



File No.: L04-BO

**DELEGATED APPROVAL FORM –  
Real Estate Matter**

**Purpose:**

To authorize the release of an easement registered as Instrument No. R665509 over lands more particularly described as Part of Lot 73, Plan 136, designated as Part 6, Plan 65R-11579 City of Richmond Hill, Regional Municipality of York

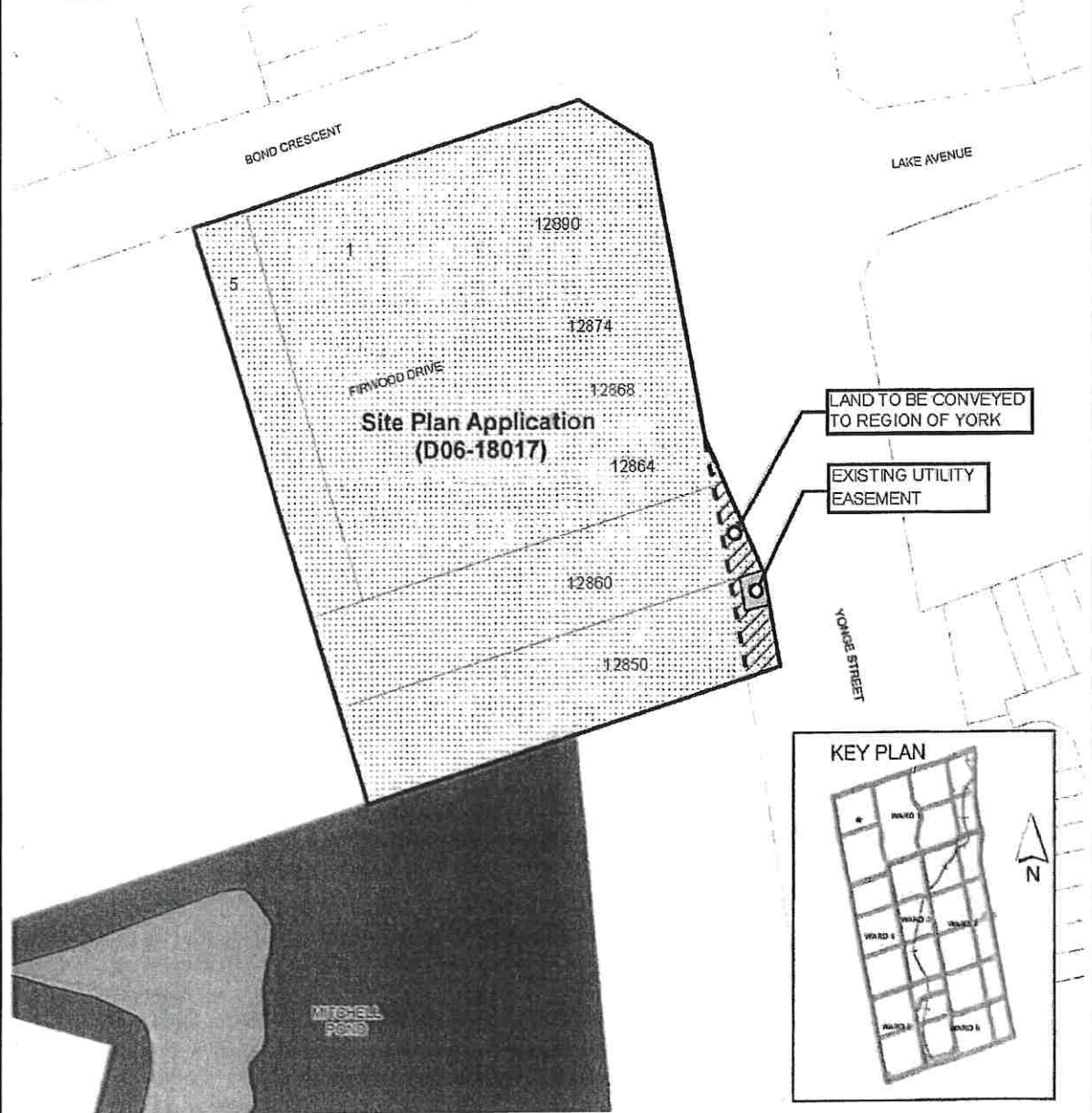
**Background:**

Dormer Bond Inc. owns the lands located at the southwest corner of Bond Crescent and Yonge Street, municipally described as 12850 Yonge Street as shown on Schedule 'A' below.

