

# Staff Report

# Administration - Chief Administrative Officer

Report To: Special Committee of the Whole

Meeting Date: June 17, 2024
Report Number: FAF.24.079

**Title:** Follow Up to Public Meeting Regarding Declaring Municipally

**Owned Lands Surplus** 

**Prepared by:** Shawn Everitt, Chief Administrative Officer

#### A. Recommendations

THAT Council receive Staff Report FAF.24.079, entitled "Follow Up to Public Meeting Regarding Declaring Municipally Owned Land Surplus";

AND THAT Council direct staff to proceed with Property 1 "Cedar Street" by exploring the requirements for rezoning the land to a residential lot with the intention of declaring this land surplus and selling it as a serviced, residential building lot after addressing the requested additional property line setbacks of the adjacent landowner. This option provides direction to staff to proceed with declaring the land surplus for the purposes of selling the land.

AND THAT Council direct staff to proceed with Property 2 "Leming Street" by declaring the land surplus and proceed with offering the land to the adjacent land owners as an undevelopable piece of land at the formal appraised value with the purchaser of the land being responsible for all legal, land transfer and registry costs. This option provides direction to staff to proceed with declaring the land surplus for the purposes of selling the land.

AND THAT Council direct staff to proceed with Property 3 "Clark Street" by declaring the land surplus and proceed with offering the land to the adjacent land owner as an undevelopable piece of land at the formal appraised value with the purchaser of the land being responsible for all legal, land transfer and registry costs. This option provides direction to staff to proceed with declaring the land surplus for the purposes of selling the land.

AND THAT Council direct staff to not proceed with declaring Property 4 "Grey Road 2" surplus and continue to complete the final legal determination of ownership of the lands.

AND THAT Council direct staff to proceed with Property 5 "Cameron Street" by exploring the requirements for rezoning the land to a residential lot with the intention of declaring this land surplus and selling it as a serviced, residential building lot. This option provides direction to staff to proceed with declaring the land surplus for the purposes of selling the land.

AND THAT Council direct staff to proceed with Property 6 "Margaret Drive" by exploring the requirements for rezoning the land to a residential lot with the intention of declaring this land surplus and selling it as a serviced, residential building lot. This option provides direction to staff to proceed with declaring the land surplus for the purposes of selling the land.

AND THAT Council direct staff to proceed with Property 7 "Southeast edge of Town Parking Lot" by declaring the land surplus and proceed with offering the land to the owner of 18 Bruce Street South as an undevelopable piece of land at a formal appraised value with the purchaser of the land being responsible for all legal, land transfer and registry costs. This option provides direction to staff to proceed with declaring the land surplus for the purposes of selling the land.

AND THAT Council direct staff to proceed with Property 8 "Strip behind Bruce Street" by declaring the land surplus and proceed with offering the land to the adjacent land owners as an undevelopable piece of land at the formal appraised value with the purchaser of the land being responsible for all legal, land transfer and registry costs. This option provides direction to staff to proceed with declaring the land surplus for the purposes of selling the land.

AND THAT Council direct staff to proceed with Property 9 "Corner of Elma and Huron Street" by declaring the land surplus and proceed with offering the land to the adjacent land owner as an undevelopable piece of land at the formal appraised value with the purchaser of the land being responsible for all legal, land transfer and registry costs. This option provides direction to staff to proceed with declaring the land surplus for the purposes of selling the land.

AND THAT Council direct staff to proceed with Property 10 "Gordon Street West" by exploring the requirements for rezoning the land to a residential lot with the intention of declaring this land surplus and selling it as a serviced, residential building lot after severing the trail portion of the land that would remain in Town ownership. This option provides direction to staff to proceed with declaring the land surplus for the purposes of selling the land.

AND THAT Council direct staff to proceed with Property 11 "Plan 1119 Block 25" by exploring the requirements for rezoning the land to a residential lot with the intention of declaring this land surplus and selling it as a serviced, residential building lot after severing the trail portion of the land that would remain in Town ownership. This option provides direction to staff to proceed with declaring the land surplus for the purposes of selling the land.

