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To: Toronto Public Library Board – January 27, 2003

From: City Librarian

Subject: **Maria A. Shchuka District Library Site – matters related to 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 provide for the entering into and execution by the Toronto Public Library Board ("TPLB") of agreements and ancillary documents required in connection with the development of the new Maria A. Shchuka District Library and of the affordable housing project to be constructed on the adjoining lands (collectively, the "Project").

Funding Implications and Impact Statement:

Maintenance costs covered by a cost sharing agreement with the City of Toronto and/or the Toronto Community Housing Corporation will be accommodated within the Toronto Public Library's operating budget

Recommendation:

It is recommended that:

- (1) TPLB ratify the execution by the City Librarian, on behalf of TPLB, of a temporary construction licence agreement (and extensions of that agreement) and of a Transfer/Deed of Part 1, Plan 64R-16885 (now Part 10, Plan 66R-19658) to City of Toronto that were required in connection with the Project (collectively, the "Original Project Documents");
- (2) TPLB enter into a cost sharing agreement with the City of Toronto and/or the Toronto Community Housing Corporation ("TCHC"), and enter into or consent to any other documents or agreements required in connection with the Project that are acceptable to the City Librarian, on terms and conditions satisfactory to the City Librarian and in a form acceptable to the City Solicitor;
- (3) the City Librarian, or her designate from time to time, be authorized and directed to execute on behalf of TPLB those documents and agreements required in connection with the Project that have been authorized by TPLB (collectively, the "Additional Project Documents"); and

- (4) 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 October 18, 1999, TPLB, among other things, authorized staff to continue to work on the development of the Maria A. Shchuka District Library site as a joint project in co-operation with the City's Shelter, Housing and Support Division of Community and Neighbourhood Services.

At its meeting of May 29, 2000, TPLB determined that, subject to final survey, certain lands located south of the Maria A. Shchuka District Library at 1745 Eglinton Avenue West, on the east side of Northcliffe Boulevard (the "Surplus Lands"), were surplus to TPLB needs. TPLB referred the Surplus Lands to the City for disposal, in keeping with TPLB decision of April 17, 2000, which provides:

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 Toronto Housing Company Inc. (now TCHC), 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 a portion of the Surplus Lands.

The land required for the new public lane was conveyed by TPLB by Transfer/Deed of Part 1, Plan 64R-16885 (now Part 10, Plan 66R-19658) to the City of Toronto, and has been laid out and dedicated as a public lane. The balance of the Surplus Lands are to be conveyed to the City, following which the City will enter into a long term lease and various other agreements with TCHC for the development and use of said lands.

During the final design and planning process for the new Maria A. Shchuka District Library building (the "New Library Building") and the affordable housing project to be built on the Surplus Lands (the "Affordable Housing Project"), the boundary between the two sites was finalized and the location of a shared driveway between the rear of the New Library Building and the Affordable Housing Project and the location of various temporary and permanent easements were determined. These matters were approved by TPLB at its meeting of May 13, 2002, when TPLB ratified its earlier surplus land declaration, and confirmed the extent of the Surplus Lands for purposes of the Project, and identified and authorized the various permanent and temporary easements required.

To enable TCHC to adhere to its planned construction schedule and avoid costly delay claims from its contractor, TPLB approved on May 13, 2002 the entering into of a temporary

construction licence agreement pursuant to which TCHC was allowed to enter on the Surplus Lands and on a closed lane owned by the City to commence construction of the Affordable Housing Project. TCHC's construction timetable required this temporary licence agreement to be extended twice. The City Librarian executed this licence agreement dated June 11, 2002 and extensions thereof on behalf of TPLB.

Comments:

In order to provide for various matters related to the Project, including sharing of costs and responsibility for maintenance related to facilities and equipment that will be shared by TCHC and TPLB, as well as other matters, it is necessary that TPLB enter into a cost sharing agreement with the City of Toronto and/or the Toronto Community Housing Corporation ("TCHC"), and enter into or consent to any other documents or agreements required in connection with the Project that are acceptable to the City Librarian, on terms and conditions satisfactory to the City Librarian and in a form acceptable to the City Solicitor;

Previous authority provided that the appropriate TPLB officials be authorized and directed to take necessary action to give effect to the matters authorized therein, including matters related to the Project, without naming the appropriate official to execute such documentation on behalf of TPLB. It is appropriate in the circumstances to ratify the execution of the Original Project Documents by the City Librarian and to authorize and direct the City Librarian, or her designate from time to time, to execute on behalf of TPLB the Additional Project Documents.

Conclusion:

To facilitate the completion of the new Maria A. Shchuka Disrtict Library as previously authorized by TPLB, it is recommended that TPLB proceed as set out in the recommendations of this report.

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City Librarian

List of Attachments:

Not applicable.