As part of their development, Dormer Bond Inc. is required to convey a portion of their lands to the Regional Municipality of York (the "Region") for road widening purposes. Within those lands the City of Richmond Hill has a public utility easement registered as Instrument No. R665509, more particularly described as part of Lot 73, Plan 136, designated as Part 6, Plan 65R-11579. The Region requires that this easement be released prior to the conveyance.

The purpose of the easement is to allow for access and maintenance of the existing sanitary sewer infrastructure crossing the property. With the conveyance of these lands to the Region, access to the existing sanitary infrastructure can be obtained through the Regional road allowance. As such, Development Engineering has determined that the easement will no longer be required by the City of Richmond Hill and can be released.

## SCHEDULE 'A' - Location Plan



### Recommendations:

That the existing easement as set out in Instrument No. R665509 described as Part of Lot 73, Plan 136, designated as Part 6, Plan 65R-11579, be released.

That the Mayor and Clerk be authorized to executed all documents necessary in order to implement the release of easement.

### Financial Implications:

There are no financial implications.

Date: Aug. 11, 2020



SM  
Dan Terziewski,  
Director of Development Engineering and Transportation

**Alternate Instructions** *(if recommendations are to be altered:*

*(If necessary, attach separate sheet)*

Pursuant to the attached delegated authority (SRCAO.17.16) granted by Council, I hereby authorize the Director of Development Engineering and Transportation to proceed in accordance with the request as indicated in the purpose and background noted above and/or as otherwise instructed by me and recorded herein.

  
Mary-Anne Dempster, City Manager

DATE: Aug. 13, 2020



## **Staff Report for Committee of the Whole Meeting**

**Date of Meeting:** July 4, 2017

**Report Number:** SRCAO.17.16

**Department:** Office of the Chief Administrative Officer

**Division:** Legal Division

**Subject:** Review of Policies under Section 270 of the Municipal Act, 2001 – Revised Sale and Other Disposition of Land Policy – SRCAO.17.16

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### **Purpose:**

The purpose of this report is to present Council with an updated Sale and Other Disposition of Land Policy which includes a new delegation to the Chief Administrative Officer in relation to approving the sale or disposition of certain classes of lands.

### **Recommendation(s):**

That Chapter 295 of the Municipal Code be repealed and that the new Sale and Other Disposition of Land Policy attached as Appendix "B" to Staff Report No. SRCAO.17.16 be approved.

### **Contact Person:**

Antonio R. Dimilta, Town Solicitor – Ext. 2513

Andreea Adari, Assistant Town Solicitor – Ext. 3820

Christian Greco, Manager of Real Estate – Ext. 2421

Tricia Myatt, Manager, Policy and Intergovernmental Affairs, ext. 5463

### **Submitted by:**

"Signed version on file in the Office of the Clerk"

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Neil Garbe

Chief Administrative Officer

### **Background:**

Section 270 of the *Municipal Act, 2001* requires that municipalities adopt policies with respect to the following matters:

- sale and disposition of land;
- hiring of employees;
- procurement of goods and services;
- the circumstances in which the municipality shall provide notice to the public and, if notice is to be provided, the form, manner and times notice shall be given;
- the manner in which the municipality will try to ensure that it is accountable to the public for its actions, and the manner in which the municipality will try to ensure that its actions are transparent to the public; and
- the delegation of authority of its powers and duties.

