



Staff Report

Infrastructure and Public Works

Report To: Committee of the Whole
Meeting Date: February 4, 2019
Report Number: CSPW.19.003
Subject: Declaration of Town Land Surplus – Block 29, Plan 16M-14, High Bluff Lane
Prepared by: Michael Campbell, Construction Coordinator

A. Recommendations

THAT Council receive Staff Report CSPW.19.003, entitled “Declaration of Town Land Surplus – Block 29 Plan 16M-14, High Bluff Lane”;

AND THAT Council declare Block 29, Plan 16M-14 surplus to the needs of the Corporation;

AND THAT Council directs Staff to obtain an appraisal of said land;

AND THAT Council directs Staff to give notice to the public of the proposed sale of land as per the Corporate Policy POL.COR.07.02 “Sale and Disposition of Land”

B. Overview

The purpose of this report is to consider declaring land owned by the Town on High Bluff Lane surplus to its needs to improve the municipal road system and support the Town’s Official Plan objectives. If the land is declared surplus the report asks Council to direct Staff to have the lands appraised, provide notice to the public regarding the proposed sale of the land. Staff suggest the land could be added to an abutting parcel that could result in relocating an entrance on Peel Street and elimination of a septic system in a Town service area.

C. Background

The Town will reconstruct Peel Street north from Highway 26 to Georgian Bay pending budget approval. Residential development that will use Peel Street has reached a point that improvements should be advanced. Peel Street was constructed over the existing terrain as a cottage access for a small rural population to the practices of the day. Increased traffic flows from development and cottage conversion to year-round use or primary residences warrant this road being improved to the Town’s current Engineering Standards.

A major issue with Peel Street when compared to modern standards is the existing sight line over the hill north of High Bluff Lane. One complication to lowering the hill is to accommodate

the existing entrance to 189 Peel Street which is located at the top of the hill. The Town will be obliged to accommodate the existing conditions and in this case, it will include reconstruction of the entrance and driveway as well as relocation of one or more structures.

189 Peel Street has recently changed hands from a father to his 2 sons. The Town has been speaking with the property owners for the past few years regarding the pending project and how the construction might affect their property. The Town has discussed the entrance changes and the possible relocation of a garage structure.

During a meeting with current owners the concept of the Town selling Block 29 Plan 16M-14 was suggested as an option. The Block abuts 189 Peel Street and if the 2 parcels were joined it would allow the entrance moved to High Bluff Lane from Peel Street. See Attachment #1. It became quickly apparent, if this entrance onto Peel was eliminated the Town would realize a number of benefits discussed later in the report.

Block 29 Plan 16M-14 was originally a lot in the Trail Woods development fronting on High Bluff Lane. It was serviced with sanitary and water laterals in 2005 in Phase 1A of the Lora Bay & Thornbury Water and Sewer Servicing Project. Following the servicing project, the Ministry of Transportation (MTO) reconstructed Highway 26 which included a re-alignment of Peel Street. The realignment of Peel Street compromised the planned lot at the north-west corner of Peel and High Bluff. When the Plan of Subdivision for Trail Woods was registered in 2007 the parcel was too small to be a residential lot and it became Block 29.

The Planning and Development Services Department reviewed Block 29 under the new Zoning By-law. The Block does not have the required frontage for a residential lot but as a parcel of record this is not a restriction. The potential building enveloped suggests that a building with a single floor area of approximately 2,500 ft² would fit.

With the understanding that the Block could be developed as a single family residential lot, the negotiated sale to the abutting land owner would require some consideration by Council. The Town's "Sale and Other Disposition of Land" policy under Procedures Clause 2 states "Council may, at their sole discretion and acting in good faith, upon compliance with Clause 1 of this Policy, advertise to request sealed tenders for 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". Staff suggest that for the benefit of the project both design and construction, for the benefit of the long-term road system, for support of the goals of the Town's Official Plan, Council eventually consider a negotiated sale of the Block to the abutting land owners.

D. Analysis

While the Block may have development potential, the suggestion to sell the land to the Owners of 189 Peel Street offers other long-term benefits to the Town and Owner.

- i. The existing entrance and structures will be difficult to accommodate as part of the Peel Reconstruction Project and relocation of this entrance to a less active road is beneficial.

