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Staff Report

Planning & Development Services – Planning Division

Report To:	Committee of the Whole
Meeting Date:	April 20, 2021
Report Number:	PDS.21.019
Title:	Municipal Land Exchange for 150 and 160 King Street East
Prepared by:	Trevor Houghton, Manager of Community Planning

A. Recommendations

THAT Council receive Staff Report PDS.21.019, entitled "Municipal Land Exchange for 150 and 160 King Street East";

AND THAT Council deems that portion of the unopened Wellington Street North Right-of-Way shown on Attachment 3 (the "Subject Lands") as surplus to the needs of the Corporation;

AND THAT Council direct staff to proceed with all necessary processes required to consider disposal of a portion of the unopened Wellington Street North Right-of-Way in accordance with the Town's Sale and Disposal of Land Policy (POL.COR.07.02); including the required Public notification and consultation;

AND THAT Council waive the requirement for an appraisal per Clause 5b of the Town's Sale and Disposal of Land Policy (POL.COR.07.02).

B. Overview

When Staff Report PDS.20.046 was received by Council it was the direction of Council that "Option 4" of that report was the preferred option, with the additional stipulation of the conveyance of land as parkland dedication from the lands municipally known as 150 & 160 King Street East.

The party interested with the acquisition of the unopened Wellington Street North Right-of-Way (owners of 150 & 160 King Street East) have advised staff that they can agree with this potential land exchange as stipulated by Council.

C. Background

An agent representing the owner of the properties adjacent (being 150 & 160 King Street East) to an unopened portion of the Wellington Street North road allowance submitted a request to purchase the Town-owned lands in September 2019. The original Wellington Street North road

allowance remains unopened and is located between Bay Street East at the northern end and King Street East at the southern end.

As a result of this request, Council referred the matter to the Planning Department to determine the viability of the request to purchase, including the plans for development. Town staff did an assessment of the characteristics, strategic value, and importance to Town interests of the subject lands through a standardized internal process.

Town staff determined that there was merit in disposing the lands as they were determined to be surplus to the Town's needs. This analysis was set out Staff Report PDS.20.16. This report was received by Council, however Council directed staff to provide a report on the best use of the unopened Wellington Street North road allowance. Staff Report PDS.20.046 was subsequently undertaken whereby six (6) options where offered as per Attachment 1. Option 4 was chosen by Council.

Option 4 is a potential land exchange whereby the unopened portion of the Wellington Street North road allowance is conveyed to the adjacent property owner, and that property owner conveys to the Town an equivalent area (from vacant 160 King Street East) onto the Town's recently acquired future park to the east (being Parts 2 & 3, Reference Plan 16R-11290). This would result in more useable land area of the new park and could facilitate additional uses (i.e. trail head, transit stop, etc.).

Council further stipulated that in addition to this equivalent exchange of land the property owner is to convey a parkland dedication to augment the land area of the future park. This stipulation is set out in the Council resolution provided as Attachment 2. The abutting property owner has advised staff that they accept this stipulation, and that they willing to pre-dedicate the required parkland for 150 & 160 King Street East in advance of the Site Plan Approval process.

D. Analysis

Town staff did an assessment of the characteristics, strategic value, and importance to Town interests of this portion of the unopened Wellington Street North Right-of-Way through a standardized internal process. Town staff did determine that there is merit with disposing of the lands as they were determined to be surplus to the Town's needs.

Council by resolution directed that it could consider a land exchange whereby an equivalent area of land (Wellington Street North road allowance for 160 King Street East) would be added onto the Town's future park to the east. Council also directed that the interested party would have to convey land as parkland dedication from 150 & 160 King Street East as an augmentation to the future park. The abutting property owner has advised staff that they accept this stipulation.

In accordance with Section 42 of the *Planning Act* the Town is entitled to the equivalent of two percent (2%) of land when vacant 150 & 160 King Street East is developed. Based on the combined lot areas of the lands (13,297 sq.m) this is approximately 266 sq.m (13,297 sq.m x

Committee of the Whole PDS.21.019

0.02% = 266 sq.m). This 266 sq.m is in addition to the approximate 783 sq.m land area of the "exchanged" unopened Wellington Street North road allowance. A concept of the resultant potential park area is provided as Attachment 3.

Based on the above analysis Council should deem this portion of the unopened Wellington Street North Right-of-Way as surplus to the needs of the Corporation.