#### B. Overview

The purpose of this report is to provide follow up to the Public Meeting regarding considering eleven (11) Town-owned properties to be surplus to the Town's needs.

# C. Background

Based on <u>Staff Report FAF.23.173</u> entitled "Consideration of Declaring Municipally Owned Lands Surplus for the Purposes of Disposition" Council provided the following direction to staff at the November 20, 2023 Council meeting:

**Seconded By: Councillor McKinlay** 

**Moved By: Deputy Mayor Bordignon** 

THAT Council receive Staff Report FAF.23.173, entitled "Consideration of Declaring Municipally Owned Lands Surplus for the Purpose of Disposition";

AND THAT Council direct staff to initiate the Public Notification process for the purposes of declaring lands surplus to the municipality's needs as outlined in this report and to schedule a Public Meeting for each of the properties identified in this report to provide the public with an opportunity to provide comment.

On March 12, 2024 a <u>Public Meeting</u> was scheduled to receive comments from the public regarding considering eleven (11) Town-owned properties to be surplus to the Town's needs. Each of the eleven (11) properties was reviewed separately.

The Town's Sale and Other Disposition of Land Policy <u>POL.COR.02.02</u> provides the following guidance on how Council may dispose of Town owned land:

#### **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**

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.

Staff have taken the opportunity to consult with external Legal Counsel to consider Council's discretion on how they wish to sell Town-owned land.

The Town's Sale and Other Disposition of Land Policy <u>POL.COR.02.02</u> only has three (3) mandatory (subject to exception) elements:

- 1. Declare surplus
- 2. Get appraisal
- 3. Give notice

Once those elements are complete, Council has extensive discretion in how to proceed with the sale of the land, and to whom. Clause 2 sets the parameters, but Council *may* choose how to use them (ex. sealed bids, real estate agent, etc.).

Council can reduce an appraisal based on a "public benefit" but moreover, the policy does not **require** that Council sell the land for the appraised value.

If Council wants to sell to an adjacent landowner because they believe it to be in the best interest of the Town, even if the land could garner a theoretically higher value on the open market, they technically have the power to do that.

In this case, Council would have to provide direction on how to proceed with an appraisal for the lands that reflect the limited incidental use criteria or proceed with the appraisal on the best use of the land. In most cases, the best use would be a serviced residential lot that would receive the highest return on the land sale.

In addition, staff will continue to develop a fulsome land inventory registry that includes all lands owned by the municipality as required by the existing Policy.

# D. Analysis

As a result of the Public Meeting, a number of written and verbal comments were received and have been included in their entirety in Attachment 1 to this report. Two (2) residents expressed general comments that could be applied to each of the properties.

Property 1: Cedar Street Road Allowance (Plan 395)



The comments received outlined a desire from the adjacent landowners (95 Bay Street East) to purchase all or a portion of the property to achieve adequate property line setbacks for their existing home. No other comments were received regarding this particular property.

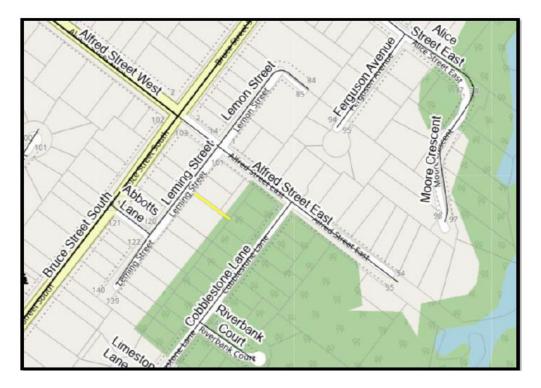
The following options are being proposed for Council consideration. Option 1 is the staff recommended option.

**Option 1:** Explore the requirements for rezoning the land to a residential lot with the intention of declaring this land surplus and selling it as a serviced, residential building lot after addressing the requested additional property line setbacks of the adjacent landowner. This option provides direction to staff to proceed with declaring the land surplus for the purposes of selling the land.

