



REVISED Staff Report

Planning & Development Services – Planning Division

Report To: Committee of the Whole
Meeting Date: June 29, 2021
Report Number: PDS.21.068
Title: Consideration of Sale of Town Lands – Corner of Arthur and Victoria Streets (Beaver Street Remnant)
Prepared by: Denise McCarl, Planner II

A. Recommendations

THAT Council receive Staff Report PDS.021.068, entitled “Consideration of Sale of Town Lands – Corner of Arthur and Victoria Streets (Beaver Street Remnant)”;

AND THAT Council deems a portion of the unopened Beaver Street South Right of Way (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 Beaver 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.

B. Overview

This report provides Council with follow up information to a deputation made at Council on December 7, 2020, from Kristine Loft of Loft Planning making request to purchase of municipally owned lands that are a remnant of Beaver Street, located at the corner of Victoria Street South and Arthur Street West (the “Subject Lands”). It also provides background information on a previous request to purchase the Subject Lands in 2017 that was abandoned by a previous applicant.

C. Background

On December 7, 2020, an agent of behalf of a landowner, made a deputation to Council requesting consideration to purchase a portion of Town lands to add to their parcel. The deputation letter is found in Attachment 1 of this report. The landowner, identified in the deputation letter as One Brick Investments, is seeking to consolidate the Town lands with their property to allow for redevelopment. Through Council resolution, this request was referred to Planning Services for review, analysis and next steps.

Lands under Consideration

For the purposes of this report, staff have referred to the triangular property in question as “the Beaver Street Remnant” and the “Subject Lands”. The portion of lands is a section of Beaver Street that has not been constructed. The lands are also bound by both Victoria Street S and Arthur Street West, as seen in below in both Figures 1 and 2. The easterly portions of Beaver Street (east of Arthur Street) have mostly been sold and consolidated with private land parcels. The westerly portion of Beaver Street terminates at Victoria Street, which is also visible below in Figure 1.

Figure 1: Aerial View

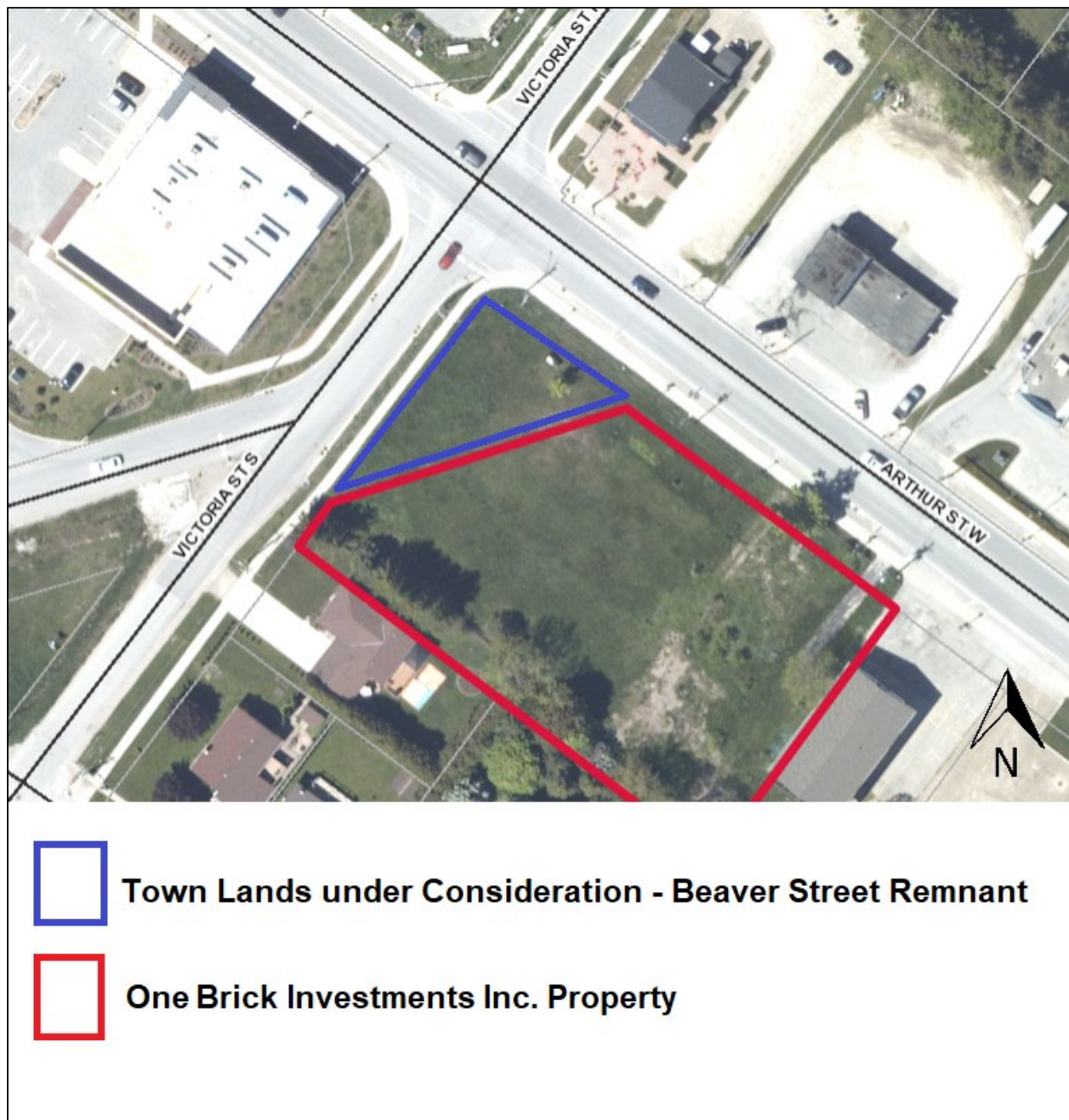
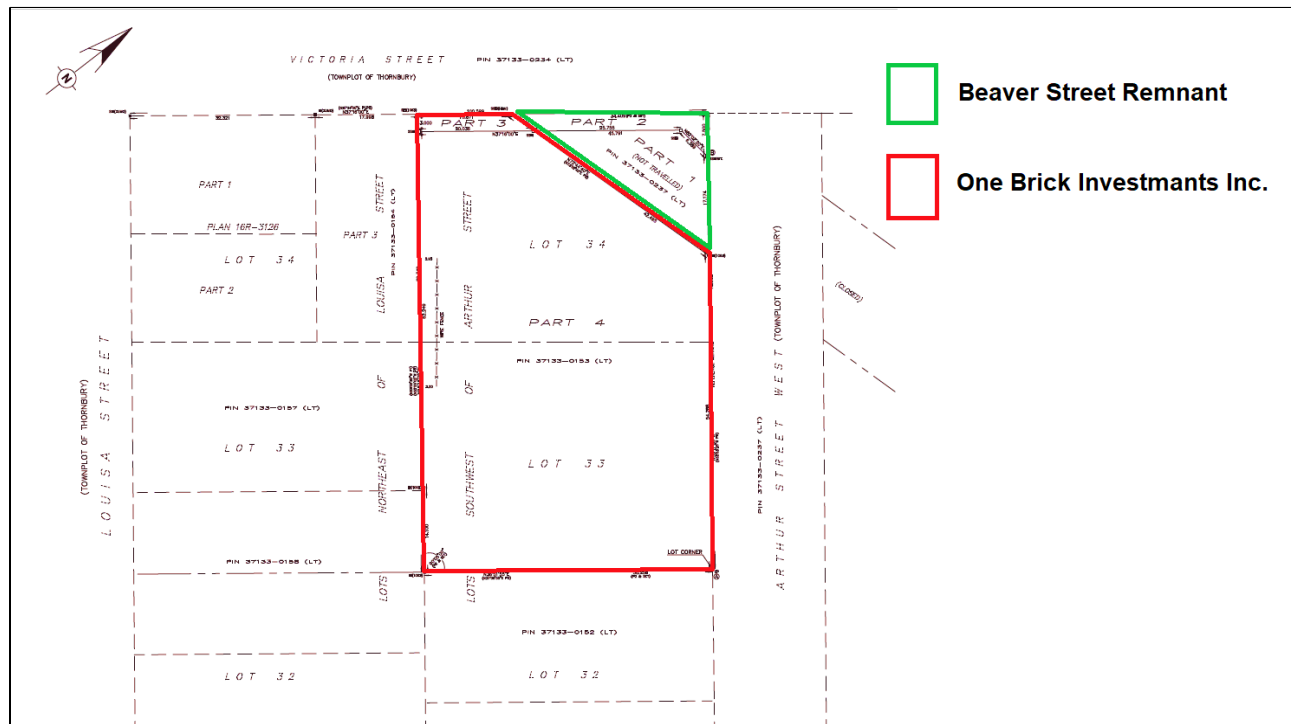


