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**TO:** GENERAL COMMITTEE

**SUBJECT:** TO PERMANENTLY CLOSE, DECLARE SURPLUS AND SELL THE LANE BESIDE 55 OWEN 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:** CARLA LADD, CHIEF ADMINISTRATIVE OFFICER 

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**RECOMMENDED MOTION**

1. That the Laneway located beside 55 Owen Street legally described as Lane, Plan 240, being all of PIN 58817-0183, City of Barrie (the "Lane"), be permanently closed, declared surplus and sold to the abutting property owner Alan James Brett for the sale price of \$41,818.00.
2. That the road closure and sale be subject to the following conditions:
  - a) That the purchaser 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 55 Owen Street currently owned by Alan James Brett.
3. That the City Clerk be authorized to execute the Agreement of Purchase and Sale for the Lane in a form acceptable to the Director of Legal Services.
4. That a Deeming By-law over Lane, Plan 240 and Lot F, Plan 240, be approved pursuant to Section 50(4) of the Planning Act.

**PURPOSE & BACKGROUND**

4. The purpose of this report is to permanently close the Lane located south of 55 Owen Street, declare the Lane 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.
5. A site map showing the subject property has been included as Appendix "A" to this Staff Report.
6. The City acquired ownership of the Lane upon registration of a Plan of Subdivision on November 23, 1875. It has not been improved for use as a municipal road or lane nor has it been maintained by the City in any way. It is used only by the owner of the abutting property as a driveway.

**ANALYSIS**

7. The Lane was acquired pursuant to registration of a Plan of Subdivision in 1875. Plans of Subdivision for the downtown area which were registered at that time routinely required the transfer of lanes to the Town of Barrie.

8. The City of Barrie currently owns many lanes in the downtown core. Most of them are linked together and provide through access to the rear of many businesses for shipping and receiving purposes.
9. This particular Lane, as shown on the attached Appendix "A" dead ends and does not link to any other City property. It is being used exclusively by the abutting owner as a driveway and access to the rear of his property.
10. The request was circulated for review to the following program areas for comments: Engineering, Operations, Buildings, Finance and externally to PowerStream. No concerns were identified.
11. The property has no value as a standalone property as it is 12 feet wide and would not conform to zoning standards as a standalone property. Its only value is to the abutting property owners.
12. The City of Barrie's Senior Real Estate Officer completed an in house appraisal using comparable sales based on square footage of the property. He determined that the property would have a value of \$41,818.00 if attached to another parcel which would meet zoning requirements.
13. The owner of 55 Owen Street, Alan James Brett, has plans to redevelop several abutting parcels and obtaining title to the Lane will result in a complete amalgamation of six parcels. As a result the Lane has value to the abutting owner who has offered to pay the appraised value to the City of Barrie for the Lane.
14. It is therefore recommended that the property be sold for a value of \$41,818.00 to the abutting property owner.

#### **ENVIRONMENTAL MATTERS**

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

#### **ALTERNATIVES**

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

**Alternative #1** General Committee could choose to not close the Lane and sell it to the abutting property owner.

This alternative is not recommended as retaining the lane 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**

17. During the Tangible Capital Asset collection, this property was not included in the land inventory. The proceeds will be recorded in 01-24-0860-0000-8612 and will be transferred to the Tax Capital Reserve (Account #13-04-0440).
18. The purchaser shall pay all the City's legal, advertising and surveying expenses incurred to deal with this matter.
19. If MPAC determines an increase in property value due to the increase in lot size, this would generate an increase in property taxes.

**LINKAGE TO COUNCIL STRATEGIC PRIORITIES**

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

APPENDIX "A"

Site Map

