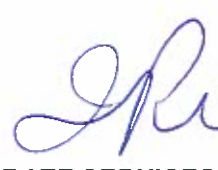



TO: GENERAL COMMITTEE

SUBJECT: TO PERMANENTLY CLOSE, DECLARE SURPLUS AND SELL
WIDENING IN FRONT OF 34 NORTH STREET

PREPARED BY AND KEY CONTACT: KAREN BALL, LAW CLERK, EXT. 5021

SUBMITTED BY: I. PETERS, DIRECTOR OF LEGAL SERVICES 

GENERAL MANAGER APPROVAL: E. ARCHER, GENERAL MANAGER OF CORPORATE SERVICES 

CHIEF ADMINISTRATIVE OFFICER APPROVAL: JON M. BABULIC, CHIEF ADMINISTRATIVE OFFICER 

RECOMMENDED MOTION

1. That the road widening in front of 34 North Street legally described as Part of Lot 7, Plan 13, designated as Part 2 on Reference Plan 51R-23619, being all of PIN 58815-0259 City of Barrie, be permanently closed, declared surplus and sold to the abutting property owners James and Rebecca Anderson for the sale price of \$1.00.
2. That the road closure and sale be subject to the following conditions:
 - a) That the purchasers pay all fees including legal and survey costs associated with the transfer;
 - b) That the property merge in title with the property municipally known as 34 North Street currently owned by James and Rebecca Anderson.

PURPOSE & BACKGROUND

3. The purpose of this report is to permanently close a portion of North Street, declare same surplus to the needs of the municipality and transfer it to the abutting owners in accordance with the provisions of Section 34 of the Municipal Act.
4. A site map showing the subject property has been included as Appendix "A" to this Staff Report.
5. The City acquired ownership of the subject property by Transfer registered as Instrument No. 242025 in April of 1993, however it has not been improved for use as a municipal road nor has it been maintained by the City in any way. It is used only by the owners of 34 North Street as a portion of their front lawn.

ANALYSIS

6. The road widening was acquired pursuant to conditions imposed by a Site Plan. In 1990, the owners of the property at the time applied for site plan approval. Among other conditions, the site plan required the transfer of the subject property as a road widening in favour of the City of Barrie. Site plans at this time would routinely require the transfer of a road widening.
7. The site plan for this property was to redevelop lands as a six unit walk up apartment. The house would be demolished and a new building would be built. This is significant because the transfer of the road widening created a substantial encroachment of the house onto the City's widening.

8. A portion of the front porch as well as part of the entire front wall of the house encroach onto the widening. At the time of the transfer, the encroachment was accepted as temporary as it was the intention of the owner to have the house demolished.
9. Due to the economic downturn in the early 1990's, the owners at the time applied for and were granted two extensions of the time period to redevelop the property under the site plan. When the site plan conditions were due to expire for the third time, the owners decided to sell the house and not develop the property as they felt it was not economically feasible. The owners advised the City of Barrie that they would allow the conditions to expire and requested their file be closed.
10. Staff closed the file and retained ownership of the road widening. The house remains in the same location as it was at the time the site plan was registered. It was sold to new owners recently and prior to closing, the solicitor for the purchasers inquired as to whether it would be possible to transfer the widening back to the owners in order to alleviate the encroachment. The transaction was in jeopardy due to title insurance and mortgage company requirements with respect to the encroachment.
11. Staff discussions determined that in order to assist in the completion of the transaction, it would be appropriate to enter into a temporary encroachment agreement with the intent of solidifying a more permanent resolution.
12. The request was circulated for review to the following program areas for comments: Engineering, Operations, Buildings, Risk Management and externally to PowerStream. No concerns were identified.
13. The Engineering Department has reviewed the transportation plan which was completed in 1999 and was completed with a projection for 25 to 30 years. It has been determined that there is no intent to widen North Street within that transportation plan.
14. The property has no value as a standalone property. Its only value is its value in use to the abutting property owners. As per The City of Barrie's bylaw 95-104, an appraisal of a closed road allowance is not required if being sold to an abutting owner.
15. It is therefore recommended that the property be sold for a nominal value of \$1.00 to the abutting property owners.

ENVIRONMENTAL MATTERS

16. There are no environmental matters related to the recommendation.

ALTERNATIVES

17. There is one alternative available for consideration by General Committee:

Alternative #1

General Committee could choose to not close the widening and sell it to the abutting property owners. The City would not be obligated to undertake any improvements until which time it is determined that North Street is required to be widened in that area.

This alternative is not recommended as retaining the widening in public ownership where the land is used by a private property owner and there are no plans to develop it for public use is not in the City's best interest. It functions as a portion of private property as opposed to a public road. The transfer eliminates any liability the City may have to private interests.

FINANCIAL

18. There are no financial implications for the Corporation resulting from the proposed recommendation. The Buyer will be paying for the survey and legal costs to transfer the lands.

LINKAGE TO COUNCIL STRATEGIC PRIORITIES

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

APPENDIX "A"

Site Map