Richmond Hill has policies in place regarding each of these areas. As identified in Staff Report SRCAO.15.16, staff is undertaking a review of each of these policies.

### **Richmond Hill's Current Sale and Other Disposition of Land By-law**

The Town's current sale and disposition by-law, Chapter 295 of the Town's Municipal Code, sets out the procedures that the Town is to follow in disposing of Town lands, including releasing easements. Prior to 2007, dating back to 1995, the manner in which Council could sell and otherwise dispose of land was prescribed by the old Municipal Act. Three basic procedures were mandated – publicly declaring land surplus, obtaining an appraisal and giving public notice. The legislation also set out classes of real property which were exempt from the requirements, such as for lands without highway access to be sold to abutting owners, lands acquired by the municipality for reserves, easements to public utilities, etc.. Although as of 2007 the new *Municipal Act, 2001* only requires that municipalities adopt and maintain a policy with respect to the sale and other disposition of their lands and does not set out prescriptive requirements for that policy, the Town's Municipal Code has maintained the basic procedural requirements relating to declaring land surplus, obtaining an appraisal and giving public notice.

In 2009 the Town's by-law was updated to better align the by-law to the revised legislation. Additionally, the update included a new delegated authority to the Manager of Real Estate for determining the manner of disposition and for approving permissions to enter for soil testing or to facilitate temporary works on adjacent lands. The Town's current by-law is attached as Appendix "A" to this Staff Report No. SRCAO.17.16.

### **Review of Other Municipalities' Sale and Disposition Policies and Town Update Recommendations**

By-laws and policies of a number of municipalities (York, Halton, Vaughan, Markham and Brampton) were reviewed. Similar to the Town's by-law, the other municipalities' by-laws for the most part contain provisions similar to the Town's by-law relating to the three basic procedures – publicly declaring land surplus, obtaining an appraisal and

giving public notice – even though these are no longer prescribed by the *Municipal Act, 2001*. However, there were some other provisions noted in other by-laws and policies that have informed some of the staff recommendations below.

First, staff are recommending that the format of this policy be revised from a by-law format to a policy format. Not only is the latter format considered easier to follow than a legalistic by-law format, but it is also more in line with the requirement in the current *Municipal Act, 2001* for a policy as opposed to a by-law (which was required under the old legislation). This new revised format would incorporate some non-substantive changes including new and revised definitions to clarify terms previously used and roles and responsibilities of Town staff involved in the disposition process.

Second, staff have noted that other municipalities include delegated authority to senior staff for certain dispositions. For instance, Markham delegates the authority to dispose of real property to either the Manager of Real Property for a sale price of up to \$50,000 or to the Chief Administrative Officer for property not exceeding \$300,000. The other two municipalities reviewed that had similar delegated authority had lower delegated thresholds (York Region for sale of lands \$100,000 or less; Brampton for property with a value of \$50,000 or less). Staff are recommending a similar delegation to the Chief Administrative Officer that is not based on property value but rather on classes of property. The lands that staff propose would be subject to this delegated authority would be (a) easements and rights of way in favour of the Town; (b) lands to be conveyed to the Region of York; (c) land that is 0.3 meters or less conveyed to the adjoining owner (former reserve blocks); and (d) daylighting triangles. Staff are of the view that a delegation to the Chief Administrative Officer of the ability to authorize the disposition of certain limited classes of land will result in streamlining of the administration of such matters and will allow Council to focus on more substantive and strategic dispositions of land.

Additionally, staff are recommending that the delegated authority to the Manager of Real Estate be slightly expanded. The authority currently provides that the Manager of Real Estate may authorize entry onto Town land by third parties for (a) soil testing; or (b) temporarily facilitating work on adjacent lands. That authority is only exercised upon consultation with operational staff responsible for the subject sites and only upon certain conditions being met by the third party, such as restoration, provision of adequate insurance and indemnification of the Town. It is proposed that the authority be expanded to provide that instead of just “entry”, it apply to any “limited use” which would include not only access to Town lands but also uses in connection with works on third-party owned lands, such as storage. It is also proposed that the purposes for which a limited use may be authorized simply be described as “for the purpose of facilitating work on the said lands or on adjacent or surrounding lands.” There have been a couple of instances where it has been necessary to report to Council as the permitted works were not adjacent lands but rather on nearby lands and this expanded wording would clarify the delegated authority and avoid unnecessary reporting.

