
TO: GENERAL COMMITTEE

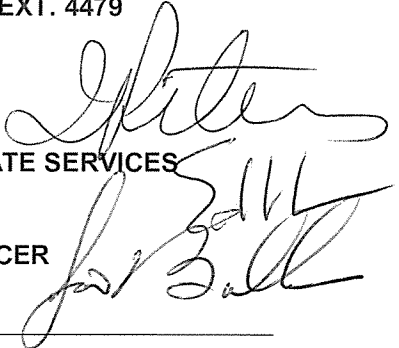
SUBJECT: TO DECLARE SURPLUS AND SELL PROPERTY – CUMMING DRIVE WALKWAY

PREPARED BY AND KEY CONTACT: J. CARLIN, REAL ESTATE SERVICES OFFICER, EXT. 4479

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 in accordance with the provisions of the Surplus Land By-law 95-104 and as amended by By-law 95-286, the City of Barrie declare surplus the former Cummings Drive Walkway described as Part of Block 185, Plan 51M-544 and further described as Parts 2, 3 and 5 of Reference Plan 51R-30716, having an area of approximately 350 sq. meters and sold to Rodney McNaughton, Jennifer McNaughton, Steve Livesey and Karen Livesey for the purchase price of \$6,000.00.
2. That the proceeds from the sale of these lands be transferred to the Tax Capital Reserve (Account #13-04-0440).
3. That the purchasers shall pay all survey costs and legal expenses to complete the above transaction.

PURPOSE & BACKGROUND

4. The City of Barrie acquired the walkway as a condition of subdivision approval for Registered Plan 51M-544 from Mariposa Homes in 1995. The City owns the parkland to the rear of the lots and originally a pedestrian access link was contemplated from Cumming Drive into the Ardagh Bluffs.
5. The Parks Planning Branch of the Engineering Department has advised the Legal Services Department that it no longer requires the walkway for municipal purposes and that it can be disposed of as surplus land.

ANALYSIS

6. The City's Surplus Land By-law 95-104 and as amended by 95-286, requires that prior to the sale of any surplus property, the City Clerk shall give notice to the public at least 7 days prior to consideration of the Council of the intended sale by either notification in the newspaper, posting a "For Sale" sign on the property or listing it for sale with a real estate broker with Multiple Listing Service. Notice was published on the City of Barrie page in the Barrie Examiner, on Thursday February 3, 2011.
7. The property has no value as a standalone property. Its only value is its value in use to the abutting property owners. This irregular shaped walkway has a width of 6 meter and an area of approximately 350 sq meters, and access to the parkland is unopened with access blocked by

chain link fencing. The abutting property owners have been maintaining this grassed walkway from spring to fall.

8. Staff contacted the abutting property owners to determine whether a satisfactory agreement could be reached to transfer the property. They have submitted a drawing showing how they would like to divide the property, and have agreed to cover all legal expenses and survey costs associated with the conveyance, in addition to the purchase price of \$6,000.00. Staff agreed that a sale price of \$6,000 is acceptable subject to council approval.
9. The neighbouring properties are proposing to divide the walkway so that 24 Cumming Drive can increase their frontage, and 28 Cumming Drive would obtain additional lands to increase the area of their backyard. The owners of 30 Cumming Drive were also contacted as a small portion of the walkway abuts the rear of their lot. They have indicated that there would be no real benefit to them and are not interested in acquiring any additional lands.
10. Engineering, Operations and Building Departments have been circulated regarding the surplusing of these lands. No concerns were identified.

ENVIRONMENTAL MATTERS

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

ALTERNATIVES

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

Alternative #1

General Committee could choose to not sell the property to the abutting property owners, and continue to retain ownership.

This alternative is not recommended as this unopened walkway serves no use to the community. It is a liability to the City as maintenance will be required as it abuts three residential properties.

FINANCIAL

13. It is recommended that the proceeds from this sale be transferred to the Tax Capital Reserve (Account # (13-04-0440). With the introduction of the Tangible Capital Asset Policy, this property is recorded with an asset value of \$ 3,912.48, resulting in gain of \$2,087.52 . The gain will be recorded in the gain/loss on fixed assets account (01-24-0860-0000-8612) and reflected in our financial statements.
14. The purchasers shall proportionately share all the City's expense legal and surveying expenses incurred to deal with this matter.
15. If MPAC determines an increase in property value due to the marginal increase in lot size, this would generate a marginal increase in property taxes.

LINKAGE TO COUNCIL STRATEGIC PRIORITIES

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

APPENDIX "A"

Title of Appendix

