

**THE CORPORATION OF THE CITY OF WINDSOR
POLICY**

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| Service Area: | Office of the City Solicitor | Policy No.: | |
| Department: | Legal, Real Estate & Risk Management | Approval Date: | |
| Division: | Real Estate Services | Approved By: | B23-2019 |
| | | Effective Date: | April 1, 2019 |
| Subject: | Waterfront Parkland Acquisitions | Procedure Ref.: | |
| Review Date: | | <i>Pages:</i> | Replaces: |
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1. POLICY

1.1 This policy sets out the requirements and processes for future Waterfront Parkland Acquisitions for the City.

2. PURPOSE

2.1 This Policy makes it mandatory for the Manager of Real Estate Services to engage in a process to acquire waterfront property for parkland purposes where there is a willing seller.

2.2 This Policy outlines the steps, which Administration will need to follow when dealing with potential waterfront property for parkland acquisitions, including but not limited to: obtaining independent market value appraisals, ensuring consistency with adjacent Community Improvement Plans, and obtaining environmental assessment reports.

3. SCOPE

3.1 This policy applies to the Corporate-wide acquisition of waterfront property for parkland purposes, as guided by the Manager of Real Estate Services, and the Manager of Parks Development.

4. RESPONSIBILITY

4.1 City Council is responsible for:

4.1.1 Approving the acquisition of waterfront properties for parkland.

4.1.2 Providing Administration with direction in specific circumstances where the process for waterfront property acquisitions for parkland may need to be modified. Examples include directions on whether to obtain an independent market value appraisal when there are time constraints, or how to proceed if the costs of a potential parkland acquisition exceeds the amount available in the Waterfront Parkland Acquisition Fund.

4.1.3 Provide the funding for the Waterfront Parkland Acquisition Fund.

4.2 The Manager of Real Estate Services is responsible for:

- 4.2.1** The Waterfront Parkland Acquisition process.
- 4.2.2** Reporting to Council on potential waterfront property acquisitions for parkland, including recommendations for Council's consideration.
- 4.2.3** Ensuring that any potential acquisition of waterfront property for parkland is consistent with adjacent Community Improvement Plans.
- 4.2.4** Informing Council if the costs of acquiring a waterfront property for parkland exceeds the funds available in the Waterfront Parkland Acquisition Fund and seeking Council's further direction on the matter.
- 4.2.5** Determining whether a potential waterfront property for parkland has a current or previous industrial use, or for other reasons may be suspected to be contaminated, and include in any offer to purchase a condition that the City obtain an environmental assessment report. In the event of known or suspected contamination, seek further direction from Council.
- 4.2.6** Undertaking in partnership with the Manager of Parks Development, periodic reviews of waterfront properties that may be suitable for parks purposes, and the subsequent preparation of a report for Council's consideration and direction as to whether the properties should be purchased.
- 4.2.7** Ongoing monitoring and administration of waterfront property acquisitions for parkland.
- 4.2.8** Supporting the Parks Department in the research of waterfront properties that may be suitable for parkland purposes.

4.3 The Manager of Parks Development is responsible for:

- 4.3.1** Monitoring and ensuring that all potential waterfront property acquisitions for parkland are consistent with the Central Riverfront Implementation Plan, Rediscover our Parks – Parks & Outdoor Recreation Master Plan any Community Improvement Plans (CIP's), the City of Windsor Official Plan and any other relevant council policy.
- 4.3.2** Determining whether potential waterfront parkland acquisitions are in the vicinity of existing waterfront parkland.
- 4.3.3** Overseeing in partnership with the Manager of Real Estate Services, periodic reviews of waterfront properties that may be suitable for parks purposes, and the subsequent preparation of a report for Council's consideration and direction as to whether the properties should be purchased.

4.4 The Corporate Leader of Parks, Recreation, Culture and Facilities

is responsible for:

4.4.1 The overall direction for waterfront parkland acquisition, and ensuring that all potential waterfront property acquisitions align with the existing network of waterfront parklands.