- ii. 189 Peel Street is serviced with an onsite septic system and the Town was no current plans to install a sewer past the lot. The current unused sanitary service to Block 29 would service the combined lot.
- iii. A requirement of the sale would be to create a single parcel with a 0.3m reserve along Peel Street to prevent future access.
- iv. The current entrance to 189 Peel Street crosses Block 29. Joining the land and eliminating the entrance would preclude any further work to sort out this encumbrance.

The table below provides a listing of advantages to the Town and the Owner if Block 29 was added to the lands of 189 Peel Street.

Advantages to Town	Advantages to 189 Peel Street
Relocate an entrance to lower tier road.	Increased lot size.
Eliminate a design challenge to accommodate entrance, driveway and structures when Peel Street hill is lowered.	Able to redevelop the lot without restrictions caused by an old septic system or incur the cost of a new septic system.
Eliminate a construction challenge to maintain access during reconstruction.	Access to municipal sanitary system.
Eliminate a septic system within a Town Service Area.	Access to a lower tiered local road which presumably has a lower traffic count.
Utilize dormant water and sewer laterals and eliminate a water lateral off the trunk main on Peel Street.	Eliminate entrance encroachment onto Block 29
Add a sewer user to the system (user fees).	
Add tax income from dormant land.	
Eliminate Town costs associated with maintaining the Block.	
One-time revenue from the sale of lands.	

The Town has developed a Land Review Tool (checklist) that has been filled out for Block 29, Plan 16M-14. This tool provides an analysis whether the lands should be considered as surplus. It is provided as Attachment #2 and finds the lands are able to be considered surplus. Therefore Staff recommend that:

- i. Council declare Block 29, Plan 16M-14 surplus to the needs of the Corporation;
- ii. Council directs Staff to obtain an appraisal of said land as a development parcel and as land that must be added to an existing parcel;
- iii. Council directs Staff to give notice to the public of the proposed sale of land as per the Corporate Policy POL.COR.07.02 "Sale and Disposition of Land".

The Town's "Sale and Other Disposition of Land" policy is provided as Attachment #3. If the recommendations are endorsed by Council, the next steps are as follows:

- An appraisal of the property will be obtained. Staff have already received a quote for the appraisal of \$2,102.00 plus taxes.
- Staff will give notice to the public of the proposed land sale including providing mailed notices to those within 120m of Block 29.
- Conduct a public meeting at a regularly scheduled Committee of the Whole meeting to receive comments on the proposed sale.
- Report to Council on the comments received at the public meeting. The Report will outline any comments received resulting from the 21 day notice period and the public meeting, plus provide recommendations on proceeding based on comments.
- Act on direction of Council regarding the sale of Block 29.

E. The Blue Mountains Strategic Plan

Goal #3: Support Healthy Lifestyles
Objective #4 Commit to Sustainability

Goal #4: Promote a Culture of Organizational & Operational Excellence
Objective #5 Constantly Identify Opportunities to Improve Efficiencies and Effectiveness

Goal #5: Ensure Our Infrastructure is Sustainable
Objective #3 Implement Best Practices in Sustainable Infrastructure

F. Environmental Impacts

The elimination of an on-site sewage disposal system with connection to the Town's sewer collection and treatment system will eliminate the risk of a future failure of the on-site system.

G. Financial Impact

Once the sale of land is finalized and the Town has received the money, Staff will bring a report back to Council outlining options for their consideration.

H. In Consultation With

Shawn Everitt, Interim CAO
Ryan Gibbons, Acting Director Community Services
Nathan Westendorp, Director of Planning & Development
Kris Couture, Tax Collector
Ruth Prince, Director of Finance & IT Services
Shawn Postma, Senior Policy Planner

I. Public Engagement

The topic of this Staff Report has not been subject to a Public Meeting and/or a Public Information Centre as neither a Public Meeting nor a Public Information Centre are required. Comments regarding this report should be submitted to Michael Campbell, cc@thebluemountains.ca.

The Owners of 189 Peel Street have been provided a copy of this report and informed of their opportunity to address the Committee of the Whole and Council when the report is presented.