Other minor revisions proposed include setting out the manner of notice to the public, and a provision with respect to the requirement for stopping-up and closing of highway lands prior to disposition in accordance with current practices for clarification. The provisions setting out the manner of sale by the Manager of Real Estate have also been revised to provide for an option to provide the opportunity to acquire to other agencies prior to offering to the general public in accordance with existing established processes, as well as a requirement that any sale be supported by an appraisal as opposed to the appraisal being tied to the list or tender price as in the existing by-law.

The Town's proposed policy is attached as Appendix "B" to this Staff Report No. SRCAO.17.16.

### **Financial/Staffing/Other Implications:**

There are no financial, staffing or other implications with respect to this report.

### **Relationship to the Strategic Plan:**

Undertaking a review of the Town's Sale and Other Disposition of Land Policy and proceeding in the manner recommended by this report aligns with Goal 4 of the Strategic Plan, "Wise Management of Resources in Richmond Hill".

### **Conclusion:**

It is recommended that Council approve the Sale and Other Disposition of Land Policy attached as Appendix "B" to this report, including the revised delegation of authority for limited uses to the Manager of Real Estate and the proposed delegation to the Chief Administrative Officer for authorizing disposition of certain limited classes of lands.

### **Attachments:**

The following attached documents may include scanned images of appendixes, maps and photographs. If you require an alternative format please call contact person listed in this document.

- Appendix "A" – Chapter 295 of Town Municipal Code (existing Sale and Other Disposition of Land By-law)
- Appendix "B" – Proposed Sale and Disposition of Other Land Policy

# Appendix "A"

## ADMINISTRATION

### Chapter 295 SALE AND OTHER DISPOSITION OF LAND

#### CHAPTER INDEX

##### Article 1 INTERPRETATION

- 295.1.1 Agencies - defined
- 295.1.2 Highway - defined
- 295.1.3 Land - defined
- 295.1.4 Manager of Real Estate - defined
- 295.1.5 Town Solicitor - defined

##### Article 2 GENERAL PROVISIONS

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- 295.2.2 By-law resolution - appraisal - notice - before sale
- 295.2.3 Notice - non-application of Section 295.2.2
- 295.2.4 Appraisal - non-application of Section 295.2.2
- 295.2.5 Appraisal - waived - Council approval
- 295.2.6 Sale of land - Part XI - Municipal Act, 2001
- 295.2.7 Transfer, sale or release of easements
- 295.2.8 Licence or authorization for use of land
- 295.2.9 Manner of sale or other disposition
- 295.2.10 Reserve bid and/or list price
- 295.2.11 Final approval of sale or other disposition

- 295.1.1 SALE AND OTHER DISPOSITION OF LAND 295.2.2
- 295.2.12 Approval and authorization of permission to enter
- 295.2.13 Powers given to Town Solicitor

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## **Article 1**

### **INTREPRETATION**

#### **295.1.1 Agencies - defined**

“agencies” means boards, commissions, public utility companies or agencies owned, controlled or operated by Her Majesty in the Right of Ontario or Her Majesty in the Right of Canada or by the Government of Ontario or the Government of Canada or under the authority of the Legislature of Ontario or Parliament or the Lieutenant Governor in Council or the Governor General in Council.

#### **295.1.2 Highway - defined**

“highway” means a common and public highway and includes a portion of a highway.

#### **295.1.3 Land - defined**

“land” includes not only the soil or earth, but also things of a permanent nature affixed thereto or found therein, whether by nature or by the hand of man, as buildings and fixtures.