4.4.2 Monitoring and ensuring that all potential waterfront property acquisitions for parkland are consistent with the Central Riverfront Implementation Plan, Rediscover our Parks – Parks & Outdoor Recreation Master Plan, any Community Improvement Plans (CIP's), the City of Windsor Official Plan and any other relevant council policy.

4.4.3 Ensuring that the proposed waterfront property being acquired will be able to meet all the necessary technical requirements (i.e. completion of a Record of Site Condition) in order to be used as municipal parkland.

4.5 The City Planner is responsible for:

4.5.1 Participating in the periodic reviews of waterfront properties that may be suitable for parks purposes.

4.5.2 Ensuring that any waterfront land acquisitions can be utilized as municipal parklands under the City's Official Plan and Zoning By-laws, or engage in a process to amend the Official Plan and Zoning By-laws as necessary.

4.5.3 Ensuring that any acquisition of waterfront property is consistent with adjacent Community Improvement Plans.

5. DEFINITIONS

5.1 Acquisition means the transfer of ownership of lands to the City whether by means of a purchase, donation, gift or as a result of estate planning.

5.2 City means The Corporation of The City of Windsor and includes any of its designated employees, officials or agents who are engaged to represent the City in its capacity to acquire waterfront properties.

5.3 Existing Waterfront Parkland means existing waterfront properties that are designated as and operating as municipal parklands.

5.4 Waterfront Property means waterfront properties within the geographic limits of the City of Windsor and bordering on the Detroit River or Lake St. Clair.

6. GOVERNING RULES AND REGULATIONS

6.1 Type of Acquisition

6.1.1 Waterfront property is to be acquired for parkland when there is a willing seller.

- 6.1.2** All waterfront property offered to the City by donation, gifting or estate planning is to be brought before Council with a recommendation for its consideration as parkland. All waterfront property offered to the City for parkland by donation, gifting or estate planning shall comply with Council's Donation Policy.

6.2 Location of Waterfront Property

- 6.2.1** Waterfront property to be acquired for parkland should be contiguous to existing waterfront parkland.
- 6.2.2** Waterfront property that is not contiguous to existing waterfront parkland will be brought to Council for Council's consideration and direction.

6.3 Acquisition Conditions

- 6.3.1** The acquisition of waterfront property for parkland by means of a market-value purchase is to be supported by an independent market value appraisal where time allows for obtaining an appraisal or unless otherwise directed by Council.
- 6.3.2** The acquisition of waterfront property for parkland is to be consistent with adjacent Community Improvement Plans.
- 6.3.3** In the event a potential waterfront property for parkland has a current or previous industrial use or may be suspected to be contaminated, any agreement to purchase the waterfront property (i.e. by market-value purchase, donation, etc.) will include a condition that the City obtain an environmental assessment report, unless Council directs otherwise.
- 6.3.4** In the event that an environmental assessment report is required, a Phase I environmental assessment will be completed, and depending on the findings of the Phase I assessment, a Phase II environmental assessment may need to be completed.
- 6.3.5** In the event that a Record of Site Condition is required to be filed with the Ministry of the Environment, Conservation and Parks, due diligence will be completed to ensure that this requirement can be fulfilled to the standard required for parkland use.

6.4 Waterfront Parkland Acquisition Account

- 6.4.1** In the event that a waterfront property for parkland becomes available for purchase, and the purchase price exceeds the amount available in the Waterfront Parkland Acquisition Fund, Administration will inform Council that a property is available at a dollar amount which exceeds available funds and seek Council's further direction.

6.5 Review of Potential Lands to Acquire for Waterfront Parkland

6.5.1 Administration from Real Estate Services, Parks Development, and Planning & Development Services will periodically review parcels of waterfront property that may be suitable for waterfront parkland and prepare a report for Council's consideration and direction.

7. RECORDS, FORMS AND ATTACHMENTS

7.1 Records for this Policy shall be prepared and retained in accordance with Records Retention By-Law 21-2013, as amended or superseded.

7.2 There are no relevant forms and form numbers associated with this Policy.