



Staff Report

Legal Services

Report To: Committee of the Whole Meeting
Meeting Date: March 29, 2022
Report Number: FAF.22.069
Title: 125 Peel St. Declare Lands Surplus and a process to sell the Lands
Prepared by: Will Thomson, Director of Legal Services

A. Recommendations

THAT Council receive Staff Report FAF.22.069, entitled "125 Peel St. Declare Lands Surplus and a process to sell the Lands";

AND THAT Council deem 125 Peel St. (more particularly described as COLLINGWOOD CON 10 PT LOT 35; RP 16R681 PART 1 & 2) (the "Property") as surplus to the needs of the Municipality.

AND THAT Council directs that, in any potential sale, conveyance, or transfer of the Property or any part thereof that – to the greatest extent possible and unless otherwise directed by Council - the Town retain a minimum of 10 acres of contiguous land on the Property and the watercourse (plus an appropriate buffer) that bisects the Property.

AND THAT Council directs Staff to negotiate and execute a conditional Agreement of Purchase and Sale with the successful Request for Proposal proponent, as set out in this report.

AND THAT Council directs that the CAO and Director of Legal Services have the authority to execute a conditional Agreement of Purchase and Sale on behalf of the Town.

AND THAT Council deems that, following the completion of the sale of a portion of 125 Peel St., any remainder of the Property shall automatically be deemed *not* surplus to the needs of the Municipality.

B. Overview

Staff are seeking Council's direction and endorsement on a process and procedure to lead the Town towards a future potential disposition of part of the Property.

C. Background

In 2021 the Town purchased the Property for \$3,450,000. At the time it was determined that the Property was a strategic asset for the Town which did, does, and could serve many uses, including recreation, infrastructure upgrades, and as the primary western gateway into the Town and Thornbury. In late 2021 the Town began considering whether a *Community Campus of Care* would be an appropriate use for the site, which could include a variety of uses, including (but not limited too): long term care, retirement, staff accommodation, attainable housing, seniors, and market rate housing, along with future recreational uses, infrastructure upgrades and active transportation. The opportunity to pursue some or all of said uses and utilize a Town asset on an accelerated schedule presented a very exciting opportunity for the Town to consider.

In pursuit of this goal, the Town engaged the Ministry of Long-Term Care, who, in a unique move, pre-allocated the Town 160 beds for Long Term Care. With that allocation in hand, the Town is beginning a process to identify and procure a preferred development partner (or team) who (as a qualified long term care operator) can build and operate a long-term care home, staff housing, and some or all of the priorities as identified by Council through the RFP process.

As reported previously, the Town has retained SHS Consulting to assist in the preparation of the RFP (to select a preferred development team).

The Peel St. opportunity is exciting for the Town, as it represents a significant investment in the well-being of Town residents – namely, that Town residents can age gracefully in a modern, state of the art facility in their own Town.

As this opportunity unfolds, it is Staff's recommendation that Council begin the process to consider disposing of a portion of the Property to the preferred development team as chosen through the RFP process.

The following section outlines Staff's recommended process.

D. Analysis

The Town has adopted POL.COR.07.02 the *Sale and Other Disposition of Land Policy*. This policy sets out how the Town must consider and dispose of its real estate assets. Based on that Policy, Town Staff recommend the following sequential process:

1. The Town has already held a Public Meeting with respect to this potential disposition on February 7, 2022.
2. In accordance with Section 1(a) of POL.COR.07.02 Council declares the Property to be surplus to the needs of the Municipality (done via this report/resolution).
3. Through the RFP process the Town will better understand the specific portions of the Property that the successful proponent requires.
4. Following selection of a preferred proponent through the RFP process, the proponent and Town will prepare an R-Plan survey to delineate the specific lands required for the

- project; and the Town will have a third-party professional appraisal prepared for the required portion(s) of the property.
5. Town Staff shall then negotiate a conditional Agreement of Purchase and Sale with the successful proponent.
 - a. The Agreement of Purchase and Sale shall be conditional on (at a minimum):
 - i. Council giving final approval to the sale in open session of Council.
 - ii. a consent severance being obtained (if necessary).
 - iii. other necessary or required conditions, including those related to ensuring the property is developed according to the Town and Ministry of Long-Term Care requirements.
 - iv. Other conditions which, in the opinion of Staff and the Town's consultants, are required for the proper disposition of a portion of the Property.
 6. Once the Town and successful proponent have entered into a conditional Agreement of Purchase and Sale, Staff shall, in accordance with Section 1(b) of POL.COR.07.02, give notice of the proposed sale of land by publication of notice of the proposed sale for two consecutive weeks in a local newspaper having general circulation in the area and by posting on the Town website and by email message to any person who requests provision of Town notices.
 7. Following the distribution of notice, Staff shall bring a report forward to Council which shall set out the details of the proposed purchase, including:
 - a. The exact land to be purchased (shown on R-Plan survey)
 - b. The closing date.
 - c. The purchase price and other relevant financial information.
 - d. Any non-confidential conditions of purchase and sale.
 8. Before waiving the conditions and finalizing the sale, Council must authorize and approve the sale of the Property (or part thereof), waive any applicable conditions, and authorize the necessary expenditure of funds, including applicable closing costs.

Staff have attempted to set out a clear, simple, and chronological process which aligns with the Town's *Sale and Other Disposition of Land Policy* to establish a transparent process for the public and development proponents alike.

Because we do not yet know exactly how much, or which parts, of the Property the successful proponent will require, the entire Property must be declared surplus; however, Staff are not recommending that the entire Property be disposed of, and as Council can note in the Recommendations, Staff suggest that any sale retain both the existing watercourse (plus an appropriate buffer), and no less than 10 acres of contiguous land on the Property for future Town uses, to the extent possible in light of the successful proposal; Council will retain the final decision on how much land to convey/retain.

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

N/A

G. Financial Impacts

There will be costs associated with the preparation of an R-Plan, external consulting and legal in negotiating the conditional sale, and other due diligence to ready the land for potential sale.

H. In Consultation With

Shawn Everitt, CAO

Ruth Prince, Director of Finance and IT

Legal Counsel

I. Public Engagement

The topic of this Staff Report has not been the subject of 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 Will Thomson, Director Legal Services directorlegal@thebluemountains.ca or cao@thebluemountains.ca.

J. Attached

N/A

Respectfully submitted,

Will Thomson
Director Legal Services

For more information, please contact:
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Report Approval Details

Document Title:	FAF.22.069 125 Peel St. Declare Lands Surplus and a a process to sell the Lands.docx
Attachments:	
Final Approval Date:	Mar 18, 2022

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

No Signature found

Ruth Prince - Mar 18, 2022 - 10:22 AM

Will Thomson - Mar 18, 2022 - 10:46 AM

No Signature found

Shawn Everitt - Mar 18, 2022 - 3:06 PM