



# Staff Report

## Legal Services

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**Report To:** Committee of the Whole Meeting  
**Meeting Date:** June 21, 2022  
**Report Number:** FAF.22.077  
**Title:** 150/160 King St. Land Transfer and Transfer Easement to Epcor Electricity  
**Prepared by:** Will Thomson, Director of Legal Services

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### A. Recommendations

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THAT Council receive Staff Report FAF.22.077, entitled "150/160 King St. Land Transfer and Transfer Easement to Epcor Electricity";

AND THAT Council directs Staff to bring forward, to the July 4, 2022, meeting of Council, a by-law to stop up and close that portion of Wellington St. N. as described in PIN 37141-0116 and further shown as Parts 5, 6, 7, & 8 on the Draft R-Plan as attached at Schedule A to this report ("Subject Lands");

AND THAT Council grants an easement over the Subject Lands to Epcor Electricity Distribution Ontario Inc. for electrical utility works and directs the Director of Legal Services to negotiate and facilitate the same;

AND THAT Council direct Staff to proceed to transfer the Subject Lands to the owner of the adjacent lands being 150 & 160 King St. E. in exchange for an equal size parcel of land which is adjoining and contiguous with existing Town owned land at the eastern end of 160 King St. E. and described as Part 2 Plan 16R-11290;

AND THAT Council acknowledges that the owners of 150 & 160 King St. E. have offered to transfer an additional 2% parkland dedication (being approximately 266 sq. m.) to the Town to be adjoined with the other lands the Town will acquire, and that such dedication shall be included in the lands to be transferred to the Town;

AND THAT Council authorizes the Mayor and Clerk to sign all necessary documentation to facilitate the land transfers and easement as outlined in this Staff Report;

AND THAT Council directs that all land transfers and easements as set out in this Staff Report be for nominal consideration (e.g. \$2.00);

## **B. Overview**

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This report is a follow up to Staff Reports PDS.20.16, PDS.20.46, and PDS.21.019 and a request from Epcor Electricity Distribution Ontario Inc. to convey an easement for electrical distribution works.

## **C. Background**

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The Owners of 150 and 160 King St. E. are proposing to redevelop the properties. The properties are located on the north side of King St. E. (Hwy 26) and between Elgin St. N. and Grey St. N. The properties are bisected by the unopened road allowance of Wellington St. N.

In 2020 the Owner of 150/160 King came forward to Council to request to buy the unopened Wellington St. N Road allowance to incorporate it into the development lands.

Council passed several Motions (Attachment 1) regarding this project which directed Staff to proceed with the disposal of land procedure and require that the 2% parkland dedication which will be required through the Site Plan process be dedicated in the same transaction; the owner of 150/160 King has agreed to the latter.

On May 3, 2021, Council declared the Subject Lands as surplus to the needs of the Municipality and waived the need for an appraisal, as it is a road allowance to be transferred to the adjoining property owner, in accordance with the Town's Sale and Other Disposal of Land Policy (POL.COR.07.02).

Following this resolution, Staff undertook the public consultation process and published the required notice in the newspaper on June 3<sup>rd</sup> and 10<sup>th</sup>, 2021. As a result of the notice, on June 8<sup>th</sup>, 2021, the Town received one inquiry as to whether the land was for sale; Staff provided the individual with relevant resources but did not receive any follow up.

Lastly, in early 2022 the Town and the owners of 150/160 King St. E. were approached by Epcor Electricity who wished to obtain a proper easement for their existing utility lines which run along the King St. frontage of both properties and the Wellington St. N. Road Allowance. The easement will be located within Parts 6 & 8 as shown on the Draft R-Plan included as Attachment 2.

