BY LAW NO. 74-95
OF THE
CORPORATION OF THE CITY OF CAMBRIDGE

Being a by-law of the City of Cambridge to provide for land purchases, land sales, leasing of City-owned property or any other property-related transactions and to repeal By-law 260-89.

WHEREAS Section 193 of the Municipal Act, S.O., 1995, provides every Council and Local Board with the authority to sell or otherwise dispose of real property shall by by-law establish procedures including the giving of notice to the public governing the sale of real property.

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE CITY OF CAMBRIDGE ENACTS AS FOLLOWS:

DEFINITIONS:

1. In this by-law:

a) "Authority" means the legal right to conduct the tasks outlined in this by-law as directed by Council.

b) "Contract" or "Agreement" means any formal legal agreement for the purchase, sale and/or lease of City property. This may also include legal documents related to easements, encroachments, land use agreements, and any other associated legal requirements related to property transactions.

c) The "Corporation" means the Corporation of the City of Cambridge.

d) "Council" means the Municipal Council of the Corporation of the City of Cambridge.

e) "Department" means any department within the Corporation.

f) "Department Head" means a member of the Management Committee or designate.

g) "Designate" means a person authorized by the Department Head to act on their behalf, for the purposes of this By-law.

h) "Director" means the Director of Property or designate.

i) "Property" means all direct, indirect, and surplus property purchases, sales, and leases, but does not include commercial and industrial land purchases and sales undertaken by or through the Business Development Department. This may also include maintenance and repairs, property inspections and other property related matters.

j) "Direct Property" means vacant land and/or improved land that is under the responsibility of a user department.

k) "Indirect Property" means vacant land and/or improved land that is under the responsibility of the Property Division.

l) "Surplus Property" means vacant land and/or buildings that have been declared surplus to the needs of the Corporation by resolution of Council.

m) "Mayor" means the elected Mayor of the Corporation or the person duly appointed to act in place of the Mayor.

n) "Procedure" means internal instructions or guidelines to departments, approved by the Management Committee, on real estate and property matters.

o) "Evaluation" means appraisal and/or internal research of property as determined by Property Staff.
2. **AUTHORITY:**

   a) That a Property Division shall be established within the Clerk's Department which shall be responsible for all land sales, purchase, leasing of City-owned property or any other property-related matters on behalf of the Corporation except for industrial/commercial property under the jurisdiction of the Business Development Department.

   b) This by-law authorizes the Director to act as the legal Property Agent for the Corporation within the terms and conditions as set out herein.

   c) The signature of the Mayor and City Clerk are required on all agreements of purchase and sale, lease agreements, or any other legal documents required as a result of property matters. The City Clerk and the Director of Property have authority to sign renewal lease agreements and other documents as a result of property matters in accordance with Council policies.

   d) The Director shall monitor adherence to the provisions of this by-law and the procedures adopted for its use. Failures to comply with the provisions of the by-law and the procedures, shall be reported to the City Clerk. Continued non-compliance shall be reported to the C.A.O.

   e) The Director shall be responsible for maintaining good relations with others in dealing with property matters and for the conduct of all negotiations with vendors, subject to the other provisions of this by-law. The Director shall be provided with assistance from the Departments prior to land negotiations in matters which require further expertise and may request Departments to undertake research into specific areas related to property matters as required.

   f) All inquiries regarding prices, terms and conditions, adjustments, are to be conducted by or through the Property Division, except for industrial/commercial property.

   g) All land sales and purchases shall be conducted in keeping with the applicable Federal, Provincial and Municipal laws.

   h) Subject to budget provisions during the summer Council recess, the Mayor and Chief Administrative Officer shall be authorized to approve offers to purchase on behalf of Council if the sales are unconditional and within ten percent (10%) of the property evaluation, and Council shall be given an Information Report outlining any such offers within two (2) weeks of the end of the recess.

3. **PROPERTY DIVISION:**

   The Property Division will be responsible for all property matters on behalf of another department. This will include items outlined in this By-law.

