, the parties should enter into a temporary construction licence agreement, pursuant to which TCHC will be permitted to enter on the remainder of the Surplus Lands and the closed public lane owned by the City to commence construction of the Affordable Housing Project. Provision will be made in the agreement for appropriate insurance and indemnification in favour of the Library Board and the City. The agreement will also provide that as soon as the Library Board conveys title to the remainder of the Surplus Lands to the City, the Library Board will be released from all of its obligations under the agreement, which obligations the City will assume.

Conclusion:

To facilitate construction of the Affordable Housing Project and maintain the planned construction schedules for both projects and to provide for future access as required by the Library Board, TCHC, Toronto Hydro-Electric, and the City, it is recommended that the Library Board proceed as set out in the Recommendations of this report.

Contact:

Nancy Chavner, Director, West Region; Tel: 416-394-5005; Fax: 416-394-5009;

E-mail: nchavner@tpl.toronto.on.ca

Bruce Barnett, Senior Manager, Facilities; Tel: 416-395-5880; Fax: 416-395-5916;

E-mail: bbarnett@tpl.toronto.on.ca

Evan Wood, Housing Project Manager, City of Toronto; Tel: 416-392-0060; Fax: 416-338-1144

E-mail: ewood2@city.toronto.on.ca

City Librarian

List of Attachments:

Attachment 1: Surplus Land Sketch