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**TO:** GENERAL COMMITTEE

**SUBJECT:** SURPLUSING OF CITY OWNED PROPERTIES FOR SALE TO PROSPECTIVE PURCHASERS – MULTIPLE ADDRESSES

**WARDS:** 7 AND 8

**PREPARED BY AND KEY CONTACT:** A. MILLS, MANAGER OF LEGAL SERVICES, EXTENSION #5051

**SUBMITTED BY:** I. PETERS, DIRECTOR OF LEGAL SERVICES

**CHIEF ADMINISTRATIVE OFFICER APPROVAL:** M. PROWSE, CHIEF ADMINISTRATIVE OFFICER

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### **RECOMMENDED MOTION**

1. That the properties legally described and shown in Appendices “A” through “D” in Staff Report LGL005-19 (the “Subject Properties”) be declared surplus to the needs of The Corporation of the City of Barrie (the “City”).
2. That the Subject Properties be offered for sale directly to the parties who made application to buy them (the “Purchasers”) as identified in each of the Appendices in Staff Report LGL005-19.
3. That the Purchasers be permitted to submit applications for an Official Plan Amendment and a Zoning By-law Amendment for the Subject Properties and include them in development applications upon the execution of Agreements of Purchase and Sale (“APS”).
4. That the City Clerk be authorized to execute APS that are conditional upon Council approval for each of the Subject Properties and any document requisite to their disposition in a form approved by the Director of Legal Services.

### **PURPOSE & BACKGROUND**

5. The purpose of this staff report is to recommend that certain City owned properties be declared surplus to the needs of the City and that staff be authorized to enter into APS conditional upon Council approval at fair market value as determined by an appraisal taking into consideration the highest and best use of each property.

### **SUBJECT PROPERTIES**

#### **Part of Foster Drive Road Allowance**

6. The maintained portion of Foster Drive runs from Yonge Street to Maclaren Avenue, then turns into unmaintained road allowance up to the point of intersection with the Barrie-Toronto Metrolinx/Go train line. The unmaintained portion is approximately 0.20 acres in size and is unutilized other than for overhead electrical wires which run along the road allowance and traverse the train tracks and Hurst Drive to the north. An application was received by City Staff from the owner of the adjoining property at 428 Little Avenue, seeking to purchase the unmaintained portion of Foster Drive. City Planning Staff had engaged in a planning pre-consultation with the applicant relating to their adjoining land and recommended they investigate the potential acquisition of the unmaintained portion of Foster Drive and incorporate it into their development application.

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**Block B, Plan 1400**

7. Block B, Plan 1400 is approximately 0.11 acres in size and was acquired in 1972 by a transfer from Gordhome Development Limited for \$94.68, being the amount owed in tax arrears to the City on the property at the time. An application was received by City Staff from Michael & Leigh Anne Nykoliati who have purchased the adjoining property at 59 Bayview Drive. The existing dwelling at 59 Bayview Drive was constructed in 1949 and the past owners appear to have utilized a portion of Block B, Plan 1400 for driveway access onto Tower Crescent since that time.

**Boyd Street Road Allowance**

8. Boyd Street is approximately .36 acres in size and was established at a public highway pursuant to the registration of Plan of Subdivision 1064. An application to purchase the property was received from Sean Mason Homes. Mr. Mason owns adjoining property and is seeking to align the access to his property with the existing Cox Mill Road and Yonge Street signalized intersection. The sale of this property to either Sean Mason Homes or the neighbouring property owners will assist in achieving this objective.

**615 Essa Road**

9. 615 Essa Road is a 1.45 acre parcel of land in close proximity to the intersection of Essa Road and Mapleview Drive West. The property was acquired by the City in 1994 for nominal consideration from the developers of two adjoining subdivisions in relation to the registration of Plans 51M-581 & 51M-545, so as to facilitate a new fire station location. It was later determined that the property was not suitable in size or location for construction of an intended fire station. The property has been vacant since acquired and was considered to be undevelopable. An application has been received by City Staff from David Seaman, a local developer seeking to purchase the property for residential development.

**ANALYSIS**

**Part of Foster Drive Road Allowance**

10. Alectra Utilities have overhead electrical service wires in place along the unmaintained portion of Foster Drive and have been consulted on the proposed disposition of the land. They have requested a blanket easement over the portion of Foster Drive to allow for existing and future electrical servicing requirements in the area. This easement requirement would form part of the APS between the City and the Purchaser. The land is part of the Foster Drive road allowance and is designated Residential in the Official Plan. The Purchaser will require site plan approval for its proposed development.