**Option 2:** Declare the land surplus and proceed on the basis of offering the land to the adjacent landowners as an undevelopable piece of land at a formal appraised value with the purchaser of the land being responsible for all legal, land transfer and registry costs.

**Option 3:** Retain ownership of the land, however, consider severing off a portion to allow for the desired setback for the adjacent landowner's existing dwelling.

**Property 2: Leming Street Road Allowance (Plan 104)** 

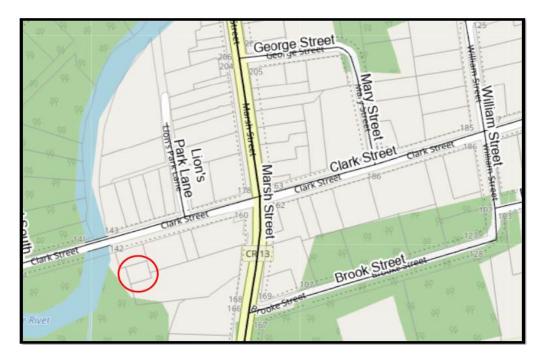


The comments received outlined a desire from both adjacent landowners (107 and 103 Leming Street) to purchase the property.

The following options are being proposed for Council consideration. Option 1 is the staff recommended option.

**Option 1:** Declare the land surplus and proceed with offering the land to the adjacent land owners as an undevelopable piece of land at the formal appraised value with the purchaser of the land being responsible for all legal, land transfer and registry costs. This option provides direction to staff to proceed with declaring the land surplus for the purposes of selling the land.

## Property 3: Clark Street (Plan 562)



Written comments as well as verbal comments were received regarding this land.

The comment received from the adjacent landowner (150 Clark Street) outlined the desire to purchase the property due to concerns over the location of their well and septic. The other comment received regarding this property outlined the importance of the Town retaining ownership of the property for environmental protection purposes.

The following options are being proposed for Council consideration. Option 1 is the staff recommended option.

**Option 1:** Declare the land surplus and proceed on the basis of offering the land to the adjacent land owner as an undevelopable piece of land at the formal appraised value with the purchaser of the land being responsible for all legal, land transfer and registry costs. This option provides direction to staff to proceed with declaring the land surplus for the purposes of selling the land.



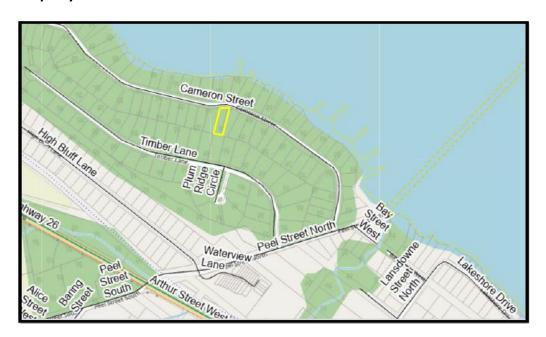


The majority of comments received questioned the Town ownership of the property and staff have been working with the adjacent land owners (495545 Grey Road 2), the Land Registry and Legal Representatives to sort out the conflicting information on file. There was also a comment received requesting confirmation if this property was the location of the original Ravenna schoolhouse. Staff were not able to confirm conclusively if this site was or was not the original site of the original Ravenna schoolhouse.

The following option is being proposed for Council consideration. Option 1 is the staff recommended option.

**Option 1:** Do not proceed with declaring this land surplus and continue to complete the final legal determination of ownership of the lands.

**Property 5: Cameron Street** 



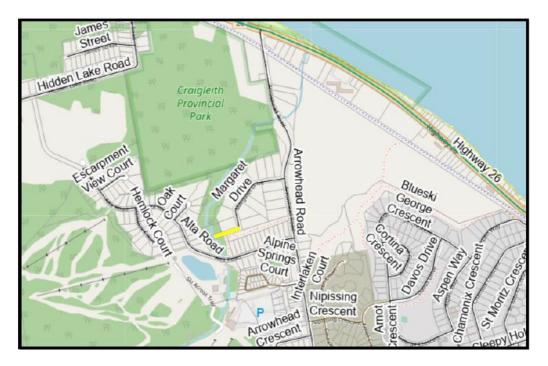
A number of comments were received that were all in support of the Town declaring the land property surplus and selling it to the adjacent landowners (214 and 216 Cameron Street) who have been unofficially maintaining the property. Comments also indicated a desire for the land to remain a greenspace and not to be developed. Although staff respect the opinions expressed by the local residents, the fact remains that this land has the potential to provide significant revenue for the Town and benefit the entire municipality.

