



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 were 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

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 borne 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 planning@thebluemountains.ca

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
planning@thebluemountains.ca
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:	<ul style="list-style-type: none">- 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