
TO: GENERAL COMMITTEE

SUBJECT: WATERFRONT PROPERTY ACQUISITIONS

WARDS: WARDS 1 AND 2

PREPARED BY AND KEY CONTACT: C. PACKHAM, LEGAL COUNSEL

SUBMITTED BY: I. PETERS, DIRECTOR OF LEGAL SERVICES

M. BANFIELD, EXECUTIVE DIRECTOR OF DEVELOPMENT SERVICES

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

RECOMMENDED MOTION

1. That the Director of Legal Services be authorized to commence negotiations to acquire the property identified as Part of Water Lots 26 and 27 lying in front of 185 Dunlop Street East, as more particularly described in Appendix “A” to this Staff Report (the “Subject Property”).
2. That should negotiations to acquire the Subject Property be unsuccessful, the Director of Legal Services be authorized to commence expropriation proceedings for the Subject Property, for the purposes of expanding and enhancing the public waterfront in accordance with Section 5.6.3 of the City’s Official Plan the City’s Waterfront and Marina Strategic Plan, and the 2023 Waterfront Strategic Plan Update;
3. That the Corporation of the City of Barrie make an application to City Council, as approving authority, for approval to expropriate the Subject Property, and that the City Clerk be authorized to execute the necessary forms of application.
4. That the “Notice of Application for Approval to Expropriate” be served and published and that any requests for inquiries received, pursuant to the “Notice of Application for Approval to Expropriate” be forwarded to the Chief Inquiry Officer and that the Chief Inquiry Officer be requested to report to Council with respect to any such request.
5. That the Director of Legal Services be delegated authority to settle the expropriations or any negotiated agreements relating to the Subject Property and that the City Clerk be authorized to execute all associated and required documents in a form approved by the Director of Legal Services.
6. That subject to future approval by City Council, the Director of Legal Services and the Executive Director of Development Services be authorized to acquire other properties within and surrounding Kempenfelt Bay, as such properties may become available, in accordance with Section 5.6.3 of the City’s Official Plan and in keeping with the provisions of the City’s 2013 Waterfront and Marina Strategic Plan and 2023 Waterfront Strategic Plan Update.
7. That a new capital project for the acquisition or expropriation of the Subject Property and potential future acquisitions of other waterfront properties be approved with a budget of \$500 thousand, to be funded from the Tax Capital Reserve.

PURPOSE & BACKGROUND

8. This Staff Report is being put forward to provide staff with the ability to negotiate the acquisition of water lots along the shore of Kempenfelt Bay within the North Shore Trail System, beginning with the acquisition of the Subject Property.
9. Should attempts to negotiate agreements of purchase and sale be unsuccessful, staff would require the ability to commence expropriation proceedings to acquire the Subject Property and other water lots within the North Shore Trail System.
10. The City's planning policy framework has contained direction in support of the City's acquisition of property along the shores of Kempenfelt Bay for many years as a means of enhancing a continuous, accessible public waterfront system. This is reflected in provisions of the City's current Official Plan, the 2013 Waterfront and Marina Strategic Plan, and the 2023 Waterfront Strategic Plan Update.
11. As activity on the City's waterfront and within Kempenfelt Bay intensifies, staff feel the ability to implement the priorities outlined in the City's Official Plan and Waterfront Strategic Plan is vital in ensuring the City meet its strategic priorities.

THE SUBJECT PROPERTY

12. The Subject Property consists of a portion of two Water Lots located primarily within the waters along the north shore of Kempenfelt Bay. While a current, formal survey is not available. Staff suspect that the Subject Property also consists of shoreline with an approximate depth of 3 feet.
13. The Owner of the Subject Property has approached the City numerous times in the past to gauge the City's interest in purchasing the Subject Property. To date, Staff have not supported the purchase price that the Owner has proposed, and previous City Councils have likewise opted not to acquire the Subject Property on the terms offered by the Owner.
14. The Owner has historically proposed a number of uses for the Subject Property that Staff do not support, and do not align with the City's policies with respect to the use of Open Space property located on the Kempenfelt Bay waterfront.

