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Staff Report

Community Services

Report To: Committee of The Whole
Meeting Date: September 12, 2016
Report Number: CSPW.16.115
Subject: Request to Sell Town Owned Lands on Sunset Boulevard
Prepared by: Shawn Everitt, Director of Community Services

A. Recommendations

THAT Council receive Staff Report CSPW.16.115 entitled "Request to Sell Town Owned Lands on Sunset Boulevard";

AND THAT Council consider "Block A" of Registered Plan 442 surplus and direct Staff to initiate the public process of declaring these lands as surplus;

AND THAT Council direct Staff to sever these lands into two building lots and go through the process to rezone the lands from Public Open Space (OS-1) to Residential (R1-1).

B. Overview

This report is to request that Council consider declaring a Town owned waterfront lot on Sunset Boulevard as surplus property. The report also requests that Council consider severing the waterfront lot into two separate lots and rezoning both so they can be put on the market as residential lots.

C. Background

This report was developed with review of previous information from prior reports. The recommendation to consider the lands surplus is supported by Staff completion of the Land Review Tool. The completion of the tool for this property identified that the lands could be declared surplus based on the existing use and condition of the lands.

The subject lands are not currently used or maintained by Town Staff. Staff have identified that the existing Lora Bay Park, east of the subject lands, provides adequate useful shoreline for the public as well as parking and washroom amenities. The subject lands are adjacent to a private beach and do not provide the availability of lands to develop a parking area and Sunset Boulevard does not allow for on street parking which further limits the usefulness of this property for the general public.

D. Analysis

This report is being presented as a result of two factors;

1. These lands were identified in the June 2016 Property Inventory Workshop as lands to consider options
2. Staff has recently received a request to consider selling a portion of these lands for a future single residential detached home

Staff suggested the following two potential uses of the subject lands;

1. Rezone the lands from Open Space (OS-1) to Residential (R1-1), sever the lands into two parcels and sell as residential properties in accordance with the Town's Sale and Other Disposition of Land Policy
2. Remove the Open Space (OS-1) zoning, rezone to Residential (R1-1) and sell the lands as one parcel

The lands in question have already been subject of an appraisal that was completed in the 4th quarter of 2015 by a professional Real Estate Appraiser. The appraisal was completed through a review of the lands as a single parcel.

The intention to rezone the subject property to Residential (R1-1) is for low density detached residential uses. Development of the subject property would require a zoning by-law amendment, approval from all regulatory bodies and a possible severance.

This process would involve holding a public meeting for the rezoning. Additionally, the severance application would require the preparation of a severance sketch prepared by an Ontario Lands Surveyor and, following conditional approval of the consent, a registered plan to be deposited by a lawyer. The severance sketch, Registered Plan and legal fees may cost approximately \$5000. The planning approvals process would also take approximately 4 months given the requirements for a public meeting.

If the property was severed into two parcels, each lot would be sized at approximately 36,808 square feet with 90 feet of shoreline frontage.

E. The Blue Mountains Strategic Plan

- Goal #1: Create Opportunities for Sustainability
- Goal #2: Engage Our Communities & Partners
- Goal #4: Promote a Culture of Organizational & Operational Excellence

F. Environmental Impacts

Appropriate use of the subject lands.

G. Financial Impact

Approximately \$5000 for surveying and legal costs.

