

**STAFF REPORT:      ENGINEERING AND PUBLIC WORKS DEPARTMENT**

**REPORT TO:**                    Infrastructure and Recreation  
   Committee

**MEETING DATE:**            Thursday, August 23<sup>rd</sup> 2012

**REPORT NO.:**                 EPW.12.055

**SUBJECT:**                     Consideration of Sale of Albert  
   Street Road Allowance Portion  
   and Adjoining Block

**PREPARED BY:**             Reg Russwurm, Director of  
   Engineering and Public Works

**A.      Recommendations**

THAT Council receive Staff Report EPW.12.055, "Consideration of Sale of Albert Street Road Allowance Portion and Adjoining Block"; and,

THAT Council direct Staff to initiate the public notice procedures related to the consideration of declaring the unopened Albert Street road allowance south from King Street to the Georgian Trail and the adjoining block surplus to the Town's needs.

**B.      Background**

At the regularly scheduled meeting of June 25, 2012, Council considered a request to consider the sale of Town lands, being a portion of the Albert Street road allowance, together with an adjoining block of land abutting the northeast intersection of the Albert Street portion and the Georgian Trail. The subject lands are shown marked as Parts 1 and 2 in red on a portion of assessment mapping (Attachment 1).

The applicant is the daughters of the late owner of the lands abutting on both the east and west bounds of the portion of Albert Street (Part 1), as well as abutting the block (Part 2). The applicants' lands are shown marked in yellow on Attachment 1. It should be noted there is an existing dwelling on the portion of the applicants' land east of the Albert Street portion.

It should be further noted that King Street is an opened and travelled road from Lansdowne Street, west to the entrances for the existing dwelling and former Thornbury Landfill site. A bridge that crossed Little Beaver River collapsed 60 or more years ago and was never reconstructed. The remainder of King Street to Peel Street was abandoned and not travelled since the bridge collapse. King Street east of the Little Beaver River continues to serve only the existing dwelling and the former Landfill. Therefore, the applicants' land west of the Little Beaver River would not front on an opened and maintained road for development purposes, although it should be noted evidence of a former dwelling exists on the western parcel. It is not known at this time if the applicant will merge the lands should the sale proceed.

The subject portion of Albert Street has never been opened or travelled. It is believed the adjoining block (Roll Number 17-154-02) was transferred to the Town as part of the purchase of the former railway right-of-way which became the Georgian Trail, as Trail portions within the former Town of Thornbury carry the suffix -154 in their Roll Numbers.

### **Existing Land Use**

The subject portion of Albert Street has never been opened or maintained. The lands are substantially scrub bush and treed with what appears to be some past clearing that may have provided access to a former dwelling that existed on the applicants' western parcel.

The adjoining block (Roll Number 17-154-02) is substantially scrub bush and treed and does not have appeared to ever have been developed. What role this block may have played with regard to the former rail line is unknown.

### **Department Comments**

Following Council's deliberations on June 25, 2012, the request to purchase was referred to Engineering and Public Works for consideration and response. Departments and Divisions deemed to have an interest in the two land portions and the sale processes were requested to provide comments. The following Staff comments were received:

#### Water and Wastewater Services Division

This portion of Albert Street road allowance would not be utilized for a water and wastewater utility corridor in the future.

#### Roads and Drainage Division

The Albert Street road allowance is not needed required as a roadway especially given the nearness of the adjacent streets.

#### Recreation Department

The Albert Street road allowance can serve as a connection between the Georgian Trail and the King Street road allowance in the event that trail head parking is constructed in the area. The adjoining block is not needed for the Georgian Trail. An option to utilising the Albert Street road allowance is to obtain by partial land swap is a 6m wide parcel next to the Little Beaver River that can be used for a future trail.

#### Finance and IT Department

Once Council has decided that the lands are surplus to the Town's needs, a determination is needed if the sale process would be open to the public at large.

If the lands will not be sold by public tender, an appraisal would assist both parties in arriving at a fair value for the property and that cost should be paid by the applicant.