J. Attached

1. Block 29 Building Block, MTE, December 6, 2018
2. Block 29 Plan 16M-14 Land Review Tool
3. Corporate Policy POL.COR.07.02 "Sale and Other Disposition of Land"

Respectfully submitted,

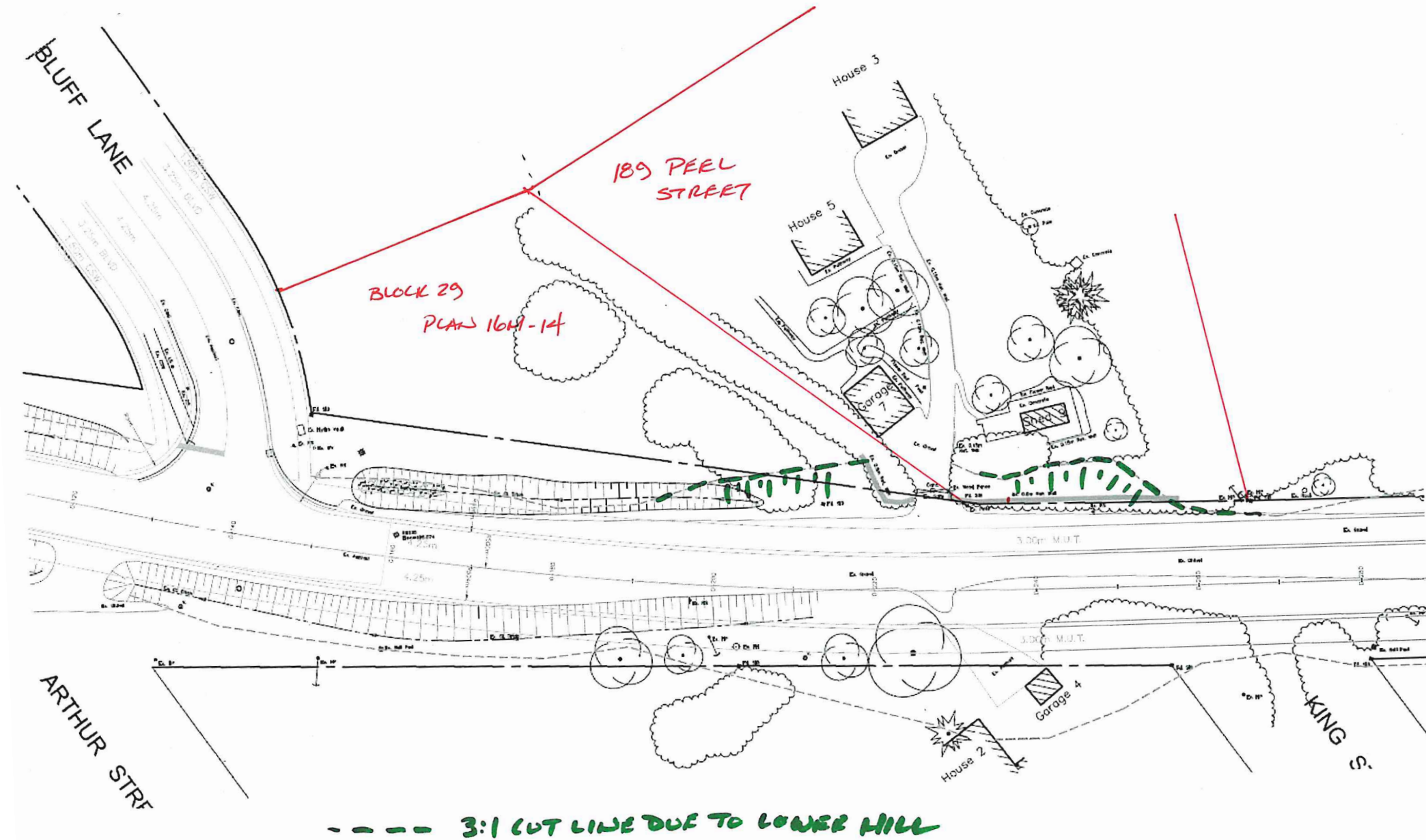
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Director of Infrastructure and Public Works

For more information, please contact:
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TOWN OF THE BLUE MOUNTAINS

POLICY & PROCEDURES

Subject Title: Sale and Other Disposition of Land

Corporate Policy (Approved by Council)

☒

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.