H. In consultation with

Director of Planning and Development Services

Senior Management Team

I. Attached

1. Location Map of Subject Lands
2. Sale and Disposition of Land Policy
3. Land Review Tool

Respectfully submitted,

Shawn Everitt
Director of Community Services

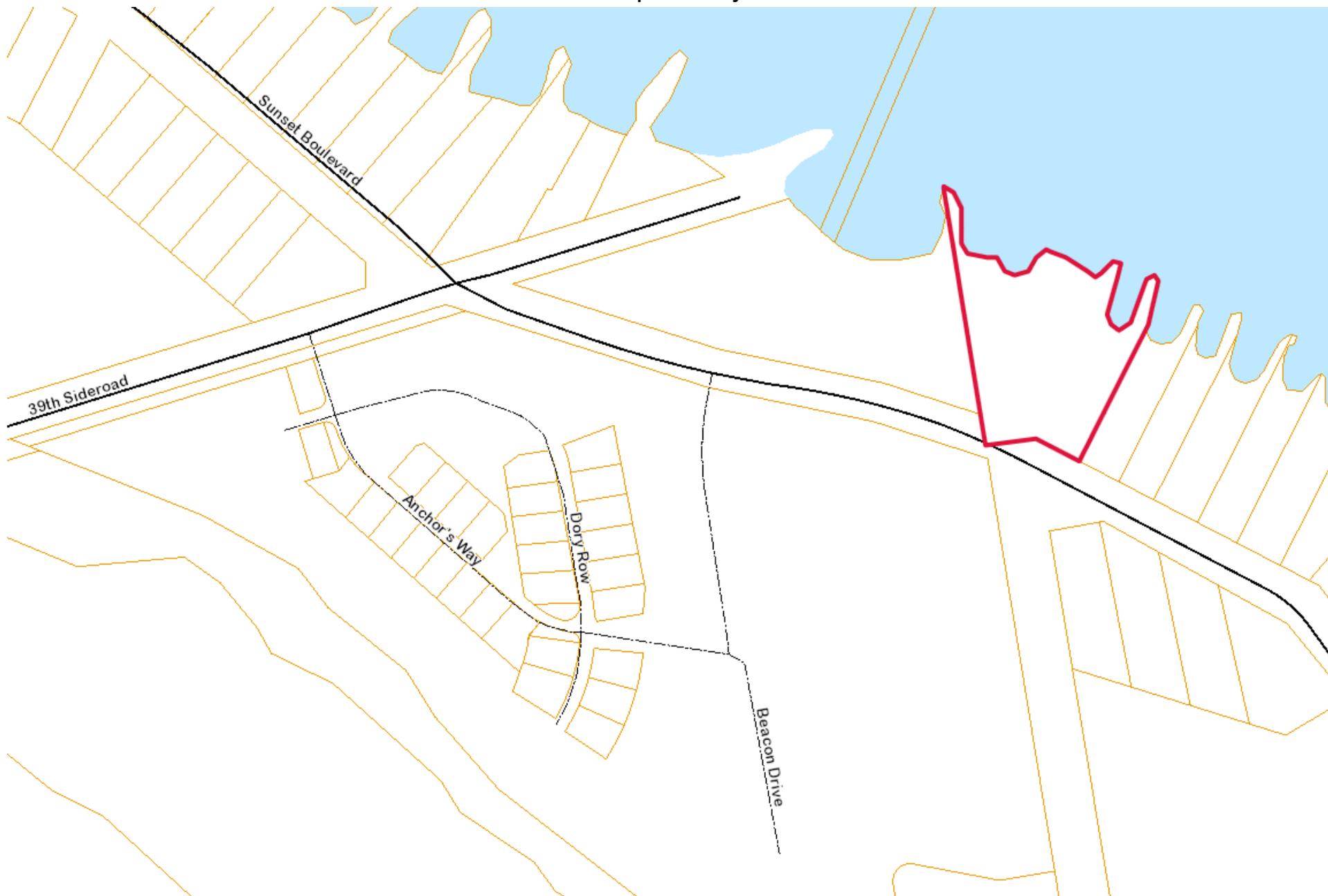
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Location Map of Subject Lands



TOWN OF THE BLUE MOUNTAINS

POLICY & PROCEDURES

Subject Title: Sale and Other Disposition of Land

Corporate Policy (Approved by Council)	<input checked="" type="checkbox"/>	Policy Ref. No.:	POL.COR.07.02
Administrative Policy (Approved by CAO)	<input type="checkbox"/>	By-law No.:	2008 - 08
Department Policy: (Approved by Mgr.)	<input type="checkbox"/>	Name of Dept.:	Administration
Date Approved:	January 28, 2008	Staff Report:	A.07.31 (Revised)

Policy Statement

Policy direction for Council procedure in considering the sale and other disposition of public land by the municipality.

Purpose

Compliance with Section 270 of the *Municipal Act, 2001*.

Application

This Policy applies to the actions or decisions to be undertaken or made by the municipality, its Council, its Senior Management Team and Local Boards as defined in subsection 269.1 of the *Municipal Act, 2001*, all collectively called the “municipality”, for the purpose of providing accountability and transparency in the municipal decision-making process and its actions.

Council will endeavour in its actions to ensure accountability for its decisions and the manner in which decisions are made will be transparent to the public.

The *Municipal Act, 2001* requires a municipality to adopt a Policy with respect to the sale and other disposition of public land by the municipality..

Definitions

Appraisal: shall mean an appraisal of the fair market value of the land to be sold or otherwise disposed of and may include consideration of a public benefit in the case of any land transfer or exchange.

Procedures

1. Subject to any other provisions contained in the *Municipal Act, 2001*, prior to the sale of land Council shall:
 - a) at a regularly scheduled Council meeting deem that any land to be sold or conveyed is surplus to the needs of the Corporation;
 - b) obtain at least one appraisal of the fair market value of the land to be sold or conveyed and this appraisal may include consideration of a public benefit in the case of any land transfer or exchange;
 - c) give notice to the public of the proposed sale of land by publication of notice of the proposed sale for two successive weeks in a local newspaper having general circulation in the area and by posting on the Town website and by e-mail message to any person who requests provision of Town notices.
2. Council may, at their sole discretion and acting in good faith, upon compliance with clause 1. of this Policy, advertise to request sealed tenders or bids for the sale of land or to engage a real estate firm or broker for the sale of land or utilize an alternative method of sale or disposal of land to be determined by Council.
3. Council may, at their sole discretion, add or delete any costs incurred by the municipality with regard to the sale of land to or from the sale price of the land.
4. The Town and any affected Local Board shall establish and maintain a public register listing and describing the land owned or leased by the Town or Local Board.