The following options are being proposed for Council consideration. Option 1 is the staff recommended option.

**Option 1:** Explore the requirements for rezoning the land to a residential lot with the intention of declaring this land surplus and selling it as a serviced, residential building lot. This option provides direction to staff to proceed with declaring the land surplus for the purposes of selling the land.

**Option 2:** Declare the land surplus and proceed on the basis of offering the land to the adjacent landowners as an undevelopable piece of property at a formal appraised value with the purchaser of the land being responsible for all legal, land transfer and registry costs.

## **Property 6: Margaret Drive Road Allowance**



Written comments as well as verbal comments were received regarding this land.

The comments received outlined the desire for the Town to retain ownership of this land in order to accommodate safe turning of large equipment such as snow plows and garbage trucks, to provide for snow storage, and to be used as an access point to neighbouring greenspace.

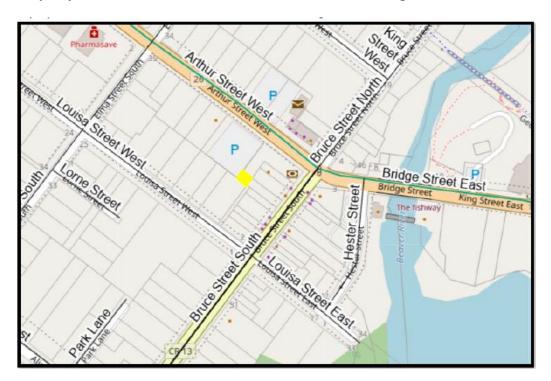
Staff acknowledge that if Council wishes to sell the land for the purposes of selling as a residential lot, improvements to Margaret Drive would be required to allow for effective winter road snow removal.

The following options are being proposed for Council consideration. Option 1 is the staff recommended option.

**Option 1:** Explore the requirements for rezoning the land to a residential lot with the intention of declaring this land surplus and selling it as a serviced, residential building lot. This option provides direction to staff to proceed with declaring the land surplus for the purposes of selling the land.

**Option 2:** Declare the land surplus and proceed on the basis of offering the land to the adjacent landowners as an undevelopable piece of land at a formal appraised value with the purchaser of the land being responsible for all legal, land transfer and registry costs.





A number of comments were received that were all in support of the Town declaring the land surplus and selling it to the owners of 18 Bruce Street South to enhance public safety, reduce liability concerns, and accommodate snow storage.

The following options are being proposed for Council consideration. Option 1 is the staff recommended option.

**Option 1:** Declare the land surplus and proceed on the basis of offering the land to the owner of 18 Bruce Street South as an undevelopable piece of land at a formal appraised value with the purchaser of the land being responsible for all legal, land transfer and registry costs. This option provides direction to staff to proceed with declaring the land surplus for the purposes of selling the land.

Property 8: Bruce/Alice Street West of Bruce Street Lots 72, 74, 78 and 80

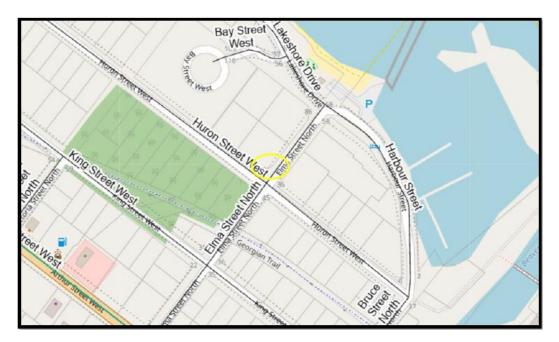


The comments received outline the desire of adjacent owners (15 Alice Street, 74, 78 and 80 Bruce Street) to purchase the land.