Any proceeds from the sale of a road allowance are recommended to be placed in the Roads Reserve Fund. Similarly, proceeds from the sale of the block purchased as part of the former rail lands for trail use would to Parks and Recreation Reserves.

### Planning and Building Services

#### Known Neighbouring Landfall

Planning Staff Report PL.10.94, considered by the Planning and Building Committee on October 4, 2010 notes that any development of lands within 500m of an existing or known landfill must complete a study in accordance with the provisions of the Ministry of Environment's Guideline D-4, "Land Use On or Near Landfills and Dumps" that will consider ground and surface water contamination by leachate, surface runoff, ground settlement, visual impact, soil contamination and hazardous waste and landfill-generated gases. Particular attention is given to the production and migration of methane gas. In any event, a Guideline D-4 study would be required for any new development on the subject and applicant's lands, regardless of whether the sale proceeds or the lands were merged.

#### Zoning

The subject lands, including the applicant's land and the Town lands, are zoned Hazard H along the paths of the Little Beaver River and a tributary to the west, the remainder zoned Development D. The Development D zone would permit an existing residence and accessory uses.

### **Public Engagement**

Corporate Policy POL.COR.07.02, Sale and Other Disposition of Land, notes that the Town must 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. Corporate Policy POL.COR.07.03, Provision of Notice and Manner of Giving Notice to the Public notes that a minimum of 21 day notice is required for sale of land where a building permit could be acquired.

Since the area of the Albert Street road allowance and the adjoining block that lies outside of the setbacks from the Little Beaver River could be built upon, Staff recommend that a 21 day notice period be utilised.

## Next Steps

Since there is general Staff agreement that the sale of the unopened Albert Street road allowance and adjoining block has merit, Staff recommend that Council proceed with the public engagement process to gather the input of the community.

Following public input, the following steps would be to advance the process:

1. Determine whether the subject land(s) are surplus to the needs of the Town.
2. Determine if the sale will be by public process or negotiated with the adjacent land owner.
3. If the sale is by negotiation, obtain at least one appraisal for each property funded by the proponent. Because of the complexities involving the former Landfill Site Buffer, it is recommended an experienced property appraiser be utilized. If this is the decision of Council, it is recommended an estimate be first obtained and the applicant be requested to post securities in the amount of the estimate to protect the Town in the event the applicant is not satisfied with the appraised amount.
4. Undertake the sale of lands

## C. The Blue Mountains' Strategic Plan

Goal 2: Addressing the Town's municipal infrastructure needs.

## D. Environmental Impacts

If the lands are sold, some grubbing and clearing may result in loss of tree and vegetative cover.

If any new development is proposed for the lands, an engineering study in accordance with the Ministry of Environment's Guideline D-4, "Land Use On or Near Landfills and Dumps" will be required.

## E. Financial Impact

If the sale process proceeds, securities should be requested from the applicant equal to the estimated cost of a property appraisal.

If the applicant is satisfied with the appraised amount, securities should be requested from the applicant equal to the estimated cost of surveying the Albert Street portion to permit transfer of title of the former road allowance. The block would appear to be conveyable at present as it has a separate Assessment Roll identification.

If the sale process further proceeds, the Town would receive the purchase price for the two parcels of land. Funds from the sale of the Albert Street road allowance portion are recommended to be placed in the Roads Reserve Fund.

Funds from the sale of the block purchased as part of the former rail lands for trail use are recommended to be placed in Parks and Recreation Reserves.

**F. In Consultation With**

John Caswell, Manager of Water and Wastewater  
Jim McCannell, Manager of Roads and Drainage  
Shawn Everitt, Director of Recreation  
Darcy Chapman, Finance  
Cindy Welsh, Senior Policy Planner

**G. Attached**

Attachment # 1 - Albert Street portion and adjoining block, assessment mapping excerpt  
Attachment # 2 - Albert Street portion and area air photo