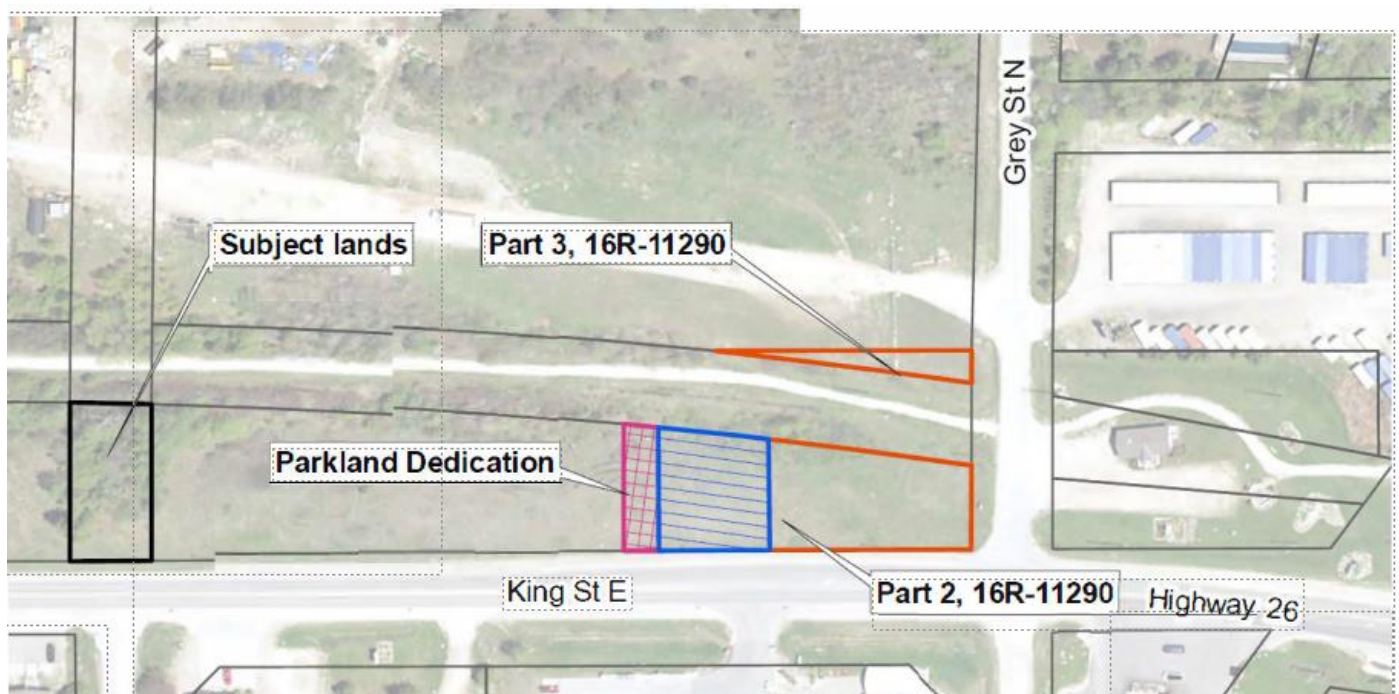
The Town is not required to obtain and appraisal for easements granted to utilities, and the road allowance has already been declared surplus; as such, the Town is able to grant the necessary easement to Epcor prior to transferring the land to the owners of 150/160 King St. E. Of note, Epcor is already entitled to have its utility works within Municipal Road Allowances, the need for the easement is driven by the potential stopping up and closing of the road. This easement would be granted for nominal or no consideration.

## D. Analysis

Having declared the relevant portion of Wellington St. N. surplus, having given public notice regarding the transfer, and having declared that an appraisal is not required, the Town is now in a position to finalize the transfer/ exchange of lands with the owners of 150/160 King St. E. This process will require several steps:

1. The Town will pass a by-law to stop up and close Wellington St. N.
2. The Town will transfer the necessary easement to Epcor.
3. The owner of 150/160 King St. E. will prepare a survey showing the lands to be transferred to and from the Town, including the 2% parkland addition.
4. The Town and owner of 150/160 King St. E. will execute all necessary documents to facilitate the transfers of:
  - a. The closed Wellington St. Road Allowance to the owner of 150/160;
  - b. And equal size portion of land at the east end of 160 King St. E to the Town; and,
  - c. 2% Parkland dedication to the Town, to be combined with the other land to be transferred to the Town.

It is anticipated this process will take a few months as surveys are prepared and legal documents are drafted, signed, and registered. Of note, the owners of 150/160 King St. E. are continuing to pursue Site Plan Approval for their development. The below rendering shows the proposed land exchange:



## **E. Strategic Priorities**

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### **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**

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N/A

## **G. Financial Impacts**

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Because this is a land exchange there will be only the exchange of nominal consideration. The developer/ owner of 150/160 King St. will also bear the brunt of the administrative costs. As such, there is nominal financial impact.

## **H. In Consultation With**

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Shawn Everitt, CAO

Trevor Houghton, Manager of Planning

Shawn Carey, Director of Operations

Ryan Gibbons, Director of Community Services

The topic of this Staff Report has been the subject of a Public Meeting on May 30, 2022

Any comments regarding this report should be submitted to Will Thomson, Director Legal Services [directorlegal@thebluemountains.ca](mailto:directorlegal@thebluemountains.ca).

## **I. Attached**

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1. Attachment 1 - Council Resolutions
2. Attachment 2 - Draft R-Plan

Respectfully submitted,

Will Thomson  
Director Legal Services

For more information, please contact:  
Will Thomson, Director Legal Services  
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## Report Approval Details

Document Title:	FAF.22.077 150-160 King St. Land Transfer and Transfer Easement to Epcor Electricity .docx
Attachments:	- Attachment 1 Council Resolutions re Wellington St 150 160 King.pdf - Attachment 2 Draft R-Plan FEB18-22.pdf
Final Approval Date:	Jun 13, 2022

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

**Will Thomson - Jun 10, 2022 - 3:15 PM**

**No Signature - Task assigned to Trevor Houghton was completed by workflow administrator Debbie Young**

**Trevor Houghton - Jun 13, 2022 - 9:42 AM**

**No Signature found**

**Shawn Carey - Jun 13, 2022 - 10:12 AM**

**No Signature - Task assigned to Ryan Gibbons was completed by workflow administrator Debbie Young**

**Ryan Gibbons - Jun 13, 2022 - 12:16 PM**

**No Signature found**

**Shawn Everitt - Jun 13, 2022 - 12:51 PM**