

STAFF REPORT: ENGINEERING AND PUBLIC WORKS DEPARTMENT

REPORT TO: Infrastructure and Recreation
 Committee

MEETING DATE: November 13, 2012

REPORT NO.: EPW.12.092

SUBJECT: Albert Street Road Allowance
 Portion and Adjoining Block –
 Declaration as Surplus Lands

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

A. Recommendations

THAT Council receive Staff Report EPW.12.092, “Albert Street Road Allowance Portion and Adjoining Block – Declaration as Surplus Lands”; and,

AND THAT Council deem the lands described as the portion of the unopened Albert Street road allowance between the King Street road allowance and the Georgian Trail and the adjoining block of land surplus to the needs to the Town;

AND THAT Council authorise the Director of Engineering and Public to obtain an appraisal of the lands and to negotiate with the adjacent property owners for the sale of the lands including obtaining lands for trail connectively between the Georgian Trail and the King Street road allowance.

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 numbered as Parts 1 and 2 on a portion of assessment mapping and aerial photography (Attachments 1 and 2).

Interest to purchase the lands was shown by the daughters of the late owner of the lands (applicant) abutting on both the east and west boundaries of the portion of Albert Street (Part 1), as well as abutting the block (Part 2). There is contention that both parts were once part of the applicant’s lot, however a search of the Town’s records indicates that the lands were never such, but instead the subject lands were utilised in a manner as if they were.

At the Council meeting of August 27, 2012, Council adopted Report EPW.12.055 which authorised 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.

Department Comments

For the preparation of Report EPW.12.055, Staff comments were solicited, received and shown in the Report. At this stage of the process, the following should be further considered:

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.

Public Engagement

In compliance with Corporate Policy POL.COR.07.02, Sale and Other Disposition of Land, the Town gave notice to the public of the proposed sale of land by publication of notice of the proposed sale. Notice was given of the proposed sale of the subject lands in accordance with Corporate Policy POL.COR.07.03, Provision of Notice and Manner of Giving Notice to the Public, by pre-paid first class mail to landowners within 120 metres of the subject proper and publication in The Blue Mountains Courier Herald, both on September 19, 2012. A public meeting to hear interested persons was held October 10, 2012.

At the public meeting, there was no correspondence received nor any comments made from the public or Council. As a result, it would appear there is no contention to the Town declaring the land surplus nor was there any interest in purchasing the subject lands from any person other than the adjacent landowner.

Discussion \ Next Steps

Since there is Staff agreement that the sale of the unopened Albert Street road allowance and adjoining block has merit, Staff recommend that Council proceed further with the consideration of the sale of land by deeming the portion of the unopened Albert Street between the King Street road allowance and the Georgian Trail and the adjoining block of land be surplus to the needs to the Town.

Of key importance to the sale is the wish by the Recreation Department to maintain a corridor for trail linkage between the Georgian Trail and the King Street road allowance. In concept, the best location for a trail is along the top of bank adjacent to the Little Beaver River. A 6m width of land has been proposed for discussion purposes but until the Town can stake out a route for the trail, exact dimensions will not be known given the topography of the area. For illustration only, the proposed trail block is shown as Part 3 on Attachment 2. The need for trail linkage has been introduced to the applicants however they are not in favour of that arrangement. Staff have informed them that the land sale will most likely be conditional on obtaining the trail lands.

A limitation of the lands is that they are encumbered with hazard lands designation which may affect their value and the amount of actual buildable area that can be added to the applicant lands. The key benefit of the assembly of the lands is that the building envelope may increase by moving the required building setbacks onto Parts 1 and 2 and not encumber buildable area on the applicant's current lands. The area designated as hazard lands is overlain on the subject lands in Attachment 3. In field verification of the hazard lands is needed prior to any decisions being made on the lands that has regard to the hazard lands limitations.

One of the first steps that must be taken is obtaining an objective evaluation of the properties - 2 blocks for sale and 1 block to obtain/ retain. Staff have received pricing to undertake the appraisals and thereby estimate that the three appraisals can be completed for just under \$2,500.

Since no one through the public notification process indicated an interest in the lands and the lands have most intrinsic value to the adjacent land owners, Staff recommend that the Director of Engineering and Public works be authorised to enter negotiations to offer the lands for sale to the applicant less the value of the trail block plus the cost of the appraisal, land survey plan preparation and legal costs associated with finalising the sale with the understanding that the final determination of sale rests with Council

If a suitable agreement is reached, a report will come before Council to finalise 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 occur which could 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 prior to any new development.