4. **PROPERTY GUIDELINES:**

   a) **Land Purchases and Sales**

   The Property Division will be responsible for the negotiation of any purchases and/or sales of Corporation land that is a direct use property, declared surplus, or required on behalf of another department. The Property Division shall work with the appropriate department as may be required.
b) Notice to Public of Impending Property Sales (Disposal of Property only)

Notice to the public of a proposed municipal property sale is to be published in the Administration Committee/Council agenda(s). Other methods of notice may also be used in conjunction with notice in the Administration Committee/Council Agenda(s) if deemed appropriate in the circumstances in order to give notice to the public.

c) Leases

i) Lease Agreements/Negotiations

The Property Division will negotiate with any potential tenant for the lease of City property, whether direct or indirect. In the case of direct use properties, the Property Division shall work with the appropriate department as required.

ii) Lease Renewal Agreements

The Property Division will negotiate with any tenant for renewal of an existing lease for City-owned property, whether direct or indirect. In the case of direct use properties, the Property Division shall work with the appropriate department as required.

iii) Lease Administration

Indirect and Surplus Properties

The Property Division will be responsible for the administration of all indirect and surplus property leases under its jurisdiction. This will include, but will not be limited to, maintenance, rent collection, taxes, insurance requirements, ensuring tenant adheres to lease, any necessary billings, etc.

Direct Use Properties

The operating departments will be responsible for the administration of direct use facilities under their jurisdiction. This will include, but will not be limited to, maintenance, rent collection, taxes, insurance requirements, ensuring tenant adheres to lease, any necessary billings, etc.

This may also include property that can be leased and that is under the jurisdiction of the Business Development Department.

iv) Leases - Twenty-one years or more

Leases of twenty-one years or longer are to be dealt with under the same terms and conditions as a property sale.

d) Property Valuations

i) The Property Division shall be responsible for acquiring all property evaluations for property transactions in accordance with Federal, Provincial and Municipal laws with the exclusion of property transactions undertaken by the Business Development Department and Committee of Adjustment land severance decisions.

ii) No property sale or acquisition shall be presented to City Council without the support of property evaluation(s).

iii) The Property Division shall provide estimates of property values for the purposes of forecasting and budgeting and shall maintain a Library of current property valuations.
e) Cash in Lieu/Parkland - Subdivisions
   i) The Property Division shall be responsible for reviewing and approving evaluation reports submitted to the City for the calculation of any cash in lieu of parkland dedication required under the Planning Act, except for Committee of Adjustment Decisions. The Property Division shall be responsible for the acquisition of all parkland excluding those parklands dedicated to the City pursuant to the terms of a subdivision or other development agreement.
   ii) Valuation of parkland property in a subdivision exclusive of the 5% cash-in-lieu of parkland provision of the Planning Act shall be undertaken by the Property Division in situations of land/cash exchange.

f) Road and Lane Closings
   The Engineering and Public Works Department shall close road and lanes as required within existing procedures and declare same surplus. It is the responsibility of the Property Division to dispose of surplus road and lane closings in accordance with appropriate legislation.

g) Encroachments
   The Property Division shall negotiate and prepare Encroachment Agreements, except where an encroachment is on a road or lane. In this case, the Engineering and Public Works Department shall be responsible for these types of encroachments.

h) Expropriations
   The Property Division shall be responsible for, in conjunction with the City solicitors, expropriations for the Corporation of the City of Cambridge.

i) Tax Registration and/or Tax Sale Properties
   The Property Division shall administer tax registration or tax sale properties after the responsibility for the property has been delegated by the City Treasurer. These properties will be administered as required by the appropriate legislation or as when determined to be practical.

j) Other Use Agreements
   The Property Division shall negotiate such other Agreements on behalf of another department such as the use of City-owned land (ie. Corn leases, use of portions of City parks, Parking Agreements).

k) Market Analysis of Rent
   The Property Division shall be responsible for obtaining market analysis of rents for leased facilities as required.

l) Easement Agreements
   i) The Property Division shall be responsible for negotiating Easement Agreements as may be required by other departments with the exception of Subdivision, Committee of Adjustment Decisions and matters relating to the Planning Act.
   ii) Staff have authority up to $5,000 subject to budget approval to complete all aspects of easement requirements for municipal purposes, and the Clerk and Director of Property have authority to execute any documentation required to complete the easement requirement. Council shall be given an Information Report outlining any such easement requirement(s).
m) **Maintenance of City Facilities**

**Indirect and Surplus Facilities**

The Property Division shall be responsible for major and minor repairs and preventative maintenance for indirect and surplus facilities.

**Direct Use Facilities**

The responsibility for major and minor repairs and preventative maintenance for direct use facilities remains with the respective user department.

n) **Preventative Maintenance Program**

The Property Division shall be responsible for co-ordinating a Preventative Maintenance Program for the Corporation on all City-owned facilities.