**Block B, Plan 1400**

11. The frontage of 59 Bayview Drive is quite steep and a driveway access onto Bayview Drive would be difficult and a potential safety concern for Bayview Drive traffic. Block B, Plan 1400 effectively land locks 59 Bayview Drive from Tower Crescent, preventing a legal right of access onto Tower Crescent. The City reportedly maintains the majority of the land by cutting the grass and its disposition would eliminate this ongoing maintenance requirement. A road widening along the Bayview Drive frontage and a daylighting triangle would be retained by the City in accordance with staff comments, as part of the sale. The property is currently zoned Residential (R2), and designated Residential in the Official Plan.

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**Boyd Street Road Allowance**

12. The sale of Boyd Street to either Mr. Mason or the neighbouring property owners will assist Mr. Mason in achieving his staff supported objective of aligning the entrance to his future development with the existing Cox Mill Road and Yonge Street signalized intersection.

**615 Essa Road**

13. Following the circulation of City departments for staff input on the potential disposition of 615 Essa Road, City Staff had raised concerns as to the potential limited developability of the property in relation to possible environmental restrictions and estimated flood plain limits. The Purchaser subsequently acquired engineering and environmental due diligence reports at his cost demonstrating the viable developability of the land. Barrie Fire and Emergency Service as well as the Corporate Facilities Department advised that the location is not required for a future fire station. The property is currently zoned as Institutional (I), designated Residential in the Official Plan and is within a designated Intensification Corridor. The Purchaser will require a Zoning By-Law amendment as well as site plan approval for a proposed development. This is entirely at the Purchaser's risk and expense and will be considered independently of the sale process.
14. A circulation of applicable City departments for staff input on the potential disposition of the Subject Properties was completed following the receipt of associated applications. Any concerns or objections raised have been addressed or will be addressed through the sale process.
15. If any of the Purchasers require an Official Plan and Zoning By-Law amendment or a site plan approval for any proposed development, it will be done entirely at their risk and expense and be considered independently of the sale process.
16. Subsequent to declaring the Subject Properties surplus to the City's needs, an appraisal will be requisitioned to determine their market value. The Purchaser shall be responsible for requisitioning the appraisal and all associated costs. The City will approve of the appraisal firm and be named the client in the report.
17. If the City and Purchaser agree on terms set out within an associated APS, staff will report back to Council seeking approval of the transaction.
18. Disposition of the Subject Properties and development in conjunction with the surrounding lands (where applicable) will create a revenue source for the City through the sale proceeds, development charges and future property taxation while reducing City liability and maintenance on the unutilized vacant land.
19. The Purchasers shall pay all of the City's costs and fees associated with the transfer of the Subject Properties including appraisal, advertising, survey and legal.

**ENVIRONMENTAL MATTERS**

20. There are no environmental matters related to the recommendation. Staff anticipate the Purchasers will be completing their own environmental due diligence investigations in the context of the APS.

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## **ALTERNATIVES**

21. The following alternative is available for consideration by General Committee:

**Alternative #1** General Committee could choose not to declare the Subject Properties surplus to the City's needs for the purpose of disposal to the Purchasers.

This alternative is not recommended as pursuant to internal circulations, the Subject Properties are not required for City purposes and their disposition would create a source of revenue to the City while reducing the City's liability and maintenance costs upon unutilized land.

## **FINANCIAL**

22. Staff will recommend where the sale proceeds should be transferred to within the future staff report(s) that seeks approval to sell the Subject Properties.

## **LINKAGE TO 2018-2022 STRATEGIC PLAN**

The recommendation(s) included in this Staff Report are not specifically related to the goals identified in the 2018-2022 Strategic Plan.

APPENDIX "A"

Part of Foster Drive Road Allowance

**Legal Description:** PART 1 ON DRAFT R-PLAN TO BE DEPOSITED IN THE SIMCOE COUNTY LAND REGISTRY OFFICE AND BEING PART OF PIN 589020031 (LT)

**Purchaser:** 428 Little Inc.



APPENDIX "B"

Block B, Plan 1400

**Legal Description:** BLK B PL 1400; BARRIE AND BEING ALL OF PIN 587500096 (LT)

**Purchaser:** Michael & Leigh Anne Nykoliation



APPENDIX "C"

Boyd Street Road Allowance

**Legal Description:** BOYD ST PL 1064; BARRIE AND BEING ALL OF PIN 587400749 (LT)

**Purchaser:** Sean Mason Homes or Neighbouring Property Owner(s)



APPENDIX "D"

615 Essa Road

**Legal Description:**

PCL 3-5 SEC 51INN12; PT LT 3 CON 12 (IN), PT 1 51R24437; BARRIE AND BEING ALL OF PIN 589200035 (LT)

PCL 4-4 SEC 51-INN-12; PT LT 4 CON 12 PT 2 51R24437; S/T RIGHT LT167743; BARRIE AND BEING ALL OF PIN 589190184 (LT)

**Purchaser:** David Seaman