Once declared surplus staff can proceed with all necessary processes required to dispose this portion of land, including the required Public notification and consultation, in accordance with the Town's Sale and Disposal of Land Policy POL.COR.07.02 provided as Attachment 4. This involves notice to the public of the proposed land disposal by publication for two successive weeks in a local newspaper having general circulation in the area, and by posting on the Town website and by e-mail message to any person who requests provision of Town notices.

Given that this proposed land exchange is with an abutting owner of land related to what will become a closed highway the Council should also consider waiving the requirement for an appraisal (per Clause 5b, POL.COR.07.02). Other work that would still be necessary is a deposited Reference Plan (survey) so that the legal Transfers can be prepared by the legal counsels representing the parties.

A by-law to Stop Up and Close the Road allowance may be brought to Council at a date in the future pending the results of the required Public notification and consultation.

E. Strategic Priorities

Goal #1:	Create Opportunities for Sustainability
Objective #2	Attract New Business
Goal #3:	Support Healthy Lifestyles
Objective #2	Increase the Range of Housing Choices and Promote Housing Affordability
Objective #3	Manage Growth and Promote Smart Growth
Goal #4:	Promote a Culture of Organizational & Operational Excellence
Objective #4	To Be a Financially Responsible Organization

F. Environmental Impacts

There are no direct environmental impacts associated with this report.

G. Financial Impacts

Costs associated with the continuing process to dispose of these lands will be bourne by the benefitting party as per POL.CORP.07.02.

H. In Consultation With

Nathan Westendorp, Director of Planning & Development Services

Ryan Gibbons, Director of Community Services

I. Public Engagement

The topic of this Staff Report will be the subject of further public notice in accordance with Section 1c) of the Town's Sale and Other Disposition of Land (POL.CORP.07.02) where, subject to any other provisions contained in the Municipal Act, 2001, prior to the sale or exchange of land Council shall give notice to the public of the proposed sale or exchange of land by publication of notice of the proposed sale for two successive weeks in a local newspaper having general circulation in the area and by posting on the Town website and by e-mail message to any person who requests provision of Town notices.

Any comments regarding this report should be submitted to Trevor Houghton, Manager of Community Planning <u>planning@thebluemountains.ca</u>

J. Attached

- 1. Attachment 1 Staff Report PDS.20.46
- 2. Attachment 2 June 29 2020 Council Resolution
- 3. Attachment 3 Resultant Potential Park Area
- 4. Attachment 4 Sale and Disposal of Land Policy POL.COR.07.02

Respectfully submitted,

Trevor Houghton, MCIP RPP Manager of Community Planning

Nathan Westendorp Director of Planning and Development Services

For more information, please contact: Trevor Houghton, Manager of Community Planning <u>planning@thebluemountains.ca</u> 519-599-3131 extension 308

Report Approval Details

Document Title:	PDS.21.019 Municipal Land Exchange for 150 and 160 King Street East.docx
Attachments:	 PDS.21.019 Attachment 1.pdf PDS.21.019 Attachment 2.pdf PDS.21.019 Attachment 3.pdf PDS.21.019 Attachment 4.pdf
Final Approval Date:	Apr 8, 2021

This report and all of its attachments were approved and signed as outlined below:

Nathan Westendorp - Apr 8, 2021 - 8:39 AM

Shawn Everitt - Apr 8, 2021 - 8:54 AM

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Staff Report

Planning and Development Services – Planning Division

Report To:	Committee of the Whole		
Meeting Date:	June 16, 2020		
Report Number:	PDS.20.46		
Subject:	Best Use of the Land – Wellington Street North		
Prepared by:	Trevor Houghton, Manager of Community Planning		
	Nathan Westendorp, Director of Planning and Development		
	Services		

A. Recommendations

THAT Council receive Staff Report PDS.20.46, entitled "Best Use of the Land – Wellington Street North";

AND THAT Council direct staff to proceed with all necessary processes required to consider disposal of a portion of the unopened Wellington Street North Right-of-Way in accordance with the Town's Sale and Disposal of Land Policy (POL.COR.07.02); including the required Public Meeting for Public Comment and consultation.

B. Overview

Staff Report PDS.20.16 was received by Council it was the additional direction of Council that a further report be provided on the best use of the subject lands.

As a result, this staff report has been prepared for the consideration of Council as an examination of the "best use" of this portion of the Wellington Street North road allowance.

C. Background

An agent representing the owner of the properties adjacent to an unopened portion of the Wellington Street North road allowance submitted a request to purchase the Town-owned lands in September 2019. As a result of this request, Town Council referred the matter to the Planning Department to determine the viability of the request to purchase, including the plans for development.