5. **OFFERS TO PURCHASE, SELL, LEASE CITY PROPERTY:**

The Director or designate shall issue all offers and shall receive all offers from outside vendors or purchasers with the exception of transactions handled by the Business Development Department.

6. **LEGAL SERVICES:**

The Property Division shall obtain the necessary legal opinions and services of the City solicitors as required.

7. **CORPORATE PROPERTY INVENTORY/PUBLIC REGISTER:**

The Property Division shall be responsible for the updating and maintenance of the Corporate Property Inventory and Public Property Register.

8. **LEGAL SURVEYS, TITLE SEARCHES:**

The Property Division shall be responsible for obtaining legal surveys and/or title searches as may be required for property matters in co-operation with the Engineering Department.

9. **SURPLUS PROPERTIES - LISTING WITH REAL ESTATE BOARD:**

a) **Adjoining Property Owners - Negotiations**

Pursuant to the Municipal Act, before any surplus roads or lanes are offered for sale, the adjoining property owners are to be notified by Registered Mail and/or personally served in order to allow them an opportunity to purchase the City property prior to offering the property for public sale.

b) All properties, which are declared surplus by Council and have been determined salable by staff, may be listed with the Real Estate Board of Cambridge through its President or may be sold directly through the Property Division. The President of the Real Estate Board shall be responsible for receiving and scrutinizing any offers to purchase through Board members for presentation to the City of Cambridge.

c) When properties are listed through the President of the Real Estate Board, the commission fee shall be negotiable. The commission fee shall not exceed five percent (5%) and shall be agreed upon prior to the listing of the property.
10. **REPORTING REQUIREMENTS:**

All Departments are required to obtain approval of Council through the Property Division to acquire land as may be contained in the Operating and/or Capital Budgets. A Report to Council with supporting documentation for the actual approval of the expenditure of the funds for each land/property acquisition is required.

11. THAT By-law 260-89 is hereby repealed.

**READ A FIRST, SECOND AND THIRD TIME,**

**ENACTED AND PASSED, THIS 10TH DAY OF APRIL, A.D., 1995**

[Signatures]

*Jane Brewer*

**MAYOR**

[Signature]

*Deputy Clerk*

**CLERK**
BY-LAW NO. 44 - 01

OF THE

CORPORATION OF THE CITY OF CAMBRIDGE

Being a by-law of the Corporation of the City of Cambridge to amend By-law 74-95 being a by-law to provide for land purchases, land sales, leasing of City-owned property or any other property-related transactions.

WHEREAS Section 193 of the Municipal Act, S.O., 1995, provides every Council and Local Board with the authority to sell or otherwise dispose of real property shall by by-law establish procedures including the giving of notice to the public governing the sale of real property.

AND WHEREAS it is deemed desirable to amend By-law 74-95;

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE CITY OF CAMBRIDGE ENACTS AS FOLLOWS:

THAT clause 4(l) be repealed and replaced with the following:

4(l) Real Property Transactions

Delegated Authority – Municipal Real Property Transactions
The Director of Realty & Corporate Property Services has authority up to $25,000.00, to complete all aspects of real property transactions involving the municipality. Any real property transaction, which either requires an expenditure, or would generate revenue by an amount that exceeds the criterion will require separate staff report and approval of City Council by way of a resolution.

No real property transaction documentation shall be executed by the Mayor and Clerk until such time as a by-law authorizing the matter shall first be enacted by Cambridge City Council.

Utility Easements
The Realty and Corporate Property Services Division shall be responsible for negotiating easement agreements involving the municipality, with the exception of those contained within the subdivision approval process, or Committee of Adjustment decisions, and matters relating to the Planning Act.

Easements for Distribution of High Speed Internet Service
Easements conveyed to providers of high speed internet service who wish to install equipment on City lands whether dedicated wholly or in part to the provision of such service, shall contain the following provisions;

- City of Cambridge to be compensated in the amount of $20,000.00 per high speed internet site,
- Grantee to provide funding for landscaping where required by the municipality to an amount not exceeding $1,000.00.
- Grantee to assume responsibility for all City legal and survey, and miscellaneous charges and expenses;
- The City of Cambridge alone shall have the option to initiate a proposed change the amount of compensation payable by the Grantee every two years commencing in 2003.

READ A FIRST, SECOND AND THIRD TIME.


[Signatures]

MAYOR

CLERK