Figure 2: Draft Reference Plan



Previous Consideration to Deem Surplus and Dispose 2017

A previous property owner of the same adjacent lands had requested to purchase the Beaver Street Remnant during the years 2016-2017. The aim then was also to incorporate into a proposed development of a Commercial Plaza with a Subway Sandwich Shop.

At that time Council referred the request to Planning Services. Planning Staff took the request through a process for consideration to deem the lands surplus and dispose of the lands, which included:

- Lands Review Tool Completed in consultation with all relevant staff – February 8, 2017
- Information Report to Committee of the Whole – PDS.17.28 – February 22, 2017
- Public Notice to consider Stop up and Close of the Right of Way – March 14, 2017 (posted in newspaper for 2 weeks)
- Public Meeting held as part of the consideration to Stop up and Close – April 3, 2017
- Follow up Recommendation Report PDS.17.35 - April 24, 2017
- Council Resolution - Deeming lands surplus and authorizing a By-law to Stop up and Close – May 8, 2017
- Draft Reference Plan Completed (initiated by interested party) – May 31, 2017
- Property Appraisal Completed - November 23, 2017

Through that process, staff had recommended a 3 metre road widening along Victoria be taken as part of a development proposal for the Commercial Property, as well as a Daylighting Triangle at the corner be retained, as was taken at the opposite corner of Arthur and Victoria Streets at the LCBO. As a result of those recommendations, a draft Reference Plan showing

these portions, was prepared at the cost of the then private property owner who had been interested in purchasing the Town Lands (a full copy is found in Attachment 5).

As the Subject Lands comprised a “public highway”, Planning staff worked directly with the Infrastructure & Public Works Department (now known as Operations Department) on the process to consider the lands surplus and close the highway. The direction given at that time to Planning staff was to hold a Public Meeting, which though not required, had historically been Town practice for closing a highway. Through the Public Meeting held April 3, 2017, no comments or concerns were received from any agency or the public.

Following the Public Meeting, staff brought back a report to the Council of the day; and both reports are found in Attachment 2. Council at that time deemed the lands surplus by Resolution as found in Attachment 3.

Planning staff subsequently initiated an appraisal of the lands. The appraisal was based on all three (3) parts as shown in the Attachment 2 - Draft Reference Plan and it also included a valuation of a portion of road widening along Victoria Street (shown as Part 2 on the draft Reference Plan).

Following this property appraisal, the Property Owner indicated they were no longer interested in the Town Lands, and their private property was put up for sale. This means that the prior processes to dispose of the Town Lands was not completed and the matter closed.

D. Analysis

Updated 2021 Lands Review Tool

Staff undertook an updated review of the property through internal circulation to all departments. Comments received indicated that the long-term strategic property needs of the Town remain unchanged. The Town Lands remain a candidate for disposal and the road widening is still desired to allow for flexibility in the long term at what is expected to continue to be a busy commercial corner.

Based on the information from the review, staff maintain that there is merit in disposing of the lands, as outlined in the following:

- Part 1 -Draft Reference Plan may be deemed surplus to the needs of the Corporation and potentially sold to the adjacent landowner for consolidation to their parcel, at a fair market value.
- Part 2 -Draft Reference Plan should not be deemed surplus and be retained by the Town and represents a portion of potential future Road Widening and a Daylighting Triangle, similar to the opposite corner (at the LCBO).
- Part 3 -Draft Reference Plan is a requested Road Widening on Victoria Street, that may be considered as part of this transaction as a partial lands exchange.

