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**TO:** GENERAL COMMITTEE


**SUBJECT:** DELEGATED AUTHORITY TO GRANT EASEMENTS OVER CITY OWNED PROPERTY

**WARD:** ALL

**PREPARED BY AND KEY CONTACT:** A. MILLS, SENIOR REAL ESTATE SERVICES OFFICER X5051

**SUBMITTED BY:** I. PETERS, DIRECTOR OF LEGAL SERVICES 

**GENERAL MANAGER APPROVAL:** R. FORWARD, MBA, M.Sc., P.Eng., GENERAL MANAGER OF COMMUNITY AND CORPORATE SERVICES 

**CHIEF ADMINISTRATIVE OFFICER APPROVAL:** C. LADD, CHIEF ADMINISTRATIVE OFFICER 

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**RECOMMENDED MOTION**

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.
  - 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.

**PURPOSE & BACKGROUND**

4. The purpose of this staff report is to seek delegated authority for the Director of Legal Services to grant easements to other governmental authorities, conservation authorities, school boards and utility companies, over City owned property.
5. The request for delegated authority is the next step in a program of continuous improvement and efficiency in the Legal Services Department.
6. Currently, staff report to General Committee regarding all grants of easement, regardless of the nature and/or scope of the transaction. This results in administrative type reports having little financial impact or controversy being forwarded to General Committee. This process is time consuming for both General Committee and staff, which impacts on the delivery of service and cost-effectiveness of the Corporation.
7. Legal Services Department staff are currently negotiating 3 easement requests with PowerStream and anticipate that additional requests for easements over City property will be forthcoming. Delegated authority to deal with the grant of these easements and future requests would greatly enhance the efficiency in which these requests are carried out.

**ANALYSIS**

8. Staff has previously been given delegated authority to acquire property pursuant to By-law 2005-149 and to execute and register standard real property documents in accordance with Council Motion 10-G-310. This has proven to be a benefit to the City of Barrie and has resulted in improved public satisfaction with the process by way of shorter timeframes for completing transactions and reduced staff, General Committee and Council time in preparing agendas, considering staff reports and approving recommendations, etc. It is anticipated that delegated authority to grant easements to other governmental authorities, conservation authorities, school boards and utility companies will produce similar benefits.

**ENVIRONMENTAL MATTERS**

9. There are no environmental matters related to the recommendation.

**ALTERNATIVES**

10. The following alternatives are available for consideration by General Committee:

**Alternative #1**

General Committee could choose not to approve this delegated authority approach as recommended in this staff report. Staff would be required to submit staff reports to General Committee for all grants of easements, as per the current process.

Staff will not be able to reduce the time required to complete routine, low dollar value grants of easements, which will reduce the number of staff hours available for all legal matters.

**FINANCIAL**

11. All sale proceeds will be deposited to the following account: 01-24-0860-000-8612 GAIN/LOSS – FIXED ASSETS.

12. There would be an indirect financial benefit in the reduction of the amount of Council and staff time, throughout the Corporation, spent in the preparation, consideration and approval of Staff Reports for each individual grant of easement sought. This will ensure the efficient use of Council and staff time which is of significant importance to the City of Barrie.

**LINKAGE TO 2010-2014 COUNCIL STRATEGIC PLAN**

13. The recommendation(s) included in this Staff Report are not specifically related to the goals identified in the 2010-2014 City Council Strategic Plan.