
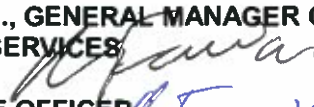

TO: GENERAL COMMITTEE


SUBJECT: SURPLUS OF PROPERTY – PORTION OF THE UNOPENED PATTERSON ROAD ALLOWANCE

WARD: 6

PREPARED BY AND KEY CONTACT: A. MILLS, MANAGER OF LEGAL SERVICES X5051

SUBMITTED BY: I. PETERS, DIRECTOR OF LEGAL SERVICES 

GENERAL MANAGER APPROVAL: R. FORWARD, MBA, M.Sc., P. Eng., GENERAL MANAGER OF COMMUNITY AND CORPORATE SERVICES 

CHIEF ADMINISTRATIVE OFFICER APPROVAL: C. LADD, CHIEF ADMINISTRATIVE OFFICER 

RECOMMENDED MOTION

1. That part of the Unopened Road Allowance located between Lots 5 & 6, Concession 13, being part of PIN 58914-0009, City of Barrie, to be legally described by a future reference plan (the "Subject Property"), be permanently closed, declared surplus and sold to the abutting property owner Sean Mason Homes (Essa Rd.) Inc. (the "Purchaser"), at fair market value.
2. That the road closure and sale be subject to the following conditions:
 - a) That the portion of the Unopened Road Allowance which is environmentally significant and undevelopable be delineated by an Environmental Impact Study and retained by The Corporation of The City of Barrie (the "City") and not declared surplus;
 - b) That title to the Subject Property shall be taken in the same name as the abutting property to ensure title shall merge with the abutting property;
 - c) That the Purchaser replace, at its cost, the existing trail linkage currently within the Subject Property with an alternative that is satisfactory to the Directors of Engineering, Planning and Legal Services prior to it being transferred;
 - d) That if necessary to replace the existing trail linkage, the City take title to part of the property located at 401 Essa Road, being PIN 58915-0071, to be legally described by a future reference plan;
 - e) That the Purchaser pay all costs including legal and survey costs of the City, associated with the transfers of property.
3. That the sale proceeds be transferred to the Tax Capital Reserve (Account # 13-04-0440).
4. That the City Clerk be authorized to execute an Agreement of Purchase and Sale and any documents that may be requisite for the purpose of the disposition of the Subject Property and acquisition of part of 401 Essa Road in a form approved by the Director of Legal Services.

PURPOSE & BACKGROUND

Report Overview

5. The purpose of this report is to permanently close the Subject Property, declare same surplus to the needs of the municipality and transfer it to the abutting owner in accordance with the provisions of Section 34 of the Municipal Act.
6. The Purchaser approached the City seeking to acquire the Subject Property to incorporate it into the development of its adjacent property, municipally known as 369 and 379 Essa Road.
7. The Purchaser has submitted a development application for the adjacent lands located at 369 and 379 Essa Road requesting approval for a cluster townhouse (condominium) proposal. This application is being presented to General Committee by the Planning Department via Staff Report PLN022-14 for consideration on August 11, 2014
8. This staff report is requesting that the Subject Property be declared surplus so that it can be transferred from the City to the Purchaser at fair market value and if necessary the City take title to property owned by the adjacent owner, located at 401 Essa Road, for the purpose of recreating the existing trail linkage by the Purchaser at its cost.

ANALYSIS

9. A circulation of City departments for staff comment on the potential disposition of the Subject Property was completed. Staff from the Park's Planning and Planning Services Departments expressed their desire to maintain the existing trail linkage to the Ardagh Bluffs trail system currently within the Subject Property. They also recommended that the rear portion of the Subject Property which is environmentally significant and undevelopable be retained by the City.
10. The Purchaser proposed to accommodate the existing trail linkage through its future development. Staff did not support the concept of a public use trail within a private development.
11. To accommodate the City's desire to maintain a trail linkage on property owned by the City the Purchaser is now proposing to:
 - a) Facilitate the transfer of part of the adjoining property located south of the Subject Property, municipally known as 401 Essa Road and owned by another individual to the City.
 - b) Construct a trail linkage of equal or better quality in a design satisfactory to the City.
 - c) If necessary, post securities with the City for the cost of recreating the trail linkage.
12. The City has written to the adjacent owner at 401 Essa Road to advise them of the potential for the Subject Property to be declared surplus and to give the adjacent owner an opportunity to express an interest in purchasing all or a portion of the Subject Property. No response from the owner of 401 Essa Road was received.
13. Section 34 of The Municipal Act, 2001 requires notice to the public of a proposed road closing. The City's Notice By-law 2003-116 requires that notice be published for four consecutive weeks of its intent to pass a by-law to permanently close a road. Upon approval by City Council, notice will be published in the Barrie Examiner for four consecutive weeks.

14. In order to develop the Subject Property in conjunction with 369 and 379 Essa Road the Purchaser will be required to make application to rezone the Subject Property following closing and incorporate it in a site plan application. This is entirely at the Purchaser's risk.

ENVIRONMENTAL MATTERS

15. There are no environmental matters related to the recommendation. The City is proposing to retain any lands considered to be environmentally sensitive.

ALTERNATIVES

16. The following alternatives are available for consideration by General Committee:

Alternative #1

General Committee could choose to not permanently close, surplus and sell the Subject Property to the abutting property owner.

This alternative is not recommended as the Subject Property's only function is as part of the City's network of trail systems. This can be accommodated on a smaller piece of property as proposed thus resulting in a financial benefit to the City by way of the sale together with reduced maintenance and liability.

Alternative #2

General Committee could choose to permanently close, surplus and advertise the Subject Property for sale on the open market.

This alternative is not recommended as the trail linkage within the Subject Property would be lost unless a portion of it was retained. Additionally, the recommended motion is to sell it to the abutting property owner as has been the City's past practice for the sale of surplus Road Allowances.

FINANCIAL

17. The market value of the Subject Property is estimated to be in the range of \$80,000 to \$120,000 subject to the final determination of the dimensions of the Subject Property and if property is transferred to the City for the purpose of recreating the existing trail linkage. When these factors are known, staff will be in a position to finalize the market value of the Subject Property.
18. The Purchaser shall pay all the City's legal, advertising and surveying expenses incurred to deal with this matter.
19. The transfer of the Subject Property to the Purchaser and incorporated into the development of 369 and 379 Essa Road, would likely result in an increase to the number of units built within the development. This would generate an increase in property taxes received by the City when developed.
20. It is recommended that the proceeds from this sale be transferred to the Tax Capital Reserve.

LINKAGE TO 2010-2014 COUNCIL STRATEGIC PLAN

21. The recommendation included in this Staff Report is not specifically related to any of City Council's Strategic Priorities.

APPENDIX "A"

Subject Property