Given the amount of time that has passed since the previous request, Council has two options:

Option 1 – Restart Process (Recommended)

Planning staff recommend a re-start to this process, to ensure transparency. This includes the recommendation that, if the current Council desires to continue on with the process to deem the lands surplus and close the Subject Lands as a highway, that Council restate its position by Resolution.

Once declared surplus staff can proceed with the 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 (2) 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.

Since the previous appraisal was dated late 2017, this appraisal should be updated to reflect the current property valuation for 2021.

Other work that would still be necessary is the depositing of the draft 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.

Option 2 – Council Reaffirm Previous Decisions

Council may reaffirm previous decisions already made on this matter by new Council resolution. This option remains procedurally correct, but expedites the process. It is still recommended that since the previous appraisal was dated late 2017, the appraisal should be updated to reflect the current property valuation for 2021. The draft Reference Plan would be deposited so that the legal Transfers can be prepared by the appropriate legal counsel. Thereafter, at a suitable time, a by-law to Stop Up and Close the road allowance would be brought to Council.

Internal Consultation

This report was written in consultation with Operations Department staff, and in consideration of Staff Report CSOPS.21.044, entitled "Beaver Street Stop Up and Close and Addition of Beaver and Louisa to Thornbury West Phase 1", which provided options for realignment of an intersection involving another nearby portion Beaver Street, at Victoria and Louisa Streets.

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

There are no anticipated Environmental Impacts related to this Staff Report.

G. Financial Impacts

The recommendations in this staff report include moving forward with the disposition of the Town Lands noted in this report, which will have some financial impact relating to the sale of the lands, should Council approve the request. The final financial costs are not known at this time. Disposal of Town Lands procedure includes cost recovery of those costs incurred by the Municipality through this process, to be borne by the potential purchaser.

H. In Consultation With

The following staff were consulted in the review of the Subject Lands under consideration, but did not review this report:

Senior Management Team

Jim McCannell, Manager of Roads and Drainage

Sam Dinsmore, Deputy Treasurer/Manager of Accounting and Budgets

Allison Kershaw, Manager of Water and Wastewater

Michael Campbell, Construction Coordinator

Stephanie McPhie, GIS Specialist

Jeffery Fletcher, Manager of Sustainability & Solid Waste

Brian Worsley, Manager of Development Engineering

I. Public Engagement

The topic of this Staff Report was the subject of a Public Meeting on April 3, 2017. No comments were received regarding the proposed Stop Up and Close of the Beaver Street Remnant. Based on the amount of time that has passed since the previous Public Notice and Public Meeting, staff recommend a new public notice be circulated in the newspaper, as per the Town's Notice Policy POL.COR.07.03, as outlined in this report.

Any comments regarding this report should be submitted to Denise McCarl,
planning@thebluemountains.ca

J. Attached

1. Attachment 1 – Deputation Kristine Loft December 7, 2020
2. Attachment 2 – Previous Staff Report PDS.17.35 “Stop up and Close a portion of Beaver Street Road Allowance”
3. Attachment 3 - Previous Council Resolution – May 8, 2017
4. Attachment 4 – Sale and Other Disposition of Land Policy (POL.COR.07.02)
5. Attachment 5 – Draft Reference Plan with Road Widening

Respectfully submitted,

Denise McCarl, MSc MCIP RPP
Planner II

Trevor Houghton, MCIP RPP
Manager of Community Planning

Nathan Westendorp, RPP MCIP
Director of Planning and Development Services

For more information, please contact:
Denise McCarl, Planner II
planning@thebluemountains.ca
519-599-3131 extension 262

Report Approval Details

Document Title:	PDS.21.068 Consideration of Sale of Town Lands - Corner of Arthur and Victoria Streets (Beaver Street Remnant).docx
Attachments:	<ul style="list-style-type: none">- PDS.21.068 Attachment 1 Deputation Loft Re Purchase PIN371330237LT.pdf- PDS.21.068 Attachment 2 PDS.17.35 Stop up and Close portion of Beaver Street.pdf- PDS.21.068 Attachment 3 Previous Council Resolution.pdf- PDS.21.068 Attachment 4 POL.COR.07.02 Sale and Other Disposition of Land.pdf- PDS.21.068 Attachment 5 Draft reference plan.pdf
Final Approval Date:	Jun 21, 2021

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

Trevor Houghton - Jun 16, 2021 - 1:03 PM

Nathan Westendorp - Jun 21, 2021 - 8:27 AM

Shawn Everitt - Jun 21, 2021 - 9:23 AM



LOFT PLANNING

PDS.21.068

Attachment 1

P.O. Box 246, STN MAIN
Collingwood, Ontario
L9Y 3Z5

705.446.1168
kristine@loftplanning.com
loftplanning.com

December 7 2020

Ms. Corrina Giles, Town Clerk
Town of the Blue Mountains
32 Mill Street, P.O. Box 310
Thornbury, Ontario
N0H 1J0

Attention: Corrina Giles, Town Clerk

Dear Ms. Giles:

RE: Request to Purchase of municipally owned lands known legally as PIN 37133-0237 (LT)
Our File: 45820

We are the planners acting on behalf of One Brick Investments Inc.

Our clients have recently purchased lands known municipally as 63 Arthur Street West (Thornbury) in the Town of the Blue Mountains. This is a corner lot located at Arthur Street West and Victoria Street. Our client has asked that we enquire with respect to purchasing municipally owned lands known legally as **PIN 37133-0327 (LT)** which is more clearly depicted on the attached documents. These relevant parts are located at the corner of Arthur Street West and Victoria Street and are vacant municipally owned lands. We enclose a draft survey plan identifying the lands as Part 1 and Part 2 including the extent and boundaries of those parts that they are interested in as well as an aerial view from GIS mapping.

We ask that you please advise on whether the Town would be prepared to offer those Parts for sale, and on what terms.