#### **295.1.4 Manager of Real Estate - defined**

“Manager of Real Estate” means the Manager of Real Estate of The Corporation of the Town of Richmond Hill.

#### **295.1.5 Town Solicitor - defined**

“Town Solicitor” means the Town Solicitor of The Corporation of the Town of Richmond Hill.

## **Article 2**

### **GENERAL PROVISIONS**

#### **295.2.1 Procedures**

The procedures set forth in this Chapter are hereby adopted and established pursuant to section 270 of the *Municipal Act, 2001*, c. 25, as amended, as the policies governing the sale and other disposition of land by the Corporation.

#### **295.2.2 By-law resolution - appraisal - notice - before sale**

Before selling or otherwise disposing of land, Council shall:

- (a) by by-law or resolution passed at a meeting open to the public declare the land to be surplus to the needs of the Corporation;
- (b) give notice to the public of the proposed sale or other disposition; and
- (c) obtain at least one appraisal of the fair market value of the land.

#### **295.2.3 Notice - non-application of Section 295.2.2**

Despite Section 295.2.2, the requirement to give notice to the public of the proposed sale of land shall not apply where the land is to be sold to another municipality or to the Crown in the right of Ontario or Canada or their agencies or where the Manager of Real Estate, in his sole discretion, determines that the land is not developable except in conjunction with other abutting land.

#### **295.2.4 Appraisal - non-application of Section 295.2.2**

Despite Section 295.2.2, the requirement to obtain at least one appraisal of the fair market value of the land shall not apply to the sale of the following classes of land:

- (a) land 0.3 metres or less in width acquired in connection with an approval or decision under the *Planning Act*;
- (b) closed highways if sold to an owner of land abutting the closed highways;
- (c) land that does not have direct access to a highway if sold to the owner of land abutting the land;
- (d) land repurchased by an owner in accordance with section 42 of the *Expropriations Act*, R.S.O. 1990, c. E.26;
- (e) land sold under sections 107 and 108 of the *Municipal Act*, 2001, c. 25; and
- (f) land to be sold to another municipality, to a local board as defined in the *Municipal Act*, 2001, to a district school board as defined in the *Education Act*, to a conservation authority established by or under the *Conservation Authorities Act* or to the Crown in the right of Ontario or Canada or their agencies.

#### **295.2.5 Appraisal - waived - Council approval**

Despite Section 295.2.2, the requirement to obtain at least one appraisal of the fair market value of the land may be waived by Council where the land is to be sold to an owner of land abutting the land to be sold or otherwise disposed of and, in the opinion of Council, the interests of the Corporation will not be adversely affected by not obtaining such appraisal.

**295.2.6 Sale of land - Part XI - Municipal Act, 2001**

Despite Section 295.2.2, the provisions of Section 295.2.2 shall not apply to the sale of any land under Part XI of the *Municipal Act, 2001*, c. 25.

**295.2.7 Transfer - sale or release of easements**

Despite Section 295.2.2, the provisions of Section 295.2.2 shall not apply to the transfer or sale of any easement, right of way or other comparable limited right in or over any land owned by the Corporation or to the release of any easement, right of way or other comparable limited right in favour of the Corporation in or over any land.

**295.2.8 Licence or authorization for use of land**

Despite Section 295.2.2, the provisions of Section 295.2.2 shall not apply to the giving of a licence or authorization to use land owned by the Corporation.

**295.2.9 Manner of sale or other disposition**

Where land has been declared by Council to be surplus to the needs of the Corporation, the Manager of Real Estate shall determine the manner or process by which the sale or other disposition of the land will be carried out, provided where the sale or other disposition is intended to be to a particular person or for a particular purpose, such manner shall be consistent with the particular circumstances.

For greater particularity, the manner or process by which the sale or other disposition of the land will be carried out may include, in the sole discretion of the Manager of Real Estate, public tender, public auction, a proposal call, listing through a multiple listing service, direct advertising and direct negotiations with an abutting land owner.