Town staff did an assessment of the characteristics, strategic value, and importance to Town interests of the subject lands through a standardized internal process. Town staff did determine that there was merit disposing of the lands as they were determined to be surplus to the Town's needs. This analysis was set out in detailed in Staff Report PDS.20.16.

The original Wellington Street North road allowance remains unopened and is located between Bay Street East at the northern end and King Street East at the southern end. The Subject Lands are a portion the unopened Wellington Street North road allowance as shown on Attachment 1.

The properties on either side of the Subject Lands are municipally known as 150 King Street East and 160 King Street East. Both properties are under the same ownership. In the Fall of 2019, the owner of 150/160 King Street East submitted a request to purchase the Subject Lands to Council. Upon consideration, Council passed the following motion:

THAT Council of the Town of The Blue Mountains receives the request of Pascuzzo Planning Inc. requesting on behalf of Paul Toor, to purchase the portion of the unopened road allowance known as Wellington Street North between 150 King Street East and 160 King Street East;

AND THAT Council refers this request to the Planning Department for report back to Council with respect to the viability of the request to purchase the lands, including the plans for development, if known.

Town staff undertook an analysis through a standardized internal process and determined that there was merit disposing of the lands as they were determined to be surplus to the Town's needs. This analysis was set out in detailed in Staff Report PDS.20.16. This report was received by Council, however Council did pass the following motion:

That Council receive Staff Report PDS.20.16, entitled "Request to Purchase Municipal Lands – Wellington Street North";

AND THAT Council direct staff to provide a report on the best use of the subject lands, CARRIED.

D. Analysis

In order to examine the "best use" of this portion of the Wellington Street North road allowance the most plausible options below in Table 1 were considered.

Table 1: Options

Option 1	Do nothing. Council could do nothing with the Subject Lands and allow this land to remain in its present condition and state.
	It is the opinion of Town staff that the Subject Lands could be put to a better use than remaining in its present condition and state.
Option 2	Open it as a public street. Council could improve the Subject Lands to the appropriate Town standard, and have it become a public street.
	However, the "centre" section of the Wellington Street North road
	allowance has been transferred in ownership to abutting Breaker
	Technologies Incorporated. As a result, there is no opportunity to have a

	Wellington Street North public street connecting Highway 26 northeast towards Bay Street East.
	Improving the Subject Lands to a Town standard for a public street, at best, will only provide two (2) properties (150 King Street East and 160 King Street East) with a Highway 26 ingress/egress point from what would be basically a public street stub.
	It is the opinion of Town staff that the Subject Lands could be put to better use than improving it to become a public street stub.
Option 3	<u>Use as a trails head/future bus stop.</u> Council could use the Subject Lands as a trails head for the Georgian Trail and/or as a location for a future public transit bus stop.
	The Subject Lands might be usable as a trails head, assuming that any trails head is sought by the Town, or some similar amenity space. However, it is suggested that a more practical location for such an amenity feature is at the intersection of Highway 26/Grey Street North and the southern end of 160 King Street East. A trails head on the Subject Lands would be constrained by the size of the lands (20 metres x 35 metres = 700 square metres), whereas more space is potentially available at the southern end of 160 King Street East.
	With respect to the Subject Lands as a location for a future public transit bus stop, should such a need arise, a better location would be on the Town owned property opposite and south (formerly the Food Land property). Given that this site is the location of the Town's attainable housing project, it is more appropriate for a future bus stop to be on the south side of Highway 26 nearest to (or located within) the proposed Gateway attainable housing property. As a municipally-owned parcel, development of the Gateway property could facilitate integrating transit facilities.
	It is the opinion of Town staff that the Subject Lands could be put to better use than as a trails head and/or as a location for a future public transit bus stop.
Option 4	Add to Town park. The Town recently received the lands located at the northwest corner of Grey Street and Highway 26/King Street for parkland purposes. These recently acquired lands are described as Parts 2 & 3, Reference Plan 16R-11290. Part 2 is approximately 1246 square metres in area and Part 3 is approximately 244 square metres in area. The Subject Lands could be exchanged for the equivalent area of land at the eastern end of the 160 King Street Parcel.