We ask that the Town consider this request in the context of the following reasons:

- It is sensible, good land use planning to combine these parts with the adjacent lands at 63 Arthur Street West (PIN 37133-0153 (LT)) which are owned by our client One Brick Investments Inc. Development of the combined lands would represent infill development in conformity with the Town Official Plan and in proximity to full municipal servicing;
- The combined lands will offer the potential for a viable development with off-street parking;
- There is no expectation that the Town needs to retain these particular Parts.

Our clients have communicated with planning staff on the development of the current private lands and the relevance of these two municipally owned corner parts.

Thank you very much for your attention to this request.

Please advise if you require any additional information or clarification.



LOFT PLANNING

Yours truly,



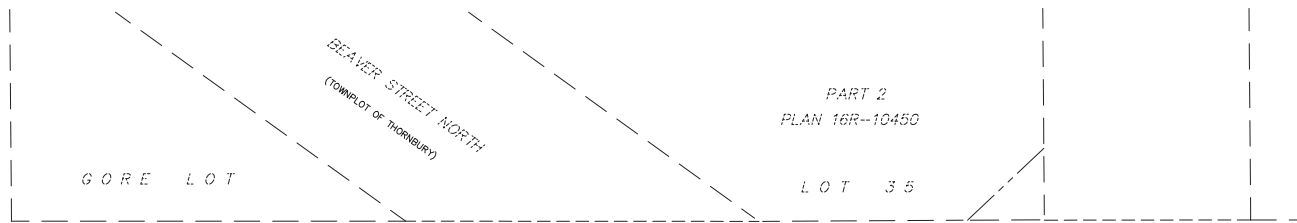
Kristine Loft, MCIP RPP
Loft Planning Inc.

Copy: One Brick Investments Inc.
Trevor Houghton, Manager of Community Planning

Attached: Draft Survey Plan and Aerial

P.O. Box 246, STN MAIN
Collingwood, Ontario
L9Y 3Z5

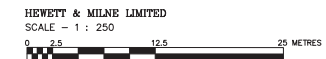
705.446.1168
kristine@loftplanning.com
loftplanning.com



I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.		PLAN 16R— RECEIVED AND DEPOSITED	
DATE.....		DATE.....	
NEIL C. MILNE, O.L.S.		REPRESENTATIVE FOR LAND REGISTRAR FOR THE LAND TITLES DIVISION OF GREY (No. 16)	
SCHEDULE OF PARTS			
PART	LOT	CONVESSION/PLAN	PIN
1	PT BEAVER ST	TOWNPLOT OF THORNBURY	PART OF 37133-0237(LT)
2	PT BEAVER ST	TOWNPLOT OF THORNBURY	PART OF 37133-0237(LT)
3	PT 34	SOUTHWEST OF ARTHUR ST	PART OF 37133-0153(LT)
4	PT 34, ALL 33	SOUTHWEST OF ARTHUR ST	PART OF 37133-0153(LT)

THIS PLAN IS COMPRISED OF ALL OF PIN 37133-0153 (LT) AND PART OF PIN 37133-0237 (LT)

PLAN OF SURVEY
OF ALL OF
LOTS 33 and 34
SOUTHWEST OF ARTHUR STREET
AND PART OF
BEAVER STREET
TOWNPLOT OF THORNBUARY
GEOGRAPHIC TOWN OF THORNBUARY
TOWNSHIP OF THE BLUE MOUNTAINS
COUNTY OF GREY



LEGEND

■	DENOTES SURVEY MONUMENT FOUND
□	DENOTES SURVEY MONUMENT SET
SB	DENOTES STANDARD IRON BAR
SBIB	DENOTES STANDING IRON BAR
HAM	DENOTES HEWETT & MILNE LTD., O.L.S.
1546	DENOTES RUDY MAC, O.L.S.
1549	DENOTES MARK, O.L.S.
ZUM	DENOTES ZUBER, EMO AND PATTEN LTD., O.L.S.
P1	DENOTES PLAN 16R-10450
P2	DENOTES HAM PLAN DATED JUNE 4 2015
AN	DENOTES ANCHOR
UP	DENOTES UTILITY POLE

METRIC NOTE
DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

INTEGRATION DATA		
ALL COORDINATES ARE IN METRES, ARE DERIVED FROM GPS RTK OBSERVATIONS USING THE CAN-NET NETWORK AND ARE REFERRED TO UTM ZONE 17 (81° WEST LONGITUDE) NAD83(CRS85)(1997.0)		
COORDINATE VALUES ARE TO A RURAL ACCURACY IN ACCORDANCE WITH SECTION 14(2) OF OREG 216/10.		
POINT ID	NORTHING	EASTING
A	4934626.86	543154.77
B	4934669.60	543097.58
CAUTION: COORDINATES CANNOT, IN THEMSELVES BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN		
INTEGRATION NOTES		
BEARINGS ARE UNIVERSAL TRANSVERSE MERCATOR (UTM) GRID, DERIVED FROM NETWORK GPS OBSERVATIONS TRANSFERRED TO MONUMENTS "A" AND "B" SHOWN HEREON. THE UTM GRID BEARING BETWEEN POINTS "A" AND "B" IS N57°13'30" W, NAD83(CRS85)(1997.0), AND IS REFERRED TO THE CENTRAL MERIDIAN OF UTM ZONE 17 (81° WEST LONGITUDE)		
DISTANCES SHOWN ON THIS PLAN ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.99956		
BEARING COMPARISONS TO REGISTERED INSTRUMENTS AND PLANS SHOWN ON THIS PLAN ARE ASTRONOMIC BEARINGS. A CLOCKWISE ROTATION OF 569°42'00" CAN BE APPLIED TO THESE ASTRONOMIC BEARING COMPARISONS TO CONVERT TO UTM GRID BEARINGS		