Exclusions

5. Council may, at their sole discretion, determine that Clause 1.b) of this Policy does not apply to the sale of the following classes of land:
 - a) Land 0.3 metres or less in width acquired in connection with an approval or decision under the *Planning Act*.
 - b) Closed highways if sold to an owner of land abutting the closed highways.
 - c) Land formerly used for railway lines if sold to an owner of land abutting the former railway land.
 - d) Land that does not have direct access to a highway if sold to an owner of land abutting the former railway land.
 - e) Land repurchased by an owner in accordance with section 42 of the *Expropriations Act*
 - f) Lands sold under Sections 107, 108 and 109 of the *Municipal Act, 2001* (Economic Development Services).
 - g) Easements granted to public utilities or to telephone companies.

6. Council may, at their sole discretion, determine that Clause 1.b) of this Policy does not apply to the sale of land to the following public bodies:
 - a) A municipality
 - b) A local Board, including a School Board and a Conservation Authority.
 - c) The Crown in right of Ontario or Canada and their Agencies.
7. Council may, at their sole discretion, determine that Clause 1. of this Policy does not apply to the sale of the following classes of land:
 - a) Land sold under Section 110 of the *Municipal Act, 2001* (Municipal Capital Facilities).
 - b) Land to be used for the establishment and carrying on of industries and industrial operations and incidental uses.
8. This Policy does not apply to the sale of land under Part XI of the *Municipal Act, 2001*, Sale of Land for Tax Arrears.

References and Related Policies

Town Policy POL.COR.07.01 and Town Policies POL.COR.07.03 through POL.COR.07.07 inclusive, as approved, together with this Policy.

Consequences of Non-Compliance

Non-compliance with the *Municipal Act, 2001* is subject to the remedies prescribed therein.

Review Cycle

This policy will be reviewed annually by the Senior Management Team for report to Council in open session.

Property ID & History	Sunset Boulevard Open Space
Address of property	Beside 275 Sunset Blvd
Roll Number	42420000015112900000
Legal description	Plan 442 Block A
What is the current zoning of the property	Municipal Park
What is the current assessed value "2016"	\$290,000
What is the size of the property	1.69
Is property currently in use	No
What is the current use	Open Space unmaintained
When was the property obtained	1953
How was property originally obtained	Plan of Subdivision
What was the original intended use	Parkland
Does the property have any restrictive covenant	No
Is the property held in trust	No
Does the property provide municipal drainage	Yes
If the property is designated a Road Allowance or Street, is that the current use or a potential use	N/A
Does the property contain Water and or Wastewater Infrastructure	No
Does the property contain any other major Town infrastructure or other services	No
Has the property been reviewed by Council before	Yes
If yes, refer to Staff Report	N/A
Site Contamination Section	
Known Contamination:	No
Expected Contamination:	No
History of Contaminantion:	No
Has an Environmental Screening Assessment Occurred:	No
Location of Environmental Screening Assessment File:	N/A
Existing environmental standards to comply with:	N/A
If contaminated, does it exceed environmental standard:	N/A
Is the Municipality directly responsible for the site?	Yes
If not, has the municiplaity accepted responsibility?	No
Probability that the site would require remediation:	Low
Would this require the Municiplaity to determine a liability?	No

If yes, what is the estimated cost of remediation?	N/A
Review of Future Town Needs and potential of declaring Surplus	
Does the property have any existing liabilities to the Town	Yes, unmaintained land
Does the property have an existing Road/Street access	Yes
Does the property have Road/Street access potential	Yes
Does the property have any known architectural significance	No
Does the property have any known historical significance	No
Does the property have any archeological significance	No
Are any specific surveys or studies required	No
Are First Nations required to be consulted	No
Are there agencies that require consultation i.e. NEC, GSCA, NVCA, MNRF, DFO	No
Is there an Agency that could retain ownership of property consistent with their own mandate	No
Does the property have any known recreational opportunities	Yes, parkland
Do any ecological or conservation concerns exist on or around the property	No
Do local residents in the immediate area require specific pre-consultation	Yes
Do local residents in the immediate area require specific notification	Yes
Is expert knowledge required to evaluate the property	Appraisal has been completed
Has there been interest from a potential purchaser of the property	No
Is there an existing management agreement in place with the Town or other agencies	No
Does the property provide any duplication of use or services in the immediate area	Yes
What is the estimated cost of divesting (i.e. Appraisal/surveying costs)	Completed
Are there any significant potential public concerns of declaring property surplus	Yes, Local concerns
Does the property have any development potential	Yes
Could the property be severed into multiple lots	Yes
Have there been other similar properties appraised within 2 years	Yes
What are the estimated property taxes of the adjacent properties	\$791,100 assessed
Could the property be considered Surplus	Yes