Respectfully submitted,

***Reg Russwurm***

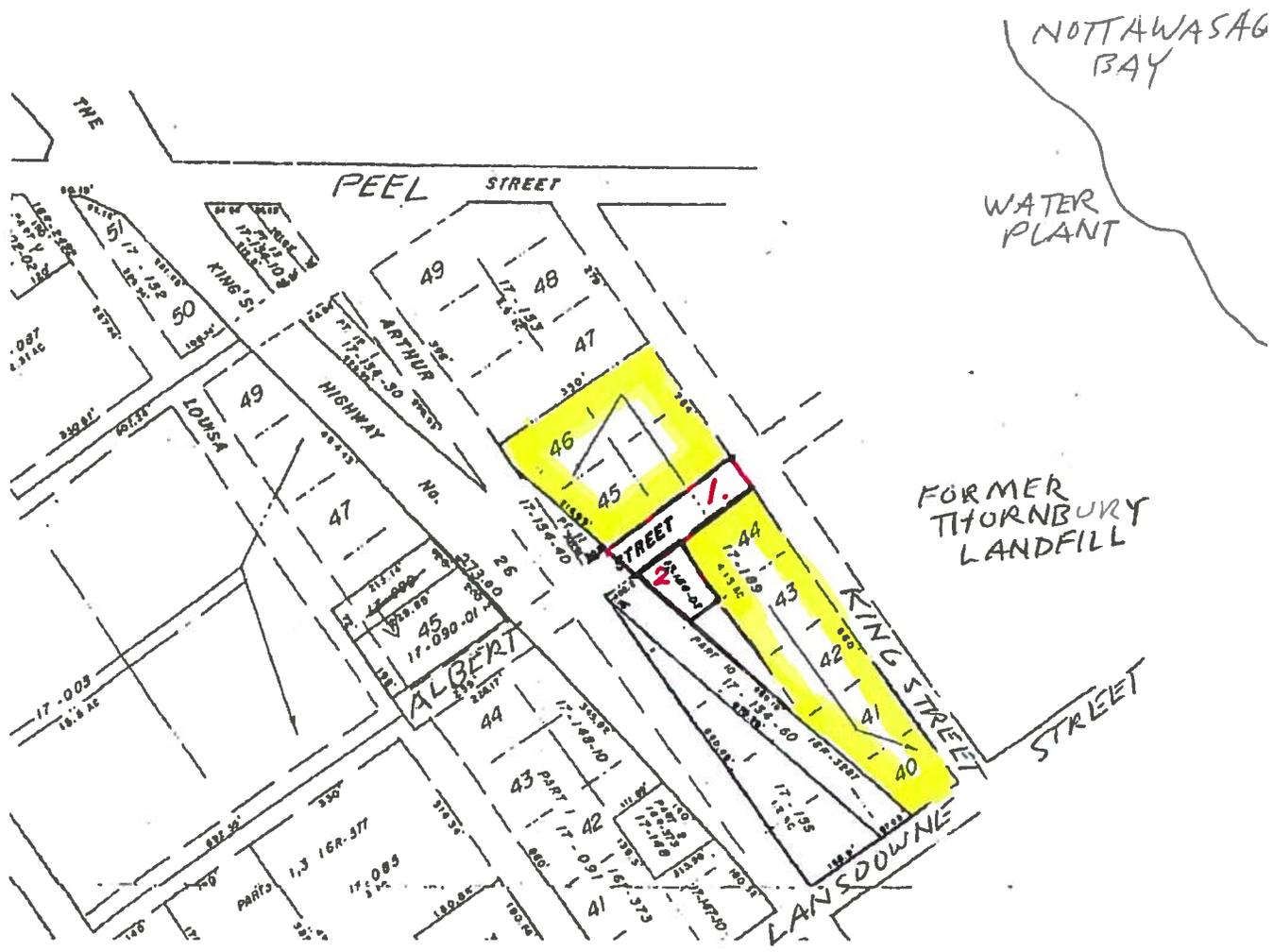
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1. Portion of unopened Albert Street
  2. Block adjoining Georgian Trail 17-154-02
- Yellow - Applicant's lands



1. Portion of unopened Albert Street
2. Block adjoining Georgian Trail 17-154-02