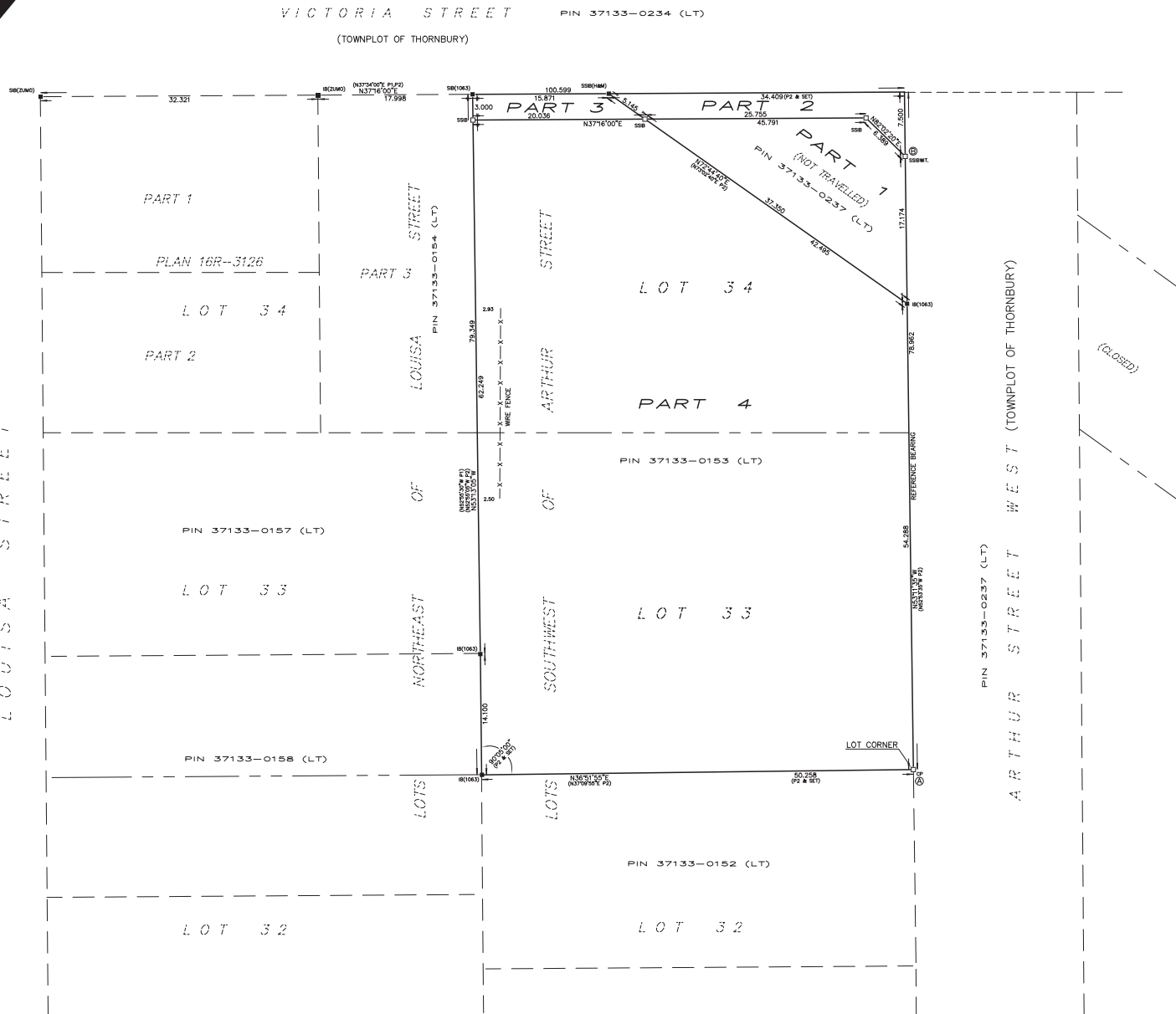
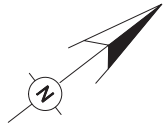
SURVEYOR'S CERTIFICATE
I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATION MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON THE 31st DAY OF MAY 2017.

JUNE 15th 2017
NEIL C. MILNE,
ONTARIO LAND SURVEYOR

HEWETT AND MILNE LIMITED
ONTARIO LAND SURVEYORS

302, 8th STREET EAST,
OWEN SOUND, ONTARIO
P. O. BOX 112, N4K 5P1
TEL. 519-376-5528
FAX 519-376-5534
EMAIL : hndm@omls.com

DRAWN BY	FILE #	FILE LOCATION
TU	17-105	10-A



Request to purchase municipal lands legally known as PIN 37133-0237 (LT) to be merged with adjacent lands at 63 Arthur Street West.





Staff Report

Planning and Development Services – Planning

Report To: Committee of The Whole
Meeting Date: April 24, 2017
Report Number: PDS.17.35
Subject: Stop up and Close a portion of Beaver Street Road Allowance
Prepared by: Denise Whaley, Planner II

A. Recommendations

THAT Council receive Staff Report PDS.17.35 Stop up and Close a Portion of Beaver Street South Road Allowance;

THAT Council enact a By-law to Stop Up and Close a portion of the Beaver Street South road allowance, extending easterly 50 metres from the juncture of Victoria Street South to Arthur Street West, and

THAT Council deem the lands surplus to the needs of the Municipality with the intention of future disposal of the lands.

B. Overview

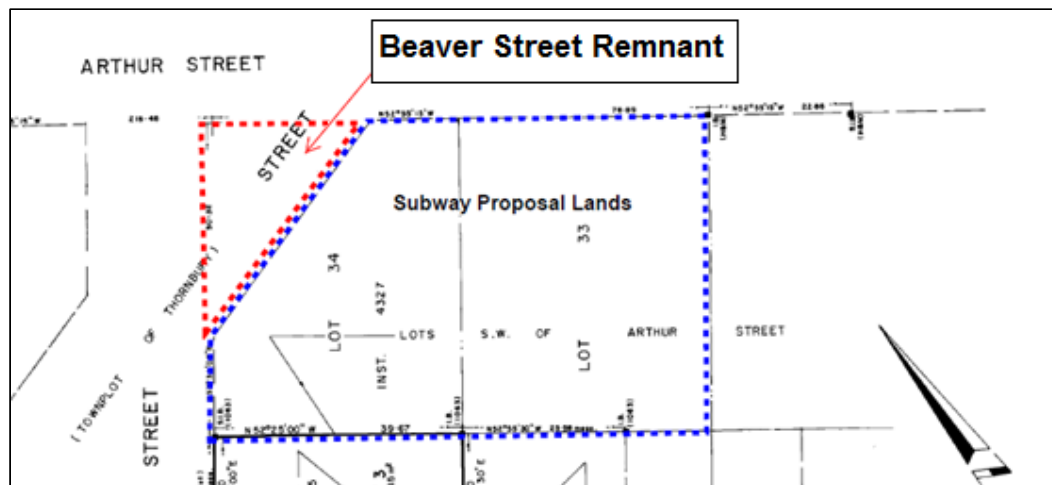
A public meeting was held April 3, 2017 to consider Stopping up and Closing the unused section of the Beaver Street road allowance between Victoria Street and Arthur Street. There were no comments made or concerns raised at the public meeting on this matter, therefore, staff recommend Council proceed with the closure of this portion of Beaver Street.

