



Policy Name: Acquisition of Real Property
Administrator: Manager of Real Estate & Land Development
Approval Date: August 12, 2014
Effective Date: August 12, 2014
Next Review Date: August, 2019
Approval Authority: Council

1. Policy Statement

The City of Kingston acquires real property rights through buying or otherwise acquiring a variety of interests in land as required for municipal needs consistent with City-mandated programs, projects and policies. The general direction for this Policy is set through Section 9.9 Land Acquisition or Disposal, City of Kingston Official Plan (2010).

2. Purpose

To ensure that a consistent framework is followed in acquiring real property interests that support Council-approved projects, programs and policies in support of its Official Plan.

3. Definitions

Affordable Housing Lands – real property acquired for the Affordable Housing Land Acquisition and Disposition Program in support of the Municipal Housing Strategy and resold subject to an Affordable Housing Agreement.

Appraisal – a written opinion prepared by staff of the City of Kingston or an independent certified appraiser that provides a reasonable estimate of current market value of real property.

Acquisition – the act of purchasing or acquiring property rights including but not limited to, fee simple acquisitions, permanent easements, rights-of-way and other limited interests such as joint-use agreements, temporary working easements, leases, licenses and permission to enter and construct.

Client Department – a City department requiring a real property for an approved program or project.

Delegated Authority – authority to approve the acquisition of real property pursuant to the Delegation of Authority By-law 2014-141, as amended from time to time or any other delegation of authority approved by Council.

Departmental Needs Assessment – a report prepared by a Client Department to request the acquisition of real property.

Employment Lands – real property acquired for employment uses in support of the Industrial Land Sale Policy and Delegation to the Chief Administrative Officer

and being resold subject to an Industrial Land Sale Agreement with net proceeds to be deposited to the Industrial Land Reserve.

Expropriation – acquiring real property without the consent of the owner, by an expropriating authority in the exercise of its statutory powers.

Market Value – the highest amount that real property might be expected to realize, if sold or leased in the open market by a willing seller to a willing buyer.

Real Property – land and all improvements including buildings

4. Persons Affected

This policy applies to the Corporation of the City of Kingston, its Councillors and all employees including students, interns, volunteers and any agents or assigns authorized to acquire real property on behalf of the City.

5. Responsibilities

City Council

City Council approval is required for the acquisition of real property, including any limited interest therein, except where the approval has been delegated pursuant to the Delegated Authority.

Mayor and City Clerk

As directed by City Council, the Mayor and the City Clerk execute agreements for the acquisition of real property and other documents as may be necessary in a form satisfactory to the Director of Legal Services upon approval of the acquisition of real property.

Commissioner of Corporate & Strategic Initiatives

The Commissioner of Corporate & Strategic Initiatives may have the authority to approve the acquisition of real property in accordance with the provisions of the Delegated Authority.

Client Department

Prior to the initiation of an acquisition the Client Department is responsible for reviewing, in collaboration with RELD and the Department of Facilities Management & Construction Services, the real property inventory and current acquisition initiatives, to determine if real property needs can be met. The Client Department is directly involved in the decision making process and confirms that the acquisition requirement satisfies its City-mandated program. The Client Department is responsible for the acquisition budget and the operating budget following acquisition.

Director of Legal Services

The Director of Legal Services, or his/her designate, is responsible for providing legal services and advice on real property transactions, including the approval of all documents required to execute real property acquisitions and has authority to undertake all legal proceedings required to complete an acquisition of real property

Real Estate & Land Development Division (RELD)

The Real Estate & Land Development Division (RELD) under the direction of the Commissioner of Corporate & Strategic Initiatives shall undertake the acquisition of real property in accordance with this policy, unless otherwise directed by City Council and will oversee and administer the application of this Policy to ensure that all policy requirements are met.

6. Policy Applications

This Policy applies where real property is acquired by the City of Kingston.

6.1 General

This policy shall not apply to real property, such as road dedications, parkland dedications and easements, to be acquired through the planning/subdivision processes in accordance with the Planning Act and any regulations therein and delegated authority so granted under By-laws 2006-75 and 2006-116.

This policy shall not apply to the acquisition of real property that is the subject of an agreement entered into by the City for the provision of municipal capital facilities pursuant to section 110 of the Municipal Act.

This policy shall not apply to real property vested in the municipality pursuant to Part XI of the Municipal Act, (Sale of Land for Tax Arrears) and by registering a Notice of Vesting, section 379.

This policy shall not apply to the acquisition of Affordable Housing Land or Employment Lands which are governed by separate policies and procedures approved by Council.

6.2 Conditions for Acquisition of Real Property

Unless otherwise stated in this policy, the following four conditions must be met before the acquisition of any real property:

Department Needs Assessment – Prior to initiating an acquisition other than lands required for municipal right of way infrastructure or lands as being acquired under the Natural Areas and Parklands Policy,

Employment Lands or Affordable Housing Lands, the Client Department will prepare a Departmental Acquisition Needs Assessment that justifies the rationale for the proposed acquisition. Should it be determined that the client's needs cannot be met through existing inventory, RELD will initiate the acquisition.

Funding – Funds for the acquisition of real property must be identified through a Council approved budget item, specific to the program, project or policy defining the need, or allocated from an approved departmental budget, with approval of the Commissioner of the client department including the costs of acquiring the real property and operational budget impacts. Approved budget shall include authority to initiate and undertake legal surveys, appraisals, negotiations, expropriations, legal and other such related activities, as may be required.

Due Diligence –The City shall undertake due diligence investigations as deemed necessary and in accordance with corporate policies to evaluate the costs, risks and benefits of the proposed acquisition to assist in making a decision in the best interest of the City.

6.3 Acquisition at Market Value

Real property shall be acquired on the basis of Market Value, and where applicable, compensation to which the vendor is entitled as described by the Expropriations Act, unless other considerations are included in the transaction and approved by City Council.

6.4 Appraisals

At least one (1) appraisal estimating the market value of the property shall be prepared.

Where the estimated value of the real property is more than \$100,000, an appraisal from a certified appraiser must be obtained.

Where the estimated value is in excess of \$1,000,000, two (2) independent appraisals from certified appraisers are required.

The requirement to obtain an appraisal shall not apply to the acquisition of road widening lands not subject to Planning Act obligations, where the property owner wishes to transfer the lands for a nominal charge.

7. Related Procedures and Forms

Real Property Acquisition Procedures

8. Related Policies, Legislation and By-Laws

City of Kingston Official Plan 2010

Director of Legal Services and City Solicitor By-law 2010-179

Delegated Authority to Adopt Certain Procedures for Processing of Planning Applications 2006-75

Delegated Authority for Assumption of Public Works and Dedication of Highways, Lanes and Walkways Including Release of Easements, Blocks and Lots 2006-116

Municipal Housing Strategy, 2012

Affordable Housing Land Acquisition and Disposition Program Policy, 2013

Industrial Land Sale Policy and Delegation to CAO, 2000

Ontario Municipal Act, 2001

Ontario Expropriations Act, 1990

Ontario Planning Act, 1990

Delegated Authority By-law 2014-141

9. Revision Schedule

This policy and its associated procedures shall be reviewed in five (5) years. Records of revision will be kept in the table below.

Date (month, day, year)	Revision details	Section Heading