	This Option would add to the useable land area of the new park and could facilitate additional uses (i.e. trail head, transit stop, etc.) A concept of this potential park area is provided as Attachment 2. The Subject lands represent a marketable asset with value. With other municipal lands in the nearby area, it is the opinion of Town staff that the Subject Lands could be put to better use than as part of a land exchange.
Option 5	 <u>Sell as a lot.</u> Council could sell the Subject Lands for use as a separate lot for commercial development purposes. If closed as a road allowance, and sold as a separate lot, the Subject Lands would be zoned Village Commercial (C1). The C1 zone allows "by right" a wide array of potential commercial uses that could be developed on the land. However, and despite the generous lot provisions afforded the C1 zone classification, the land is still constrained by its size (20 metres x 35 metres = 700 square metres). The chance of a commercial building (with parking) being developed on such a lot is expected to be minimal. It is the opinion of Town staff that the Subject Lands could be put to better use than as a separate lot for commercial development purposes.
Option 6	 <u>Sell it to abutting owner.</u> Council could sell the Subject Lands for use as a separate lot for commercial development purposes. The owner of the properties adjacent to the Subject Lands (150 King Street East and 160 King Street East) submitted a request to purchase these lands. The owner has confirmed their intentions to develop both properties, beginning with an 80-unit commercial hotel on the western part of 150 King Street East. Further phases of mixed-use development would proceed in an easterly direction onto 160 King Street East. While the owner understands that the Town's sale of the Subject Lands must follow proper process, the addition of the Subject Lands onto their property would represent a potential point of common access for development on both properties on either side of the road allowance. The owner's Preliminary Development Concept is provided as Attachment 3. It is the opinion of Town staff that this is the best use of the Subject Lands.

<u>Conclusion</u>

As a result of this review it appears that the Subject Lands have no known municipal infrastructure located on them and do not serve any functional drainage purpose. When

previously consulted, Town Departments did not indicate that the Subject Lands should be retained by the Town. Based on the analysis of this report, it remains the opinion of Town staff the Subject Lands have very limited long-term strategic value for the Town.

Considering the plausible options noted above Town staff would recommend Option 6 to members of Council.

Should Council agree with this conclusion, staff will pursue the process of declaring the lands surplus and disposing of the lands in accordance with the Town's Sale and Disposition of Land Policy (POL.COR.07.02). This process will involve an appraisal of the Subject Lands' value by an accredited appraiser selected by the Town. The appraisal will be at the expense of the requestor. A by-law to Stop Up and Close the Road allowance and declare the lands surplus may be brought to Council at date in the future pending direction of Council after the benefit of the Public Meeting.

E. The Blue Mountains Strategic Plan

Goal #1:	Create Opportunities for Sustainability
Objective #2	Attract New Business
Goal #3:	Support Healthy Lifestyles
Objective #2	Increase the Range of Housing Choices and Promote Housing Affordability
Objective #3	Manage Growth and Promote Smart Growth
Goal #4:	Promote a Culture of Organizational & Operational Excellence
Objective #4	To Be a Financially Responsible Organization

F. Environmental Impacts

There are no direct environmental impacts associated with this report.

G. Financial Impact

Additional funds from the sale of the Subject Lands will benefit the municipality.

H. In consultation with

Brian Worsley, Manager of Development Engineering

I. Public Engagement

The topic of this Staff Report has not been subject to a Public Meeting and/or a Public Information Centre as a Public Meeting nor a Public Information Centre has yet to be scheduled. Should Council decide to declare pursue the process of declaring the lands surplus and disposing of the lands, a future public meeting will be scheduled. Comments regarding this

report should be submitted to Nathan Westendorp, <u>directorplanningdevelopment@thebluemountains.ca.</u>

J. Attached

- 1. Attachment 1 Location Map
- 2. Attachment 2 Park Location Concept
- 3. Attachment 3 Preliminary Development Concept

Trevor Houghton, MCIP RPP Manager of Community Planning

Nathan Westendorp, MCIP RPP Director of Planning and Development Services

For more information, please contact: Nathan Westendorp <u>nwestendorp@thebluemountains.ca</u> 519-599-3131 extension 246









Town of The Blue Mountains

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June 29, 2020

Moved by: Rob Sampson

Seconded by: Andrea Matrosovs

THAT Council receive Staff Report PDS.20.46, entitled "Best Use of the Land – Wellington Street North";

AND THAT Council direct staff to proceed with all necessary processes required to consider disposal of a portion of the unopened Wellington Street North Right-of-Way in accordance with the Town's Sale and Disposal of Land Policy (POL.COR.07.02); including the required Public Meeting for Public Comment and consultation,

AND THAT Council advises staff that Council's preferred option is Option 4 as outlined in Staff Report PDS.20.46 with additional parkland dedication,

Councillor Bordignon	Yay
Councillor Hope	Yay
Councillor Matrosovs	Yay
Deputy Mayor Potter	Yay
Councillor Sampson	Yay
Councillor Uram	Yay
Mayor Soever	Yay
The motion is CARRIED.	