Property ID & History	
Property Address	Not assigned, likely 178 High Bluff Lane
Municipal Roll Number	15008650000
Legal Description	Block 29 Plan 16M-14
What is the current zoning of the property	R1-1 under Zoning By-law 2018-65
What is the current assessed value "2016"	Finance reports the current assessed value as \$120,000
What is the size of the property	Land Area is 1465m2 using the measuring tool on CityView
Is property currently in use	No
What is the current use	Municipal Land Bank
When was the property obtained	With registration of Plan 16M-14, October 30, 2007
How was property originally obtained	Transfer of land from developer of Trail Woods subdivision
What was the original intended use	The land was a subdivision lot that was reduced in size when MTO re-aligned the Peel Street/Hwy 26 intersection
Does the property have any restrictive covenant	Not sure, likely No
Is the property held in trust	No
Does the property provide municipal drainage	No
If the property is designated a Road Allowance or Street, is that the current use or a potential use	Not designated a Road Allowance and no potential for such use
Does the property contain Water and or Wastewater Infrastructure	The land is serviced with a 19mm water service and 125mm sanitary service
Does the property contain any other major Town infrastructure or other services	Land does not contain major Town infrastructure
Has the property been reviewed by Council before	Land has not been reviewed by Council
If yes, refer to Staff Report	

Site Contamination Section	
Known Contamination:	None
Expected Contamination:	None
History of Contaminantion:	None
Has an Environmental Screening Assessment Occurred:	No
Location of Environmental Screening Assessment File:	
Existing environmental standards to comply with:	?
If contaminated, does it exceed environmental standard:	?
Is the Municipality directly responsible for the site?	Yes
If not, has the municiplaity accepted responsibility?	
Probability that the site would require remediation:	Low
Would this require the Municiplaity to determine a liability?	Not Likely
If yes, what is the estimated cost of remediation?	

Review of Future Town Needs and Potential of Declaring Surplus	
Does the property have any existing liabilities to the Town	No
Does the property have an existing Road/Street access	Fronts on High Bluff lane but no existing entrance
Does the property have Road/Street access potential	Yes
Does the property have any known architectural significance	No
Does the property have any known historical significance	No
Does the property have any archeological significance	Not likely, an archeological Report should have ben completed for Subdivision Approval
Are any specific surveys or studies required	Unaware of any requirements
Are First Nations required to be consulted	Unaware of this requirement
Are there agencies that require consultation i.e. NEC, GSCA, NVCA, MNRF, DFO	Not likely
Is there an Agency that could retain ownership of property consistent with their own mandate	Not Likely
Does the property have any known recreational opportunities	The property is currently being maintained by the Town but it is not used for recreational opportunities and does not provide connection to any trails
Do any ecological or conservation concerns exist on or around the property	Not Likely
Do local residents in the immediate area require specific pre-consultation	Town policy does not require specific pre-consultation
Do local residents in the immediate area require specific notification	Town policy does not require specific notification
Is expert knowledge required to evaluate the property	Yes
Has there been interest from a potential purchaser of the property	Yes
Is there an existing management agreement in place with the Town or other agencies	No
Does the property provide any duplication of use or services in the immediate area	No

What is the estimated cost of divesting (i.e. Appraisal/surveying costs)	An Appraisal should be less than \$2500, Some legal time.
Are there any significant potential public concerns of declaring property surplus	Not Likely
Does the property have any development potential	The property does not have the lot frontage required by the zoning by-law, but as a parcel of record this is not a restriction. The available building envelope defined by the required yards is approximately 5700 sq-ft which could accommodate a building area of approximately 2,000 sq-ft on the first floor.
Could the property be severed into multiple lots	No
Have there been other similar properties appraised within 2 years	No
What are the estimated property taxes of the adjacent properties	To the west \$7,064, to the north \$3,202
Could the property be considered Surplus	Yes

Sign off On Information	
CAO	
Director of Community Services	
Director of Development Services	
Director of Financial Services	
Director of Infrastructure & Public Works	
Manager of Road & Drainage	
Manager of Accounting & Budgets	
Manager of Water & Wastewater	
Manager of Solid Waste & EI	
GIS Coordinator	