

TO:	CHAIR AND MEMBERS CORPORATE SERVICES COMMITTEE MEETING ON FEBRUARY 5, 2013
FROM:	MARTIN HAYWARD MANAGING DIRECTOR, CORPORATE SERVICES AND CITY TREASURER, CHIEF FINANCIAL OFFICER
SUBJECT:	REAL PROPERTY ACQUISITION POLICY

RECOMMENDATION

That, on the recommendation of the Managing Director, Corporate Services and City Treasurer, Chief Financial Officer, with the concurrence of the Director of Corporate Investments and Partnerships, on the advice of the Manager of Realty Services and the Manager of Realty Services Operations, with respect to the City of London's Real Property Acquisition Policy, the following action **BE TAKEN**:

- a) the attached proposed By-Law (Appendix "B"), **BE INTRODUCED** at the Municipal Council meeting on February 12, 2013 being the Real Property Acquisition Policy.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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None.

BACKGROUND

Purpose

The purpose of the Real Property Acquisition Policy (Appendix A) is to establish and maintain a consistent and equitable framework for the acquisition of real property interests that support Council approved projects, programs, policies and strategic plans.

The policy engages many of the City's core principals, namely Good Government, Respect and Integrity, Community Engagement and Fiscal Responsibility

Application and Scope

The Policy applies to real property rights acquired by the City of London and includes any right, interest or benefit in land including, but not limited to fee simple acquisitions, leases, licenses, options, air rights, density transfers, permanent easements, rights-of-way, linear corridors, and other limited interests such as joint-use agreements, temporary working easements, permissions to enter and construct, and any other legal binding agreement related to the acquisition of real property rights. The Policy applies to all City of London employees, and any agents acting on behalf of the City and consultants authorized to acquire real property on behalf of the City.

Content

The policy defines and provides guidance to various requirements within the context of Acquiring Real Property including: Needs Assessment, Approval, Funding, Methods of Acquisition, Special Provisions, Due Diligence, along with Roles and Responsibilities.

Benefits of the Proposed Policy

The proposed changes will result in:

- Transparent and fair application of the process
- Targeted resource allocation by suitably assessing needs
- Appropriate approval and identification of funding
- Best interests of the City being met
- Consistency with other municipalities
- Defined methods of acquisition
- Completion of the adequate level of due diligence
- Clear responsibilities for participating municipal departments
- Consistent delivery of Realty Services to co-operating departments and clients

Conclusion

The recommended policy will further strengthen the delivery of a transparent, fair and efficient Real Property Acquisition process in London. It will provide a basis within which Civic Departments can work to provide superior service to the community at large.

Acknowledgements

This report was led by Bill Warner, Manager of Realty Services, in consultation with David Munteer, Solicitor II, Charles Abromaitis, Senior Property Appraiser & Negotiator, Andrew Macpherson, Manager of Parks, Planning and Design, Don Menard, Heritage Planner and Judith Amoils, CB Richard Ellis.

PREPARED BY:	PREPARED BY:
BILL WARNER MANAGER OF REALTY SERVICES	BRYAN BAAR MANAGER OF REALTY SERVICES - OPERATIONS
RECOMMENDED BY:	CONCURRED BY:
MARTIN HAYWARD MANAGING DIRECTOR, CORPORATE SERVICES AND CITY TREASURER, CHIEF FINANCIAL OFFICER	HARVEY FILGER DIRECTOR OF CORPORATE INVESTMENTS AND PARTNERSHIPS

January 16, 2013

- cc: James Barber, City Solicitor
John Braam, Managing Director, EES and City Engineer
Bill Coxhead, Managing Director, Parks and Recreation
John Fleming, Managing Director, Planning and City Planner
Gary Irwin, Division Manager Geomatics, Chief Surveyor
Lynne Livingstone, Managing Director, Community Services
Andrew Macpherson, Manager Parks Planning and Design
David G. Munteer, Solicitor II
Edward Soldo, Director of Roads and Transportation
Art Zuidema, City Manager

APPENDIX “B”

Bill No.

By-law No.

A By-law to establish a policy with respect to Real Property Acquisition.

WHEREAS section 5(3) of the *Municipal Act, 2001* S.O. 2001, c.25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. The Real Property Acquisition Policy attached as Appendix “A” to this by-law is hereby authorized and approved.
2. This by-law shall come into force and effect on the day it is passed.

PASSED in Open Council

Joe Fontana
Mayor

Catharine Saunders
City Clerk

First reading - February 12, 2013
Second reading - February 12, 2013
Third reading - February 12, 2013