CERTIFIED TO BE A TRUE COPY

Krista Royal, Deputy Clerk



TOWN OF THE BLUE MOUNTAINS

POLICY & PROCEDURES

Subject Title: Sale and Other Disposition of Land				
Corporate Policy (Approved by Council)		х	Policy Ref. No.:	POL.COR.07.02
Administrative Policy (Approved by CAO)			By-law No.:	2008 - 08
Department Policy: (Approved by Mgr.)			Name of Dept.:	Administration
Date Approved:	January 28, 2008		Staff Report:	A.07.31 (Revised)

Policy Statement

Policy direction for Council procedure in considering the sale and other disposition of public land by the municipality.

Purpose

Compliance with Section 270 of the Municipal Act, 2001.

Application

This Policy applies to the actions or decisions to be undertaken or made by the municipality, its Council, its Senior Management Team and Local Boards as defined in subsection 269.1 of the *Municipal Act, 2001*, all collectively called the "municipality", for the purpose of providing accountability and transparency in the municipal decision-making process and its actions.

Council will endeavour in its actions to ensure accountability for its decisions and the manner in which decisions are made will be transparent to the public.

The *Municipal Act, 2001* requires a municipality to adopt a Policy with respect to the sale and other disposition of public land by the municipality..

Definitions

Appraisal: shall mean an appraisal of the fair market value of the land to be sold or otherwise disposed of and may include consideration of a public benefit in the case of any land transfer or exchange.

Procedures

1. Subject to any other provisions contained in the *Municipal Act, 2001*, prior to the sale of land Council shall:

- a) at a regularly scheduled Council meeting deem that any land to be sold or conveyed is surplus to the needs of the Corporation;
- b) obtain at least one appraisal of the fair market value of the land to be sold or conveyed and this appraisal may include consideration of a public benefit in the case of any land transfer or exchange;
- c) give notice to the public of the proposed sale of land by publication of notice of the proposed sale for two successive weeks in a local newspaper having general circulation in the area and by posting on the Town website and by e-mail message to any person who requests provision of Town notices.
- 2. Council may, at their sole discretion and acting in good faith, upon compliance with clause 1. of this Policy, advertise to request sealed tenders or bids for the sale of land or to engage a real estate firm or broker for the sale of land or utilize an alternative method of sale or disposal of land to be determined by Council.
- 3. Council may, at their sole discretion, add or delete any costs incurred by the municipality with regard to the sale of land to or from the sale price of the land.
- 4. The Town and any affected Local Board shall establish and maintain a public register listing and describing the land owned or leased by the Town or Local Board.

Exclusions

- 5. Council may, at their sole discretion, determine that Clause 1.b) of this Policy does not apply to the sale of the following classes of land:
 - a) Land 0.3 metres or less in width acquired in connection with an approval or decision under the *Planning Act.*
 - b) Closed highways if sold to an owner of land abutting the closed highways.
 - c) Land formerly used for railway lines if sold to an owner of land abutting the former railway land.
 - d) Land that does not have direct access to a highway if sold to an owner of land abutting the former railway land.
 - e) Land repurchased by an owner in accordance with section 42 of the *Expropriations Act*
 - f) Lands sold under Sections 107, 108 and 109 of the *Municipal Act,* 2001 (Economic Development Services).
 - g) Easements granted to public utilities or to telephone companies.

- 6. Council may, at their sole discretion, determine that Clause 1.b) of this Policy does not apply to the sale of land to the following public bodies:
 - a) A municipality
 - b) A local Board, including a School Board and a Conservation Authority.
 - c) The Crown in right of Ontario or Canada and their Agencies.
- 7. Council may, at their sole discretion, determine that Clause 1. of this Policy does not apply to the sale of the following classes of land:
 - a) Land sold under Section 110 of the *Municipal Act, 2001* (Municipal Capital Facilities).
 - b) Land to be used for the establishment and carrying on of industries and industrial operations and incidental uses.
- 8. This Policy does not apply to the sale of land under Part XI of the *Municipal Act, 2001*, Sale of Land for Tax Arrears.

References and Related Policies

Town Policy POL.COR.07.01 and Town Policies POL.COR.07.03 through POL.COR.07.07 inclusive, as approved, together with this Policy.

Consequences of Non-Compliance

Non-compliance with the *Municipal Act, 2001* is subject to the remedies prescribed therein.

Review Cycle

This policy will be reviewed annually by the Senior Management Team for report to Council in open session.