City of
Peterborough

To: **Members of General Committee**

From: **Patricia Lester, Commissioner of Corporate and Legislative Services**

Meeting Date: **May 28, 2018**

Subject: **Report CLSRE18-002**
Acquisition of Lands upon which a portion of the Main Branch of Peterborough Public Library Main Branch is located from The Peterborough Public Library Board

Purpose

A report to recommend that lands at the corner of Simcoe and Bethune Street be acquired from The Peterborough Public Library Board.

Recommendation

That Council approve the recommendation outlined in Report CLSRE18-002 dated May 28, 2018 of the Commissioner of Corporate and Legislative Services, as follows:

That a by-law be passed to authorize the acquisition of lands at the corner of Simcoe and Bethune Streets being legally described as Part of Lot 9 West side of George Street and South side of Simcoe Street, Plan 1, Town of Peterborough, as in R261588 except Part 4 on 45R-3515, subject to R261588 & R366931, in the City of Peterborough (as shown on Appendix "A" attached) from The Peterborough Public Library Board.

Budget and Financial Implications

The transfer of lands will be completed for nominal consideration. Land Transfer Tax, HST, and other legal registration costs that may be incurred will be paid out of the

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Community Services Administration Miscellaneous Account. The Peterborough Public Library Board will be compensated for their legal costs up to a maximum of $2,000.00.

Background

The majority of the lands upon which the Main Branch of the Peterborough Public Library is situated are owned by the City of Peterborough. However, one parcel of land under the Main Branch (the "Bethune Street Parcel"), is in the name of The Peterborough Public Library Board (the "PPLB") and has been since 1974. This title issue came to staff attention when the Province automated the Land Registry system.

The City also owns the Main Branch building, insures the building and is responsible for maintaining the building and the grounds. The City provides 100% of capital funding and 92% of operating dollars to PPLB. Under the **Public Libraries Act** there is no requirement that the land upon which a public library is located be owned by a public library board.

This complication in title results in the PPLB being exposed to risk and potential liability. Transferring the Bethune Street Parcel to the City would remove such liability and risk from the PPLB and would also simplify matters such as completing grant applications and granting easements to utilities.

The transfer of the Bethune Street Parcel was discussed at the Peterborough Public Library Board meeting of March 27, 2018 and the PPLB passed the following:

That the Library Board approve the recommendation outlined in Report PPL18-022 dated March 22, 2018, of the Library CEO, as follows:

a)   That the report of the Library CEO be received for information.

b)   That the Board provide direction to the Library CEO and the City of Peterborough regarding the property ownership arrangements for the Peterborough Public Library, main branch at 345 Aylmer Street North.

c)   That the Board provide direction to the Library CEO and the City of Peterborough regarding the property ownership arrangements for the Peterborough Public Library, DelaFosse branch at 729 Park Street South.

d)   That the Board retain legal counsel to investigate outstanding questions regarding land title and report back to the Board before moving forward.

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General Committee will also be asked to consider the acquisition of the DelaFosse branch in Report CLSRE18-003 on May 28, 2018.

The PPLB is receptive to the idea of transferring title of the Bethune Street Parcel to the City of Peterborough, subject to retaining a lawyer to assist through the process.

Submitted by,

Patricia Lester
Commissioner of Corporate and Legislative Services

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Attachments:
Appendix A: Drawing showing lands

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Appendix A – Drawing showing lands