
TO: MAYOR J. LEHMAN AND MEMBERS OF GENERAL COMMITTEE

FROM: S. Schlichter, Director Business Development

NOTED: R. Forward, Acting CAO

RE: Sale of City Parking Lot – McDonald & Owen

DATE: Monday, March 20th, 2017

The purpose of this memorandum is to provide clarification, as well as alter part of the motion outlined in Staff Report BDD003-17, concerning the Sale of the City parking lot at McDonald and Owen.

The Recommended Motion requests the authority to execute an Agreement of Purchase and Sale between the City and Forrest Group Acquisitions Ltd. The alteration being put forward is to delete the sentence with respect to the Purchaser requiring a Record of Site Condition, in paragraph 1.d i). The sentence to be deleted from the motion is "i) Obtain a Record of Site Condition (RSC) in accordance with residential use requirements per Ontario Regulation 153/04 for Subject Land;"

Paragraph 1.d will now read:

- d) The Purchaser agrees within four hundred and eighty (480) days following the approval by Council of the Agreement of Purchase and Sale to:
 - i) Obtain all municipal and other governmental approvals necessary in connection with the Purchaser's intended development of the Property;
 - ii) Execute a Development Agreement, including without limitation a Site Plan Agreement for development of the Property.

The intent of the alteration is to delete the requirement of the Purchaser obtaining a Record of Site Condition within the 480 day conditional period.

Subsequent to the staff report being submitted, Forrest Group Acquisitions Ltd. requested the requirement for the Record of Site Condition be taken out of the 480 day conditional period. The Record of Site Condition is still a requirement in the purchase agreement, however given the nature of obtaining environmental approvals is not within the control of Forrest Group Acquisitions, they felt the requirement should be moved to a separate clause. Although environmental investigations can begin at any time, soil testing needed for the Record of Site Condition can only commence once the property sale has closed and the City ceases to operate the parking lot.