



TO: GENERAL COMMITTEE

SUBJECT: SURPLUS AND TRANSFER OF 1 FOOT RESERVE- PLAN 602

WARD: 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

RECOMMENDED MOTION

1. That part of the 1 foot reserve on Plan 602 as identified on Appendix "A" to Staff Report LGL009-19 which bisects the properties municipally known as 28, 32 and 36 White Oaks Road (the "Subject Property") be declared surplus to the needs of The Corporation of the City of Barrie (the "City").
2. That the Subject Property be described by reference plan and portions of it conveyed to each owner whose property it bisects (the "Purchasers") at fair market value as determined by the City and satisfactory to the Director of Legal Services and Chief Administrative Officer.
3. That the City Clerk be authorized to execute any documents requisite to the transfer of the Subject Property in a form approved by the Director of Legal Services.
4. That the sale proceeds be transferred to the Tax Capital Reserve.

PURPOSE & BACKGROUND

5. The purpose of this Staff Report is to recommend that the Subject Property be declared surplus to the needs of the City and authorize staff to transfer portions of it to the Purchasers in order to provide them with legal access to White Oaks Road and consolidate their properties.
6. The reserve was created in 1913 when Plan 602 being the Minet's Point plan of subdivision was deposited.
7. The City purchased the reserve in 1985 from the Estate of Myrtle Viola Poucher for \$750.00. Its acquisition resolved two title conflicts with the City's right of way and accommodated future servicing plans.
8. On June 7, 1993, City Council adopted motion 93-G-218 which authorized staff to quit claim the portion of the reserve that bisected 32 White Oaks Road. That transaction was not completed as intended. Staff will resolve this matter should Council declare the Subject Property surplus.
9. 36 White Oaks Road has recently transferred ownership and the current owners are seeking to acquire the portion of the reserve which bisects their property in order to resolve the title issues it creates.
10. The owners of 28 White Oaks Road have not yet applied to acquire a portion of the Subject Property. This will be dealt with in the future when they make application to acquire it.

ANALYSIS

11. Reserves are a mechanism typically put in place within a plan of subdivision to control access onto municipally controlled property and right of ways or to provide greater control to a municipality on the future development of surrounding property (generally a strip of land 0.3m/1ft in depth).
12. The City does not own property on either side of the Subject Property and the properties it bisects have been improved with residential dwellings for many years.
13. All applicable City departments were circulated on the potential disposition of the Subject Property to ascertain whether there was any municipal interest in retaining it. No concerns with disposing of it were raised by staff.
14. Staff will determine the Subject Property's fair market value in consideration of its size, shape and utility. The Purchasers will be required to pay the fair market value and any costs incurred by the City to complete this transaction on closing.
15. Notice provisions of the City's Sale of Real Property By-law 95-104 have been complied with by way of publication of the Council Agenda for which the intended sale is to be considered.

ENVIRONMENTAL AND CLIMATE CHANGE IMPACT MATTERS

16. There are no environmental and climate change impact matters related to the recommendation.

ALTERNATIVES

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

Alternative #1 General Committee could choose not to declare the Subject Property surplus to the City's needs for the purpose of conveying it to the Purchasers.

This alternative is not recommended as pursuant to an internal circulation, the Subject Property is not required for City purposes and its disposition would clear up current and future title issues for the Purchasers.

FINANCIAL

18. The Purchasers shall pay the market value and all costs and fees associated with transferring the Subject Property including legal and survey on closing.
19. The sale proceeds will be transferred to the Tax Capital Reserve.

LINKAGE TO 2018-2022 STRATEGIC PLAN

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

APPENDIX "A"

1 Foot Reserve Bisecting 28, 32 and 36 White Oaks Road