The following options are being proposed for Council consideration. Option 1 is the staff recommended option.

**Option 1:** Declare the land surplus and proceed on the basis of offering the land to the adjacent land owners as an undevelopable piece of land at the formal appraised value with the purchaser of the land being responsible for all legal, land transfer and registry costs. This option provides direction to staff to proceed with declaring the land surplus for the purposes of selling the land.

**Property 9: Corner of Huron Street and Elma Street** 



The following options are being proposed for Council consideration. Option 1 is the staff recommended option.

**Option 1:** Declare the land surplus and proceed on the basis of offering the land to the adjacent land owner as an undevelopable piece of land at the formal appraised value with the purchaser of the land being responsible for all legal, land transfer and registry costs. This option provides direction to staff to proceed with declaring the land surplus for the purposes of selling the land.





The majority of comments received outlined the desire for the Town to retain ownership of this landin order to maintain the existing pathway and greenspace between Grey Road 19 and Pioneer Lane. The adjacent owners (796397 Grey Road 19) commented regarding their desire to purchase a portion of the land in order to improve lot drainage and plant trees and shrubs for privacy enhancement.

The following options are being proposed for Council consideration. Option 1 is the staff recommended option.

**Option 1:** Explore the requirements for rezoning the land to a residential lot with the intention of declaring this land surplus and selling it as a serviced, residential building lot after severing the trail portion of the land that would remain in Town ownership. This option provides direction to staff to proceed with declaring the land surplus for the purposes of selling the land.

**Option 2:** Declare the land surplus and proceed on the basis of offering the land (apart from the trail portion of the land that would remain in Town ownership) to the adjacent landowners as an undevelopable piece of land at a formal appraised value with the purchaser of the land being responsible for all legal, land transfer and registry costs.

Property 11: Plan 1119 Block 25



The comments questioned if the existing pathway on this land will be retained in Town ownership as it receives frequent use.

The following options are being proposed for Council consideration. Option 1 is the staff recommended option.

**Option 1:** Explore the requirements for rezoning the land to a residential lot with the intention of declaring this land surplus and selling it as a serviced, residential building lot after severing the trail portion of the land that would remain in Town ownership. This option provides direction to staff to proceed with declaring the land surplus for the purposes of selling the land.

**Option 2:** Retain ownership of the land.

# **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.

# F. Environmental Impacts

Ensuring municipal lands are used sustainably while considering the best use of the lands for the community's needs.

## **G.** Financial Impacts

The disposition and sale of land is a long and intensive staff resourcing process. Costs have been and will be incurred through the process and will include appraisals, legal surveys, and land transfer costs. However, these costs can be covered through the overall sale process in a variety of ways. The options available to the Town would be to have the purchaser pay for some or all costs or the Town could bear the cost of some or all of the required fees. Staff suggest that the costs of these fees should be included in the overall sale price.

#### H. In Consultation With

Senior Management Team

## 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 **March 12, 2024**. In order to ensure affected local residents were notified, Public Meeting Notices were mailed to all residents who owned property directly abutting the various subject Town-owned lands being considered at this Public Meeting.

Those who provided comments at the Public Meeting and/or Public Information Centre, including anyone who has asked to receive notice regarding this matter, have been provided notice of this Staff Report. Any comments regarding this report should be submitted to Shawn Everitt, Chief Administrative Officer, <a href="mailto:cao@thebluemountains.ca">cao@thebluemountains.ca</a>.

#### J. Attached

#### 1. Public Comments

Respectfully submitted,

Shawn Everitt Chief Administrative Officer

For more information, please contact: Shawn Everitt, Chief Administrative Officer cao@thebluemountains.ca 519-599-3131 extension 234

# **Report Approval Details**

Document Title:	FAF.24.079 Follow Up to Public Meeting Regarding
	Declaring Municipally Owned Lands Surplus.docx
Attachments:	- Attachment-1-Public-Comments.pdf
Final Approval Date:	Jun 6, 2024

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

Shawn Everitt - Jun 6, 2024 - 3:09 PM