



BY-LAW 200-

A by-law to amend By-law 4-2000, to delegate authority under the Municipal Act for certain Real Property Transactions to the Chief Administrative Officer

WHEREAS Section 23.1 (1) of the Municipal Act S.O 2001, c, as amended, provides that a municipal council may delegate certain functions of administrative nature to officers or employees of the municipality;

AND WHEREAS the Council for The Corporation of the Town of Markham has enacted By-law 178-96 to establish procedures for the disposal of property;

AND WHEREAS the Council for The Corporation of the Town of Markham has enacted By-law 4-2000 to appoint a Chief Administrative Officer responsible for the management of administrative aspects of the Town;

AND WHEREAS the Council for The Corporation of the Town of Markham has reviewed the provision of real estate approval procedures and considers it desirable for the purposes of efficient service delivery to delegate the authority to approve and execute certain administrative land acquisitions and dispositions to the Chief Administrative Officer, subject to limitations;

NOW THEREFORE the Council for The Corporation of the Town of Markham enacts as follows:

1. THAT By-law 4-2000, as amended, is hereby amended by adding as Section 8 the following:
 8. The Chief Administrative Officer, or his or her designate, is hereby delegated authority to:
 - a) enter into Agreements of Purchase and Sale for the acquisition of lands, including temporary and permanent easements, provided that:
 - i) sufficient funds are available within the departmental operating or capital budgets as approved by Council;
 - ii) the value is at or below fair market value as determined by an appraiser and approved by the Manager, Real Property;
 - iii) the value does not exceed \$50,000 plus G.S.T; and

- iv) the agreement is in a form and content satisfactory to the Chief Administrative Officer and the Town Solicitor;
 - b) enter into Lease Agreements and Licences, including "permission to enter" agreements, provided that:
 - i) the lease value over its term does not exceed \$50,000 plus G.S.T;
 - ii) sufficient funds are available within the departmental operating or capital budgets as approved by Council;
 - iii) the rent is at or below market value as determined by an appraiser or the Manager, Real Property;
 - iv) the term of the lease, including any renewal, does not exceed 10 years; and
 - v) the agreement is in a form and content satisfactory to the Chief Administrative Officer and the Town Solicitor;
 - c) enter into Agreements of Purchase and Sale for the disposition of real property provided that:
 - i) the value of the real property does not exceed \$25,000;
 - ii) the real property has been declared surplus by the Council for the Town of Markham in accordance with By-law 178-96, as may be amended from time to time;
 - iii) the disposition is at or above fair market value as determined by an appraisal and approved by the Manager, Real Property; and
 - iv) the agreement is in a form and content satisfactory to the Chief Administrative Officer and Town Solicitor;
2. AND THAT By-law 4-2000, as amended, be further amended by adding Section 9 as follows:
9. Pursuant to Section 8 and notwithstanding the Purchasing By-law, By-law 2004-341, as amended, the Mayor and Clerk are authorized to execute Agreements of Purchase and Sale or any other agreements referred to in this By-law, upon the approval of the said agreement by the Chief Administrative Officer or his or her designate;
3. AND THAT By-law 4-2000, as amended, be further amended by adding Section 10 as follows:
10. Notwithstanding Section 7 of this By-law, the Chief Administrative Officer shall report to Council any transactions completed pursuant to Sections 8 and 9 on a bi-annual basis.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS

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SHEILA BIRRELL
TOWN CLERK

FRANK SCARPITTI
MAYOR