Notwithstanding the foregoing, Council may specify the manner or process by which the sale or other disposition of the land will be carried out and the sale or other disposition of the land shall be carried out in the manner or process so specified.

**295.2.10 Reserve bid and/or list price**

- (a) Without limiting the generality of Section 295.2.9, where the manner or process by which the sale or other disposition of the land will be carried out is public tender, the Manager of Real Estate shall provide for a reserve bid equal to or higher than the appraised value of the land.
- (b) Without limiting the generality of Section 295.2.9, where the manner or process by which the sale or other disposition of the land will be carried out is by listing through a multiple listing service, the Manager of Real Estate shall provide for a list price equal to or higher than the appraised value of the land.

**295.2.11 Final approval of sale or other disposition**

Notwithstanding anything herein to the contrary, no sale or other disposition of land by the Corporation will be concluded without the final approval of Council authorizing the actual transfer or other disposition.

**295.2.12 Approval and authorization of permission to enter**

- (a) The Manager of Real Estate may authorize the entry onto land owned by the Corporation by third parties for the purposes of testing soil conditions on such land or for the purposes of temporarily facilitating the undertaking of work on adjacent lands provided the Manager of Real Estate shall ensure that the person given the permission to enter onto such land agrees to restore the land and adequately secures that obligation, agrees to indemnify the Corporation with respect to such entry and provides adequate insurance protection to the benefit of the Corporation.
- (b) The Town Solicitor is delegated the authority to authorize the entering into and execution of any agreements deemed by the Town Solicitor to be necessary to secure the provisos set out in Section 295.2.12(a).

**295.2.13 Powers given to Town Solicitor**

Any powers given to the Manager of Real Estate in this Chapter, including a power to exercise any discretion, may also be exercised by the Chief Administrative Officer or the Town Solicitor without any express grant of such power either here in this Chapter or by the Manager of Real Estate. By-law 97-09, 13 July, 2009.

## Policy

<b>Policy Name:</b>	Sale and Other Disposition of Land
<b>Policy Owner:</b>	Office of the Chief Administrative Officer
<b>Approved by:</b>	Council
<b>Effective Date:</b>	July 10, 2017
<b>Date of Last Revision:</b>	July 13, 2009
<b>Review Date:</b>	2021
<b>Policy Status:</b>	Replaces Chapter 295 of the Municipal Code

### Purpose:

This document sets out the policies adopted by the Corporation pursuant to section 270 of the *Municipal Act 2001*, S.O. 2001, c. 25 (the "*Municipal Act, 2001*"), for the sale and other disposition of land by the Corporation.

### Policy Principles:

The Corporation shall carry out the sale and disposition of land in a timely, cost-effective and transparent manner.

### Definitions:

The following definitions apply for the purposes of this Policy:

**"agencies"** means boards, commissions, public utility companies or agencies owned, controlled or operated by Her Majesty in the Right of Ontario or Her Majesty in the Right of Canada or by the Government of Ontario or the Government of Canada or under the authority of the Legislature of Ontario or Parliament or the Lieutenant Governor in Council or the Governor General in Council.

**"appraisal"** means either (i) a written opinion by an independent appraiser holding an Accredited Appraiser Canadian Institute (AACI) designation with the Appraisal Institute of Canada; or (ii) the Manager of Real Estate's estimate as to the fair market value of land.

**"Chief Administrative Officer"** means the person holding the title of the Corporation's Chief Administrative Officer or any successor position and includes the Chief Administrative Officer's designate.

**"Commissioner"** means the person holding the title of the Corporation's Commissioner of Community Services, Commissioner of Corporate & Financial Services, Commissioner of Environment & Infrastructure Services or Commissioner of Planning & Regulatory Services or any successor position and includes the Commissioners' designate(s).