ANALYSIS

15. As it is located along the shores of Kempenfelt Bay, the City's acquisition of the Subject Property would enable the City to better control its use as Open Space waterfront property, in accordance with Section 5.6.3 of the City's Official Plan.
16. Given its proximity to the western boundary of the North Shore Trail System, staff feel that acquisition of the Subject Property is a natural starting point for implementing the pertinent Official Plan policies and recommendations of the Waterfront and Marina Strategic Plan.
17. Section 5.6.3 (g) of the City's Official Plan provides that the City will acquire private lands over time to expand its public waterfront. The acquisition of the Subject Property, be it via expropriation or negotiated agreement, is in keeping with this provision.
18. The City's 2013 Waterfront and Marina Strategic Plan (the "2013 Plan") contains a number of objectives that would be served by the acquisition of the Subject Property. Significantly, one of the key principles of the 2013 Plan is public ownership of the waterfront, to ensure public access to, and vitality along the shores of Kempenfelt Bay.
19. The 2013 Plan also encourages the enhancement of public ownership of the water's edge, with a focus on achieving a highly connected public water's edge trail and park network.

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20. The City's 2023 Waterfront Strategic Plan Update (the "2023 Update") reiterates many of the components of the 2013 Plan and includes additional recommendations with respect to improvements to the North Shore Trail and Sam Cancilla Park areas. These recommendations include exploring water access points at Sam Cancilla Park, which could be addressed if the Subject Property were within City ownership given its proximity to the Park.
 21. The 2023 Update identifies Sam Cancilla Park as a major destination on the City's waterfront, one that acts as a gateway to the North Shore Trail system. City ownership of the Subject Property (and potentially other waterfront property in this area) would help to extend the area of the waterfront and achieve park elements that better reflect the needs of the community.
 22. For acquisitions other than that of the Subject Property, staff propose to report back to General Committee to seek specific authority from Council (including budget approval) for such subsequent property acquisitions. The recommended motion gives staff the ability to begin discussions with the owners of other waterfront or waterfront adjacent properties, should opportunities arise.

ENVIRONMENTAL AND CLIMATE CHANGE IMPACT MATTERS

23. The City's acquisition of Water Lots, including the Subject Property, will help ensure that lands within the North Shore Trail System will be used in such a way as to reduce the potential for adverse environmental impacts to Kempenfelt Bay.

ALTERNATIVES

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

Alternative #1

General Committee could decide not to provide authority to staff to negotiate the acquisition of, or to expropriate waterfront property along Kempenfelt Bay, including the Subject Property.

This alternative is not recommended as it would prevent staff from implementing the policies of the Official Plan, the 2013 Waterfront and Marina Strategic Plan, and the 2023 Waterfront Strategic Plan Update.

Alternative #2

General Committee could amend the recommendation by removing the ability for staff to commence expropriation and direct staff to complete the acquisition of the Subject Property and other waterfront property solely through negotiated Agreements of Purchase and Sale.

This alternative is not recommended given the potential for unsuccessful negotiations which would prevent the City from acquiring these properties.

FINANCIAL

25. The costs associated with the acquisition/expropriation of the Subject Property and other waterfront properties are not currently included within a current Business Plan or Capital Plan. Staff are recommending that a budget of five-hundred thousand dollars (\$500,000.00) be approved for the acquisition of the Subject Property and other potential future acquisitions, to account for the purchase price of these properties, as well as potential additional costs such as legal and consulting costs.
26. No additional staff resources will be required to implement the recommendation.

LINKAGE TO 2022–2026 STRATEGIC PLAN

27. The recommendation(s) included in this Staff Report support the following goals identified in the 2022-2026 Strategic Plan:
- Thriving Communities
 - Responsible Governance

APPENDIX "A"

Subject Property - Part of Water Lots 26 and 27

Legal Description: PT WATER LT 26 S/S DUNLOP ST BARRIE; PT WATER LT 27 S/S DUNLOP ST BARRIE
AS IN RO1360254

Subject Property is highlighted below.