E. Financial Impact

If the sale process proceeds to its conclusion, 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 adjacent block are recommended to be placed in Parks and Recreation Reserves. The purchase value of the future trail block would be subtracted from any sale price.

F. In Consultation With

Shawn Everitt, Director of Recreation

G. Attached

1. Subject Lands, assessment mapping excerpt
2. Subject Lands, aerial photography
3. Subject Lands, hazard lands mapping

Respectfully submitted,

Reg Russwurm

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Director, Engineering and Public Works

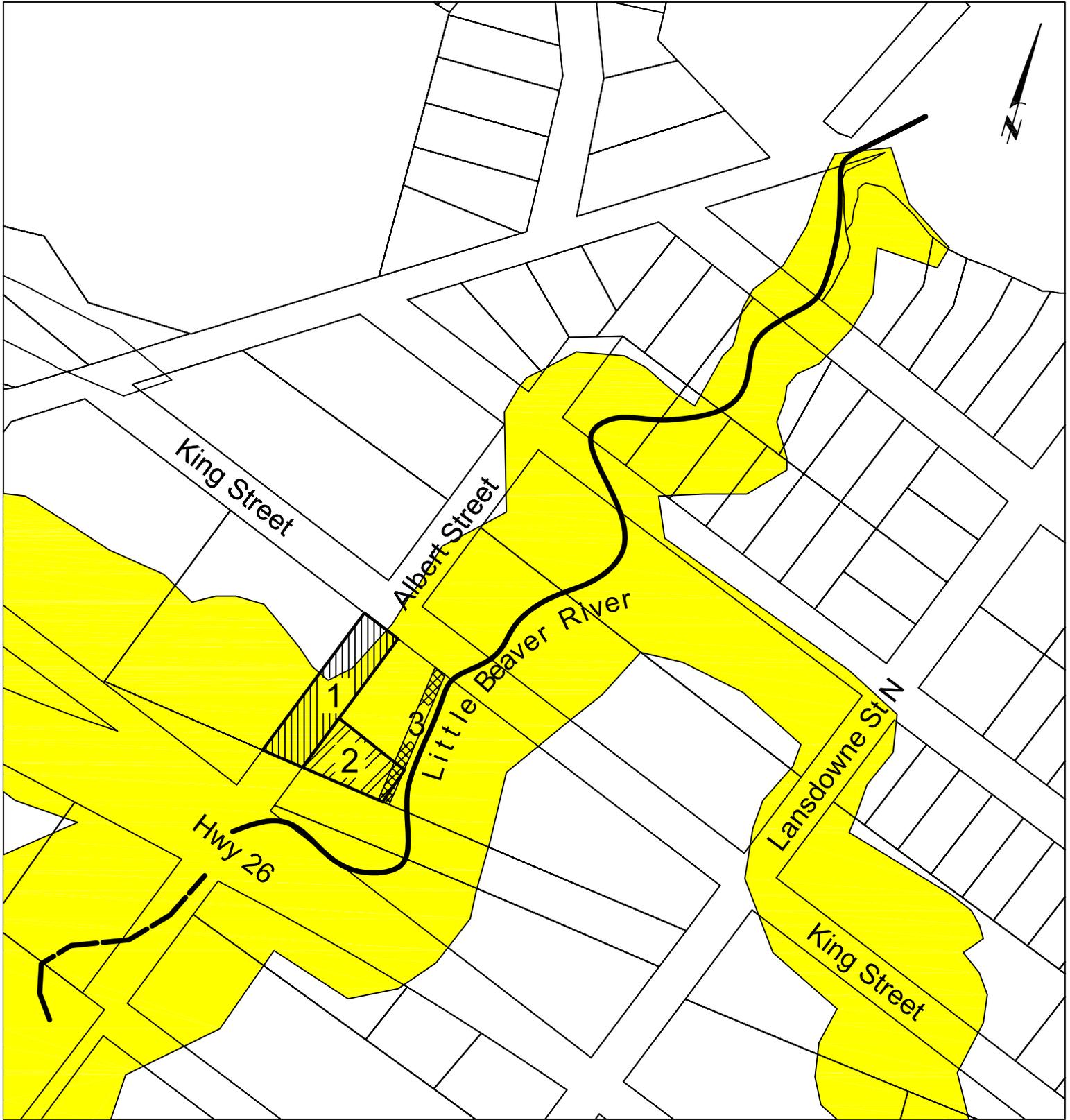
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- 1. Portion of unopened Albert Street
 - 2. Block adjoining Georgian Trail 17-154-02
- Yellow - Applicant's lands



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



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 Hazard lands