**"Corporation"** means the Corporation of the Town of Richmond Hill.

**“Council”** means the Council of the Corporation.

**“daylighting triangle”** means a triangular parcel of land abutting on or a corner lot, formed by measuring from the intersection point the distance required by the applicable zoning by-law along each street line to two new points on each street line and joining the new points to the intersection points with a straight line to make the edges of the triangular area, with the hypotenuse of the triangular area being that property line directly opposite the angle formed by the point of intersection of the street lines.

**“director”** means any employee who, by virtue of their title, is a director and reports to either the Chief Administrative Officer or a Commissioner of the Corporation.

**“fair market value”** means the purchase price that a property might be expected to realize if offered for sale on the open market by a willing seller to a willing buyer.

**“highway”** means a common and public highway and includes a portion of a highway.

**“land”** includes not only the soil or earth, but also things of a permanent nature affixed thereto or found therein, whether by nature or by the hand of man, as buildings and fixtures.

**“limited interest”** means an easement, right of way or other comparable limited right in favour of the Corporation in or over any land that is not owned by the Corporation.

**“limited use”** means a permission to enter, temporary license or other temporary use of land owned by the Corporation and does not include the grant of an easement or any permission or license to use any space within a building owned by the Corporation, to affix any structure to any land, building or structure owned by the Corporation, or to conduct any activity on lands owned by the Corporation which is otherwise prohibited, or for which a permit is required, under any other by-law or policy of the Corporation.

**“Manager of Real Estate”** means the person holding the title of the Corporation’s Manager of Real Estate or any successor position and includes the Manager of Real Estate’s designate.

**“Notice By-law”** means By-law No.170-07, as amended or superseded.

**“sale or other disposition”** means a disposition of land through a sale and includes a transfer or release of a limited interest, a disposition land in conjunction with the acquisition of other lands as part of a land exchange transaction, and a lease of 21 years or longer, but does not include the grant of a limited use.

**“Town Solicitor”** means the person holding the title of the Corporation’s Town Solicitor or any successor position and includes the Town Solicitor’s designate.

## **Scope:**

This policy sets out the procedures to be followed for the sale or other disposition of any land by the Corporation, except for any land being disposed of pursuant to Part XI of the *Municipal Act, 2001*. This policy also establishes the authority for the granting of limited use of land owned by the Corporation to third parties.

## **Policy:**

### **Part I – Sale or Other Disposition of Land - General**

#### **1. Declaration of Land as Surplus**

Prior to the sale or other disposition of land by the Corporation other than land described in Section 9 of Part III of this Policy, land must be declared surplus to the needs of the Corporation by Council. Such declaration of surplus shall be made by Council by by-law or by resolution passed at a meeting open to the public.

#### **2. Notice to the Public**

The public shall be provided notice in accordance with the notice requirements set out in Article 3 of the Notice By-law of any proposed sale or other disposition of land, other than land described in of Part II of this Policy, unless:

- (a) the proposed sale or other disposition is to another municipality or to the Crown in the Right of Ontario or Canada or their agencies; or
- (b) the Manager of Real Estate, in his sole discretion, has determined that the land is not developable except in conjunction with other abutting land.

#### **3. Appraisals**

Unless Council directs otherwise, the Manager of Real Estate must obtain at least one (1) appraisal of the fair market value of the land prior to its sale or other disposition unless the land is one of the following classes of land which may be sold or disposed of without an appraisal:

- (a) a limited interest;
- (b) a daylighting triangle;
- (c) land 0.3 metres or less in width acquired in connection with an approval or decision under the *Planning Act*;
- (d) closed highways if sold to an owner of land abutting the closed highways;
- (e) land that does not have direct access to a highway if sold to the owner of land abutting the land;
- (f) land repurchased by an owner in accordance with section 42 of the *Expropriations Act*;
- (g) land sold under sections 107 and 108 of the *Municipal Act, 2001*; and

- (h) land to be sold to another municipality, to a local board as defined in the *Municipal Act, 2001*, to a district school board as defined in the *Education Act*, to a conservation authority established by or under the *Conservation Authorities Act* or to the Crown in the Right of Ontario or Canada or their agencies.

