



Staff Report

Legal Services

Report To: Committee of the Whole Meeting
Meeting Date: June 21, 2022
Report Number: FAF.22.100
Title: Disposition of Wellington St. N. Road Allowance
Prepared by: Will Thomson, Director of Legal Services

A. Recommendations

THAT Council receive Staff Report FAF.22.100, entitled "Disposition of Wellington St. N. Road Allowance";

AND THAT Council declares that the portion of the Wellington St. N. Road Allowance which immediately abuts 151 and 161 Bay St. E. surplus to the needs of the Municipality;

AND THAT Council direct Staff to bring forward a by-law to the July 4, 2022, meeting of Council to stop up and close that portion of Wellington St. N.

AND THAT Council authorizes and directs the sale of the subject portion of Wellington St. N. as set out in this Staff Report.

AND THAT Council delegates all necessary signing authority with respect to the sale or transfer of this portion of the Wellington St. N. Road Allowance to the Mayor and Clerk.

B. Overview

In June 2021, the owner of 151 Bay St. E. ("owner") made a deputation to Council asking to purchase the portion of the Wellington St. N. Road Allowance adjacent to their property, as the owner uses the same for access to her driveway/garage. Staff were directed to prepare a report on the subject, and Planning Staff brought forward PDS.21.105 in September 2021. The owner made a further deputation to Council in November 2021, and Staff brought forward PDS. 22.010 in January 2022 in response to that deputation.

C. Background

Council's resolutions in PDS.21.105 and PDS.22.010 directed Staff to continue to work through the disposition process in accordance with POL.COR.07.02, the Town's disposition of land policy.

As such, Staff gave public notice regarding the potential disposition was posted in the Connection newspaper the weeks of October 7 and 14, 2021.

In response to that notice, the Town received 3 inquiries by interested parties. One expressed an interest in potentially acquiring the land, and 2 asked to stay informed/were looking for information.

This matter was the subject of a public meeting on May 30, 2022.

Staff are now seeking a final direction from Council on how to proceed.

D. Analysis

The Town's disposition of land policy gives the Town the discretionary power to seek bids for real estate or to solicit the services of a real estate professionals in the sale of land. In this matter, four parties, including the owner, have expressed more than a passing interest in this land. Two have expressed a desire to acquire it – the owner, and another resident of Bay St. E who is interested in a building lot to build another residential property.

While the Town could use a bid or tender process to dispose of this land, it is not required to do so, and Staff are not recommending it at this time. Rather, Staff recommend that the Town obtain an appraisal for the land as a building lot or lot addition and offer the abutting landowners (being the owner and the resident at 161 Bay St. E.) the right of first refusal to purchase the land at the appraised value (i.e., they each purchase half the land and split the appraised price).

Staff further recommend, that if the resident at 161 Bay St. E. is not interested in purchasing half the lot (as they have expressed no interest in doing so), that it be offered to the owner for the full appraised value as a building lot or lot addition with the added condition that it be consolidated with her current lot.

Staff recommend this process for two reasons:

1. It garners the Town fair value of the land for its intended use; and,
2. It is fair and equitable to the owner, who originally requested to purchase this lot to formalize her continued use of the land.

Therefore, Staff are seeking Council's endorsement of the following process and procedure:

1. That the road be declared surplus via this report and closed by by-law.
2. That Staff obtain a land appraisal for the land as a "residential building lot".
3. That Staff be directed to offer to sell the land 50/50 to the abutting landowners at the appraised price.
4. That if the owner of 161 Bay St. E. does not wish to purchase 50% of the land, then the entirety of the land be offered to the owner of 151 Bay St. E. at the full appraised price.
5. After confirming the desire of the adjacent property owners to acquire the land, the Town will obtain a survey setting out the portion(s) to be transferred/acquired.
6. That any sale to either of the abutting landowners be contingent on the transferred land being merged with the owners own existing lot.

7. In the event neither of the abutting owners wish to purchase the land at the appraised value and on the condition as set above, then the Town engage the services of a real estate agent to advertise the land for sale and solicit offers/bids for the land.

Any sale of this land would also require that the purchaser pay the Town's legal costs, appraisal costs, and survey costs.

In the alternative, Council could proceed through the laid out process, and if neither abutting landowners wishes to purchase the lands, Council may direct that the land be retained by the Town, and the Surplus designation be rescinded.

E. Strategic Priorities

1. Communication and Engagement

We will enhance communications and engagement between Town Staff, Town residents and stakeholders

2. Organizational Excellence

We will continually seek out ways to improve the internal organization of Town Staff and the management of Town assets.

3. Community

We will protect and enhance the community feel and the character of the Town, while ensuring the responsible use of resources and restoration of nature.

4. Quality of Life

We will foster a high quality of life for full-time and part-time residents of all ages and stages, while welcoming visitors.

F. Environmental Impacts

N/A

G. Financial Impacts

The subject portion of the Wellington St. N. Road Allowance is the size of a standard residential lot in the area, and once closed, will assume the residential zoning of its neighbouring properties. It is anticipated that a residential building lot in this desirable area will be valuable.

As per Town Policy, proceeds of the sale would be directed to the Community Improvement Plan Reserve.

H. In Consultation With

Shawn Everitt, CAO

Trevor Houghton, Manager of Community Planning

I. Public Engagement

The topic of this Staff Report has been the subject of a Public Meeting and/or Public Information Centre which took place on **May 30, 2022**.

Any comments regarding this report should be submitted to Will Thomson, Director Legal Services directorlegal@thebluemountains.ca .

J. Attached

1. Attachment 1 Staff Report PDS.21.105
2. Attachment 2 Staff Report PDS.22.010.

Respectfully submitted,

Will Thomson
Director Legal Services

For more information, please contact:
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Report Approval Details

Document Title:	FAF.22.100 Disposition of Wellington St. N. Road Allowance.docx
Attachments:	<ul style="list-style-type: none">- Attachment 1 PDS.21.105 Consideration of Sale of Town Lands - Wellington Street Road Allowance (P3021).pdf- Attachment 2 PDS.22.010 P3021 Follow-Up Report - Request to Purchase Wellington Street North combined.pdf
Final Approval Date:	Jun 10, 2022

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

Will Thomson - Jun 9, 2022 - 12:56 PM

No Signature found

Shawn Everitt - Jun 10, 2022 - 8:24 AM