



LEGAL SERVICES MEMORANDUM

TO: MAYOR J. LEHMAN, AND MEMBERS OF COUNCIL

FROM: I. PETERS, DIRECTOR OF LEGAL SERVICES

NOTED: M. PROWSE, CHIEF ADMINISTRATIVE OFFICER

RE: ANNUAL REPORT - DELEGATED AUTHORITY FOR PROPERTY MATTERS

DATE: MAY 6, 2019

The purpose of this Memorandum is to provide members of Council with an annual report on the activities undertaken by staff pursuant to the delegated authority identified on Schedules "A", "B" and "C" for the following purposes:

Acquisition of Real Property

During the 2018 calendar year no real property was acquired by the City pursuant to delegated authority. All of the 57 properties acquired in 2018 were completed in accordance with Council motions directing staff to acquire property for specific capital projects.

Grant Easements over City Owned Property

During the 2018 calendar year no easements were granted over City owned property pursuant to delegated authority.

Execute Encroachment Agreements

During the 2018 calendar year no encroachments were granted on City owned property pursuant to delegated authority.

Schedule "A"

05-G-338 DELEGATED AUTHORITY FOR ACQUISITION OF REAL PROPERTY

1. That a by-law be implemented to authorize the City Clerk to complete the acquisition of real property, including fee simple acquisitions, easements, encroachments and licence agreements within the limits set out below and subject to the following conditions:
 - a) Value of acquisition or licence of real property does not exceed a maximum of \$25,000.
 - b) Sufficient funds are available within the departmental operating or capital budgets as approved by Council.
 - c) The acquisition or licence price is at or below fair market value as approved by the Real Estate Manager and the Manager of Legal and Real Estate Services.
 - d) The acquisition or licence agreement is in a form that is satisfactory to the Manager of Legal and Real Estate Services.
 - e) For the purposes of this By-law, a "licence" includes temporary easements and permissions to enter onto property not owned by the City of Barrie.
 - f) For the purposes of this By-law, the City Clerk may also approve temporary encroachment agreements of private structures such as signs, fences, and building components onto City of Barrie property as a result of the City's acquisition of real property as may be required to facilitate interim conditions initiated by transfer of land prior to municipal capital infrastructure projects.
2. That staff prepare an annual report to General Committee with a summary of real estate transactions completed under the authority of the above proposed by-law.
3. That all real property acquisitions pursuant to this by-law having a high/corporate/community profile and/or controversy in the opinion of the City Clerk be presented to General Committee for consideration and approval, even if they fall within the threshold established in paragraph 1.

14-G-043 ANNUAL REPORT ON DELEGATED AUTHORITY ACQUISITIONS

1. That pursuant to Motion 05-G-338 and By-law 2005-149, Staff Report LGL001-14 providing a summary of real estate transactions completed in 2013 under the delegated authority of the City Clerk be received for information purposes.
2. That By-law 2005-149 be amended to replace the requirement for an annual staff report on the summary of real estate transactions with an annual memorandum on the annual summary of real estate transactions completed under delegated authority of By-law 2005-149.

Schedule "B"

14-G-098 DELEGATED AUTHORITY TO GRANT EASEMENTS OVER CITY OWNED PROPERTY

1. That authority to grant easements to other governmental authorities, conservation authorities, school boards and utility companies, over City owned property, be delegated to the Director of Legal Services, within the limits set out below and subject to the following conditions:
 - a) The value of the grant of easement does not exceed a maximum sale price of \$25,000;
 - b) The grant of easement is at or above fair market value taking into consideration any benefit to the Corporation resulting from the grant of easement as determined by the Director of Legal Services;
 - c) That all costs, including staff time are fully recovered and paid for by the purchaser of the easement;
 - d) That prior to the granting of any easement, the Director of Legal Services shall circulate the easement request among relevant City departments for staff comments;
 - e) That staff prepare an annual memorandum to General Committee with a summary of easements granted under this authority;
 - f) That any grant of easement having a high/corporate/community profile and/or controversy in the opinion of the Director of Legal Services be presented to General Committee for consideration and approval; and
 - g) That all sale proceeds be deposited to the following account: 01-24-0860-000-8612 GAIN/LOSS – FIXED ASSESTS.
2. That the granting of easements to other governmental authorities, conservation authorities, school boards and utility companies be excluded from the requirements to comply with the provisions of The City of Barrie By-Law 95-104 governing the sale of real property.
3. That the City Clerk be authorized to execute any agreement of purchase and sale and associated documents in a form approved by the Director of Legal Services.

Schedule "C"

12-G-244

DELEGATED AUTHORITY TO EXECUTE ENCROACHMENT AGREEMENTS

That the City Clerk be authorized to execute encroachment agreements on behalf of the City of Barrie for City owned land subject to the following:

- a) That all new encroachment applications be circulated in memorandum format to all applicable departments for comments to address any objections or concerns;
- b) The contents of all encroachment agreements be to the satisfaction of the Director of Legal Services or designate; and
- c) That staff prepare an annual memorandum to General Committee with a summary of encroachment transactions completed under delegated authority.