



City of
Peterborough

To: **Members of General Committee**

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

Meeting Date: **May 28, 2018**

Subject: **Report CLSRE18-003
Acquisition of Lands at 729 Park Street South (DelaFosse Branch) from The Peterborough Public Library Board**

Purpose

A report to recommend that lands municipally known as 729 Park Street South be acquired from The Peterborough Public Library Board.

Recommendation

That Council approve the recommendation outlined in Report CLSRE18-003 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 municipally known as 729 Park Street South and legally described as Part of Park Lots 13 and 14, Lot 13, Concession 11, North Monaghan as in R94832, 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. The City will be paying Land Transfer Tax in the amount of \$2,608.00. HST, and other legal registration costs that may be incurred will be paid out of the 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 lands upon which the DelaFosse Branch of the Peterborough Public Library is situated is in the name of The Peterborough Public Library Board (the “PPLB”) and has been since 1958. This issue came to staff attention when the Province automated the Land Registry system.

The City also owns the DelaFosse 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.

The PPLB owns the lands upon which the DelaFosse Branch is located and therefore is exposed to potential liability and risk. Transferring the lands to the City would remove such liability and risk from the PPLB.

The transfer of the DelaFosse Branch lands 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.

General Committee will also be asked to consider the acquisition of the Bethune Street Parcel of the Main Branch in Report CLSRE18-002 on May 28, 2018.

The PPLB is receptive to idea of transferring title of the DelaFosse Branch lands 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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