C. Background

The adjacent land owner requested to purchase the remnant portion of the Beaver Street road allowance at the corner of Victoria Street South and Arthur Street West ("subject lands") and addressed Council in December 2016. The matter was referred to staff and staff report PDS.17.12 "Heinrich Request to Purchase Unopened Portion of Beaver Street", was presented to Committee of the Whole February 22, 2017 (see Attachment #1). That report recommended that the Town move to public consultation to consider stopping up and closing the section of road allowance.

The property review tool attached to that report provided further details on this remnant of Beaver Street and there was support to consider the lands as surplus to the needs of the Town, to consider disposing of the lands. The subject lands are shown in Figure 1. The lands, a remnant of the Beaver Street road allowance, is approximately 50 metres long.

Figure 1: Subject Lands - Beaver Street South unopened road allowance



In accordance with Corporate Policy POL.COR.07.03, Provision of Notice and Manner of Giving Notice, an advertisement was placed in a local newspaper, a Notice was posted on the Town's website, and an e-blast were made to subscribers to provide notice of the meeting regarding the proposed closing. Council held the Public Meeting on April 3, 2017. No comments were made at the meeting or received regarding the proposed closure.

D. Analysis

Based on the review provided in the previous staff report, there was support from internal staff to consider the lands surplus. Comments from Infrastructure and Public Works requested a daylighting triangle and road widening three (3) metres along Victoria Street, which would be retained by the Town. Should Council decide to close the subject portion of the Beaver Street road allowance and the lands sold to the adjacent land owner, there would also be opportunity for road widening along the adjacent owner's lands (Heinrich lands). These matters would be formalized through future negotiations on the purchase of the subject lands.

As there were no comments received and no issues raised as a result the public meeting, staff feel there is merit to move forward with the closure and the possible sale of the lands. Staff therefore recommend that Council Stop Up and Close the unopened portion of the Beaver Street outlined in this report. Further, Council could also make a decision to deem the lands surplus at this time.

A draft By-law to enact the above is provided as Attachment 2. With the Council approval of this Report's recommendation, the draft By-law will be finalized and brought forward at a subsequent Council for adoption.

Staff will prepare a separate report for the possible disposal of the lands for consideration by Council at a subsequent meeting.

E. The Blue Mountains Strategic Plan

The recommendations in this reports supports the following goals:

Goal #1 - Create opportunities for sustainability

Goal #3 - Support healthy lifestyles

Goal #5 - Ensure that our infrastructure is sustainable

F. Environmental Impacts

None.

G. Financial Impact

None at this time.

H. In consultation with

Senior Management Team and internal staff through circulation and the public through the posted notice.

I. Attached

1. Draft By-law

Respectfully Submitted,

Denise Whaley, MSc MCIP RPP
Planner II

Michael Benner, MCIP RPP
Director of Planning and Development Services

For more information, please contact:
Denise Whaley, Planner II
dwhaley@thebluemountains.ca
519-599-3131 extension 262



Staff Report

Planning and Development Services – Planning

Report To: Committee of The Whole
Meeting Date: February 22, 2017
Report Number: PDS.17.12
Subject: Henrich Request to Purchase Unopened Portion of Beaver Street
Prepared by: Denise Whaley, Planner II

A. Recommendations

THAT Council receive Staff Report PDS.17.12 "Henrich Request to Purchase Unopened Portion of Beaver Street; and

THAT Council direct staff to initiate the process to stop up and close the unused portion of Beaver Street for future consideration of declaring the lands surplus;

AND THAT Council exercise their authority under clause 2 of the Town's Disposition of Land Policy to allow Staff to negotiate solely with the owner of Town Plot, Lot 33 & Part Lot 34, Arthur W/S;

AND THAT Council authorize Staff to negotiate with the owner of Town Plot, Lot 33 & Part Lot 34, Arthur W/S pending the successful completion of the stopping up and closing of the portion of Beaver Street unopened road allowances as outlined in this report.

B. Overview

This report provides follow up information to Council following the deputation from Eric Henrich on December 5, 2016. Mr. Henrich presented his proposal for a commercial development of the property which included a request to purchase a remnant of the Beaver Street Road allowance. This report also seeks direction from Council on the request to purchase the Beaver Street remnant and recommends to begin the process to Stop up and Close the portion of the road and to negotiate the sale of this parcel.

C. Background

Mr. Heinrich met with staff last fall to discuss a proposal for commercial development on the vacant lands at the corner of Victoria Street and Arthur Street (Figure 1). The proposal includes a Subway Sandwich Shop along with additional commercial units.

