
TO: GENERAL COMMITTEE

SUBJECT: PROPERTY CONVEYANCE ASSOCIATED WITH WATERCOURSE
RELOCATION ON DYMENT'S CREEK SOUTH OF DUNLOP STREET WEST
AND WEST OF FERNDALE DRIVE

**PREPARED BY AND
KEY CONTACT:** R. E. SCHEUNEMANN, P. Eng. *RA SP*
INFRASTRUCTURE PLANNING ENGINEER (Ext. 4782)

SUBMITTED BY: R. W. MCARTHUR, P. Eng. *R. W. McArthur*
DIRECTOR OF ENGINEERING

**GENERAL MANAGER
APPROVAL:** R. J. FORWARD, MBA, M.Sc., P. Eng. *R. J. Forward*
GENERAL MANAGER OF INFRASTRUCTURE, DEVELOPMENT & CULTURE

**CHIEF ADMINISTRATIVE
OFFICER APPROVAL:** CARLA LADD *CL*
CHIEF ADMINISTRATIVE OFFICER

RECOMMENDED MOTION

1. That the conveyances of property for nominal consideration to the City from the property owner of 487 Dunlop Street West and associated properties, including a transfer of land and potentially a registration of an easement or restrictive covenant in accordance with Appendix "A" of Staff Report ENG011-12 associated with the watercourse relocation on Dyment's Creek south of Dunlop Street West and west of Ferndale Drive, be approved.
2. That the costs associated with the conveyances in the amount of \$15,300, be funded from the Tax Rate Stabilization Reserve (Account # 13-04-0461).

PURPOSE & BACKGROUND

3. On June 19, 2006, Barrie Council, under Motion 06-G-316, approved the Dyment's Creek Master Drainage Plan (MDP) Municipal Class EA which showed the preferred realignment for Dyment's Creek to be across the northerly portion of 487 Dunlop Street West, south of Dunlop Street West, and west of Ferndale Drive North. The property owner was advised during the Class EA process, and indicated the City would consider locating the floodway around the perimeter of the property during detailed design and construction. A Notice of Completion was issued on July 28th and 29th, 2006, and there were no Part II order requests.
4. On March 22, 2010, Barrie Council, under Motion 10-G-087, approved the Dunlop Street West Transportation Improvements Class EA, and staff published a Notice of Completion. The MOE received a Part II order request from the property owner at 487 Dunlop Street West and referred the Class EA back to the City so that the issues raised in the Part II order request could be resolved with the property owner. The MOE directed the City of Barrie to assess and document the alternatives to the Dyment's Creek relocation in further detail. As part of resolving the Part II order request, the property owner agreed to an option to convey the property, associated with the proposed creek realignment around the south perimeter of his property, to the City of Barrie in exchange for the City paying all costs associated with conveying the property.
5. Staff in the Engineering Department completed the required analysis, and on November 14, 2011, Barrie Council under Motion 11-G-296, approved the following related to the Dunlop Street West Transportation Improvements Addendum (Miller Drive/Tiffin Street to Ferndale Drive) – Municipal Class EA, Phases 3 and 4.

"That in accordance with the requirements of the Class EA process, the Notice of Completion for the Dunlop Street Class EA (Ferndale to Miller) be republished to include the preferred alternative alignment for Dyments Creek south of Dunlop Street and west of Ferndale Drive per Alternative 4 as identified in Staff Report ENG043-11"

The Notice of Completion was issued on December 2nd and 3rd, 2011, and there were no Part II order requests.

6. The proposed creek realignment project, together with the lands to be transferred and lands to be subject to an easement or restrictive covenant, are shown in Appendix "A". If the property owner does not wish to register the easement or restrictive covenant, this issue can be negotiated as part of the site plan review and approval.

ANALYSIS

7. Through discussions with the property owner to resolve the Part II order request, the City of Barrie proposed to pay the costs associated with the land dedications including legal surveys and a possible merger of the remaining parcel with the adjoining land. In return, the owner will dedicate the lands shown in Appendix "A" to the City free of charge. As part of development approval, or as part of detail design associated with the Dymment's Creek relocation, the City would normally be required to purchase the lands, associated with the Dymment's Creek relocation, and these costs would be in addition to the costs listed in the Financial section below.
8. The required buffer to the north, east and west of the proposed creek realignment will remain in private ownership, but an easement will be taken over it to ensure that it remains in its natural state.

ENVIRONMENTAL MATTERS

9. The Dymment's Creek realignment project has followed the guidelines for a Municipal Class Environmental Assessment, and physical, social, natural, historical, and economic environmental matters have been considered in the development of the recommendation to relocate the creek.

ALTERNATIVES

10. The following Alternative is available for consideration by General Committee:

Alternative #1

General Committee could choose to consider funding to execute the proposed land conveyance as part of future business plans.

This Alternative is not recommended given that the property owner is willing to convey the property to the City free of charge provided that the City pays the costs associated with land dedication including legal surveys. There is also the potential that if the current property owner changes, the new property owner may not be willing to transfer the property for the proposed creek relocation to the City of Barrie free of charge.

FINANCIAL

11. The estimated costs to convey the property to the City are as follows:

Legal Survey	\$7,000
Other Legal Fees	\$4,000
LSRCA Review Fee	\$300
Registration Fees and other Disbursements	\$2,000
Staff Time	<u>\$2,000</u>
Total	\$15,300

12. It is proposed that the conveyance of property associated with watercourse relocation on Dymont's Creek south of Dunlop Street West and west of Ferndale Drive, in the amount of \$15,300, be funded from the Tax Rate Stabilization Reserve (Account # 13-04-0461).
13. Based on the typical MPAC assessment, for this and similar properties, the approximate value of the land that would be conveyed to the City of Barrie is in the range of \$100,000 to \$300,000.
14. This work is not included in the 2012 Engineering Department Work Plan but can be accommodated with assistance from other departments including the Legal Services and Building Services Departments.

LINKAGE TO COUNCIL STRATEGIC PRIORITIES

15. The recommendations, included in this staff report, support the following goals identified in the 2010-2014 City Council Strategic Plan:
- Manage Growth and Protect the Environment
16. The proposed land conveyance will allow growth to occur adjacent to the realigned Dymont's Creek in an environmentally friendly manner.

APPENDIX "A"

Realign Dyment's Creek (487 Dunlop Street West and Associated Properties)