#### **4. Disposition of Highway Lands**

Lands used for a highway must be stopped-up and closed in accordance with the highway closing procedures set out in the *Municipal Act, 2001* and the notice procedures set out in the Notice By-law, and no such lands shall be sold or otherwise disposed of until such time as a certified copy of the by-law permanently closing the highway has been registered in the land registry office.

#### **5. Manner of Sale or Other Disposition**

Subject to the requirements of this Policy, the Manager of Real Estate may determine the manner or process by which the sale or other disposition of the land will be carried out, including determining whether (i) other agencies are required to be notified of the sale and/or given the opportunity to acquire the land prior to offering the land for sale to the general public; and (ii) to sell the land to the public through public tender, public auction, a proposal call, listing through a multiple listing service, direct advertising and direct negotiations with a land owner, provided that:

- (a) if a public tender process will be used, a reserve bid equal to or higher than the appraised value of the land must be provided; and
- (b) if the land will be listed through a multiple listing service, the list price must be equal to or higher than the appraised value of the land.

#### **6. Final Council Approval**

No other sale or other disposition of land by the Corporation other than a sale or disposition of land described in Part II of this Policy will be concluded without the final approval of Council authorizing the actual transfer or other disposition of land.

#### **7. Non-Application**

For greater certainty, the provisions of this Part I shall not apply to those lands referred to in Part II of this Policy.

### **Part II – Limited Powers for Sale or Other Disposition of Land**

#### **8. Limited Powers of the Chief Administrative Officer**

Upon receipt of a written request from the Manager of Real Estate or any director of the Corporation, the Chief Administrative Officer of the Corporation may authorize the disposition of the following lands:

- (a) any limited interest;
- (b) land that is being conveyed to the Regional Municipality of York;

- (c) land that is 0.3 metres or less in width and is being conveyed to the adjoining owner; or
- (d) a daylighting triangle.

### **Part III - Limited Use of Land**

#### **9. Authorization by the Manager of Real Estate**

The Manager of Real Estate may authorize a limited use by third parties for the purpose of facilitating work on the said lands or on adjacent or surrounding lands, provided that:

- (a) the Manager of Real Estate does so only upon prior consultation with staff of other departments of the Corporation, who is/are responsible for the operations or maintenance of the subject land; and
- (b) the person given the authorization to enter or use the land owned by the Corporation agrees to:
  - (i) restore the land and adequately secures that obligation;
  - (ii) indemnify the Corporation with respect to such entry or use; and
  - (iii) provide adequate insurance protection to the benefit of the Corporation.

#### **10. Execution of Agreement for Entry or Use**

The Manager of Real Estate may authorize the entering into and execution of any agreements to secure the provisos to the authorization of the temporary entry or use of land owned by the Corporation set out in Section 9 above.

### **Roles and Responsibilities:**

#### **Council**

- Council must determine whether land is surplus and approve the final sale or other disposition of land or of a limited interest.
- Each member of Council must take care not to disclose or release by any means to any person any confidential information disclosed to Council in closed session in relation to any sale or other disposition of land.

#### **Town Solicitor**

- The Town Solicitor must oversee the Property Division in the carrying out of all its responsibilities under this Policy.

### **Manager of Real Estate**

- The Manager of Real Estate must report to Council with respect to any proposed declaration of surplus and the sale or other dispositions of land owned by the Corporation, whether initiated by the Manager of Real Estate, staff of another department of the Corporation or an external party.
- Prior to reporting to Council, the Manager of Real Estate must determine, in consultation with appropriate staff of the Corporation, that any municipal purpose that may have previously existed no longer exists.

### **Staff**

- Staff with operation, maintenance or other responsibilities in connection with land owned by the Corporation must, upon request, provide input to the Manager or Real Estate with respect to the proposed declaration of surplus and sale or disposition of any land owned by the Corporation.

### **Related Documents:**

*Municipal Act, 2001*

Notice By-law 170-07

Council Code of Conduct