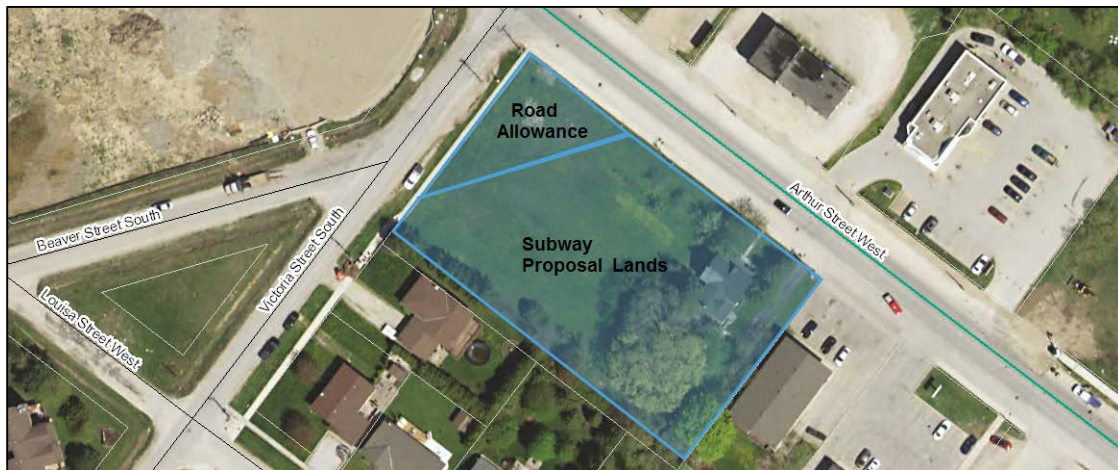
Mr. Heinrich submitted a deputation to Council on December 5, 2016 to introduce himself and the proposal, and to request to purchase a remnant piece of the Beaver Street Road Allowance.

The deputation materials, which include a draft site plan are attached to this report in Attachment #2.

Location of the Lands

The subject lands are a remnant of Beaver Street from the original Town Plot of Thornbury. Mr. Heinrich's lands are adjacent at 63 Arthur Street West, as shown in Figure 1. The adjacent lands to the south are residential in nature, northwest is the LCBO, north is the Orchid restaurant and southeast is Mac's Convenience. Beaver Street South currently ends at Victoria Street South.

Figure 1: Aerial View of the Lands



In the street view photo Figure 2, there is a house at the left that has now been demolished. The lands are now vacant.

Figure 2: Google Street View - 2015



D. Analysis

The subject lands are considered development lands and designated “Downtown Area” in the Town’s Official Plan and Zoned General Commercial (C2) in Zoning By-law 10-77.

This section of Beaver Street road allowance is not travelled and not proposed for future road use. A review of the lands using the Lands Review Tools was undertaken (Attachment #2).

The size of the remnant road allowance portion as shown in Figure 1 is approximately 580 square metres, with approximately 29 metres of frontage on Arthur Street. The size and shape of the remnant would make it difficult to develop on its own. Consolidating the Beaver Street remnant with the adjacent lands would allow for efficient use of the property and a wider variety of development options for the property.

It should also be noted that the Town has requested a 3 metre road widening allowance along the Beaver Street/Victoria Street road frontage. This road widening request would be taken into consideration through the property disposal process.

If Council is interested in pursuing the proposal to dispose of this Beaver Street remnant, Staff recommend moving forward with the disposition of land process in accordance with Town Policy POL.COR.07.02. Sale and Other Disposition of Land. The clause 1 of the policy requires that, prior to the sale of Town owned land, Council perform the following:

- 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.**

Since the Beaver Street remnant land is an unopened road allowances with very limited development potential on its own, Staff recommend that Council consider allowing Staff to negotiate directly with the owner the adjacent lot with regards to the sale of the unopened road allowance section in accordance with clause 2 of the policy:

- 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.**

Clause 1.b) of the policy also outlines the requirement to 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. Through discussions with staff, the land owner has requested consideration for exemption of an appraisal, as provided for through Clause 5. B) of the policy:

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:

b) Closed highways if sold to an owner of land abutting the closed highways.

If Council is satisfied with this approach, in determining sale value for negotiation, Staff could undertake an internal appraisal of the lands based on available information. The costs of the preparation of the reference plan for the remnant parcel and legal costs of consolidating the lands would be borne by the adjacent land owner.

E. The Blue Mountains Strategic Plan

The recommendation in this report is consistent with the following Goals and Objectives from the Strategic Plan:

Goal #1 - Create opportunities for sustainability, Objective #2 - Attract New Business, and

Goal #3 - Support healthy lifestyles, Objective #3 - Manage Growth and Promote Smart Growth

F. Environmental Impacts

None.

G. Financial Impact

None at this time. Costs incurred by the Town can be recovered through the land sale process.

H. In consultation with

Senior Management Team.

I. Attached

1. Eric Heinrich's Deputation - Dec. 5, 2016
2. Property Review Tool (to help determine if lands are surplus)
3. POL.COR.07.02 Sale and Other Disposition of Land Policy

Respectfully Submitted,

Denise Whaley, MSc MCIP RPP
Planner II

Michael Benner, MCIP RPP
Director of Planning and Development Services

For more information, please contact:
Denise Whaley, Planner II
dwhaley@thebluemountains.ca
519-599-3131 extension 262

DRAFT

The Corporation of the Town of The Blue Mountains

By-Law Number 2017 –

Being a by-law to permanently close the portion of municipal highway known as Beaver Street South extending easterly 50 metres from the juncture of Victoria Street South to Arthur Street West

Whereas sections 9, 11 and 34 of the Municipal Act, 2001, S.O. 2001, c. 25 (the “Act”), enable a municipality to pass by-laws permanently closing highways;

And Whereas Council has deemed it to be in the public interest to permanently close the portion of municipal highway known as Beaver Street South extending easterly 50 metres from the juncture of Victoria Street South easterly to Arthur Street West;

And Whereas Council did adopt, in accordance with Section 270 of the Act, Policy POL.COR.07.03 (the “Policy”) to prescribe the form and manner for the giving of public notice of its intention to consider this by-law;

And Whereas public notice of the intention to enact this by-law has been given in accordance with the requirements of the Policy and a Public Meeting was held on April 3, 2017 to hear input on the proposed by-law from interested persons;

Now Therefore the Council of the Corporation of the Town of The Blue Mountains hereby enacts as follows:

1. That the portion of municipal highway known as Beaver Street South extending easterly 50 metres from the juncture of Victoria Street South easterly to Arthur Street West is hereby permanently closed.
2. This By-law shall come into force and take effect upon the registration of a certified copy of this By-law in the Land Registry Office for the Registry Division of Grey (#16).

And Further that this By-law shall come into force and take effect upon the enactment thereof.

Enacted and passed this ____ day of _____, 2017

John McKean, Mayor

Corrina Giles, Clerk



Town of The Blue Mountains

32 Mill Street, P.O. Box 310, Thornbury, ON N0H 2P0

Tel: (519) 599-3131 • Fax: (519) 599-7723

Toll Free: 1-888-BLU-MTNS (1-888-258-6867)

info@thebluemountains.ca • www.thebluemountains.ca

May 8, 2017

Moved by: Michael Seguin

Seconded by: John McGee

THAT Council receive Staff Report PDS.17.35 Stop up and Close a Portion of Beaver Street South Road Allowance;

THAT Council enact a By-law to Stop Up and Close a portion of the Beaver Street South road allowance, extending easterly 50 metres from the juncture of Victoria Street South to Arthur Street West, and

THAT Council deem the lands surplus to the needs of the Municipality with the intention of future disposal of the lands, **CARRIED.**

CERTIFIED TO BE A TRUE COPY

A handwritten signature in black ink, appearing to read "Krista Royal", is written over a faint, circular official stamp. The signature is fluid and cursive.

Krista Royal, Deputy Clerk

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.

I REQUIRE THIS PLAN TO BE DEPOSITED
UNDER THE LAND TITLES ACT.

DATE.....

NEIL C. MILNE, O.L.S.

PLAN 16R--
RECEIVED AND DEPOSITED

DATE.....

REPRESENTATIVE FOR LAND REGISTRAR
FOR THE LAND TITLES DIVISION
OF GREY (No. 16)

SCHEDULE OF PARTS

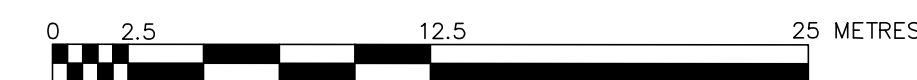
PART	LOT	CONCESSION/PLAN	PIN
1	PT BEAVER ST	TOWNPLOT OF THORNBURY	PART OF 37133-0237(LT)
2	PT BEAVER ST	TOWNPLOT OF THORNBURY	PART OF 37133-0237(LT)
3	PT 34	SOUTHWEST OF ARTHUR ST	PART OF 37133-0153(LT)
4	PT 34, ALL 33	SOUTHWEST OF ARTHUR ST	PART OF 37133-0153(LT)

THIS PLAN IS COMPRISED OF ALL OF PIN 37133-0153 (LT) AND PART OF PIN 37133-0237 (LT)

PLAN OF SURVEY
OF ALL OF
LOTS 33 and 34
SOUTHWEST OF ARTHUR STREET
AND PART OF
BEAVER STREET
TOWNPLOT OF THORNBURY
GEOGRAPHIC TOWN OF THORNBURY
TOWNSHIP OF THE BLUE MOUNTAINS
COUNTY OF GREY

HEWETT & MILNE LIMITED

SCALE - 1 : 250



LEGEND

- DENOTES SURVEY MONUMENT FOUND
- DENOTES SURVEY MONUMENT SET
- SIB DENOTES STANDARD IRON BAR
- SSIB DENOTES SHORT STANDARD IRON BAR
- IB DENOTES IRON BAR
- H&M DENOTES HEWETT AND MILNE LTD., O.L.S.
- 1063 DENOTES R. W. MACKEY, O.L.S.
- 1546 DENOTES RUDY MAK, O.L.S.
- 1649 DENOTES MARTIN KNISLEY, O.L.S.
- ZUMO DENOTES ZUBEK, EMO AND PATTEN LTD., O.L.S.
- P1 DENOTES PLAN 16R-3126
- P2 DENOTES H&M PLAN DATED JUNE 4 2015
- AN DENOTES ANCHOR
- UP DENOTES UTILITY POLE

METRIC NOTE

DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE
IN METRES AND CAN BE CONVERTED TO FEET BY
DIVIDING BY 0.3048.

INTEGRATION DATA

ALL COORDINATES ARE IN METRES, ARE DERIVED FROM GPS
RTK OBSERVATIONS USING THE CAN-NET NETWORK
AND ARE REFERRED TO UTM ZONE 17 (81° WEST LONGITUDE)
NAD83(CSRS)(1997.0)

COORDINATE VALUES ARE TO A RURAL ACCURACY IN
ACCORDANCE WITH SECTION 14(2) OF O.REG 216/10.

POINT ID	NORTHING	EASTING
A	4934626.86	543154.77
B	4934669.60	543097.58

CAUTION: COORDINATES CANNOT, IN THEMSELVES BE USED TO
RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN

INTEGRATION NOTES

BEARINGS ARE UNIVERSAL TRANSVERSE MERCATOR (UTM)
GRID, DERIVED FROM NETWORK GPS OBSERVATIONS
TRANSFERRED TO MONUMENTS 'A' AND 'B' SHOWN HEREON.
THE UTM GRID BEARING BETWEEN POINTS 'A' AND 'B' IS
N53°13'30"W, NAD83(CSRS)(1997.0), AND IS REFERRED TO THE
CENTRAL MERIDIAN OF UTM ZONE 17 (81° WEST LONGITUDE)

DISTANCES SHOWN ON THIS PLAN ARE GROUND AND
CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE
COMBINED SCALE FACTOR OF 0.99956

BEARING COMPARISONS TO REGISTERED INSTRUMENTS AND
PLANS SHOWN ON THIS PLAN ARE ASTRONOMIC BEARINGS.
A CLOCKWISE ROTATION OF 359°42'00" CAN BE APPLIED TO
THESE ASTRONOMIC BEARING COMPARISONS TO CONVERT TO
UTM GRID BEARINGS

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH
THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT
AND THE REGULATIONS MADE UNDER THEM.
- THE SURVEY WAS COMPLETED ON THE 31st DAY OF MAY 2017.

JUNE 15th 2017

NEIL C. MILNE,
ONTARIO LAND SURVEYOR

HEWETT AND MILNE LIMITED
ONTARIO LAND SURVEYORS



302, 8th STREET EAST,
OWEN SOUND, ONTARIO
P. O. BOX 112, N4K 5P1
TEL. 519-376-5528
FAX 519-376-5534
EMAIL : handm@bmts.com

DRAWN BY	FILE #	FILE LOCATION
TU	17-105	10-A