

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

**REPORT TO:**                    Infrastructure and Recreation  
   Committee

**MEETING DATE:**           Tuesday, July 9, 2013

**REPORT NO.:**                EPW.13.064

**SUBJECT:**                    Consideration of Sale of Gordon  
   Street Road Allowance Portion,  
   Plan 547

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

**A.      Recommendations**

THAT Council receive Staff Report EPW.13.064, "Consideration of Sale of Gordon Street Road Allowance Portion, Plan 547";

AND THAT Council direct Staff to initiate the public notice procedures related to the consideration of stopping-up and closing a portion of the unopened Gordon Street road allowance east of an existing walkway and declaring the subject lands as surplus to the Town's needs and offering the subject lands for sale.

**B.      Background**

The Town received a request to purchase a portion of the unopened Gordon Street road allowance on June 5, 2013 (Attachment 1). The applicant is the adjacent landowner of Lot 1, Registered Plan 547 to the east, as shown outlined in yellow on Attachment 1 on a portion of Registered Plan 1068, Heritage Corners Subdivision. The lands subject to the request to purchase are shown in solid yellow highlighting and outlined in red on Attachment 1. The lands are on the north side of Grey Road 19 approximately across from Chateau Ridge condominiums and the Blue Mountain Inn parking lot.

The Gordon Street road allowance and surrounding area is shown on larger scale mapping on Attachment 2. The road allowance portion is indicated with a red arrow.

The applicant has stated the proposed purchase would allow for the construction of an addition to the existing residence to permit single level living amenities as well as the installation of a swimming pool. The applicant further notes such property improvements cannot be accommodated on the existing Lot 1, Plan 547 as there is a septic tile bed at the rear of the lot.

**Existing Land Use**

The Gordon Street road allowance has never been opened to traffic and in fact terminates at the boundary of Plan 1068. Block 88 on Plan 1068, is a 6 metre wide walkway block. An existing walkway extends south from Pioneer Lane across Block 88 and continues along the western boundary of Gordon Street.

The applicant has indicated this 6 metre wide walkway block should continue along the western boundary of Gordon Street and it is the remaining 14 metres of road allowance that is requested for purchase.

That portion of Gordon Street that is not used for walkway purposes is currently grassed and treed toward the applicant's residence as shown on Attachment 3. The upper picture shows a view from the south at Grey Road 19. The lower picture is a view from the west toward the applicant's residence.

### **Department Comments**

Following receipt of the request to purchase on June 5, 2013, the correspondence was referred to Engineering and Public Works for consideration and response.

Departments and Divisions deemed to have an interest in the land portion and the sale process were requested to provide comments. The following Staff comments were received:

#### Water and Wastewater Services Division

The Gordon Street road allowance would not be utilized for a water and wastewater utility corridor in the future. If needed in the future servicing could be accommodated along the 6m wide walking block. The Gordon Street road allowance and the applicants property both front municipal sanitary sewer and water servicing (Attachment 4). The sanitary sewer line is shown in a heavy black broken line while the water line is shown in a lighter broken line. Both services are located on the southerly portion of Grey Road 19. A sanitary connection is available to Lot 1 however boring would be required for connection to the subject property across the county road.

#### Roads and Drainage Division

The Gordon Street road allowance could not be developed as a travelled road as it is not a through road allowance and would not be required at any rate given the nearness of adjacent streets.

#### Recreation Department

No concern with the proposed sale of the Gordon Street road allowance so long as a 6 metre wide walkway block be retained along the westernmost boundary extending south from Block 88, Plan 1068.

#### 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.

### Planning and Building Services

The subject portion of Gordon Street, including the applicant's land, are zoned Residential Third Density R3. The R3 zone would permit a residence and accessory uses. The minimum zoning requirements for development of a lot zoned R3 with full municipal servicing are 18 metres frontage and 550 square metres area. The subject portion of Gordon Street would have approximately 14 metres frontage and approximately 560 square metres area and would be deficient in terms of zoning requirements for frontage.

It is noted that notwithstanding the noted frontage deficiency, subject to conformity/consistency with the Official Plan of the day, there may be planning merit in considering an amendment or variance to the Zoning By-law so as to permit this frontage width to enable a building envelope.

If the sale of the subject portion of Gordon Street is to be negotiated with the adjacent landowner, a condition of sale should be that a By-law be enacted to deem Lot 1, Plan 547, as not to be part of a plan of subdivision and the Gordon Street portion and the former Lot 1 are merged in title.

### **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 subject portion of the Gordon Street road allowance could be built upon by the applicant if the property was deeded to the existing Lot 1, Plan 547 as a lot addition, Staff recommend that a 21 day notice period be utilised.

### **Next Steps**

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

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

1. Determine whether the subject land is surplus to the needs of the Town.
2. Determine if any sale would be by public process or negotiated with the applicant.
3. Obtain at least one appraisal for the subject property funded by the proponent if the sale is to be negotiated or funded by the Town and incorporated into any sale price if sold by public process. It is recommended an accredited and experienced property appraiser be utilized. If the sale is to be negotiated, 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. Retain an Ontario Land Surveyor to prepare a Reference Plan for the subject property funded by the proponent if the sale is to be negotiated, funded by the Town and incorporated into any sale price if sold by public process. If the sale is to be negotiated, it is recommended an estimate be first obtained and the applicant be requested to post securities as in 3., above.
5. Undertake the sale of lands through the enactment of an appropriate By-law, which would stop-up and close the subject portion of Gordon Street, deem the lands to be surplus to the needs of the Town and authorize sale and conveyance of the lands. If the sale is to be negotiated, the By-law would require the subject portion of Gordon Street to be merged in title with Lot 1, Plan 547, by way of a deeming By-law.

It is recommended that Council direct Staff to initiate the public notice procedures related to the consideration of stopping-up and closing a portion of the unopened Gordon Street road allowance east of an existing walkway and declaring the subject lands as surplus to the Town's needs and offering the subject lands for sale.

### **C. The Blue Mountains' Strategic Plan**

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

### **D. Environmental Impacts**

If the lands are sold, proposed construction would result in the clearing and loss of tree and vegetative cover.

### **E. Financial Impact**

Securities and costs of an appraisal and survey are as noted in Background, Next Steps, clauses 3. and 4.

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

### **F. In Consultation With**

Shawn Everitt, Director of Recreation  
David Finbow, Director of Planning and Building  
John Caswell, Manager of Water and Wastewater  
Robert Cummings, Director of Finance and IT Services  
Jim McCannell, Manager of Roads and Drainage

### **G. Attached**

1. Request for purchase of portion of Gordon Street Road Allowance.
2. Gordon Street and surrounding area mapping excerpt
3. Photographs of Gordon Street road allowance.
4. As-Constructed Drawing Excerpt, Contract 1A, Drawing 85283-S1

Respectfully submitted,

**Reg Russwurm**  
Reg Russwurm  
Director, Engineering and Public Works

Office: 519-599-3131 Ext.260  
Fax: 519-599-7723  
[russwurm@thebluemountains.ca](mailto:russwurm@thebluemountains.ca)



June 3, 2013

Corinna Giles  
Town Clerk  
Town of the Blue Mountains  
26 Bridge Street E.  
Box 310  
Thornbury, ON N0H 2P0

RECEIVED  
JUN 05 2013

Dear Ms. Giles:

**Attention: Mayor and Council:**

**Re: To explore the possibility of purchasing the piece of land adjacent to the west side of my property, my property is Lot 1, Plan 547**

My name is Joseph Balogh. I am an architect and will be 87 years old this month. My architect firm was based in Toronto until I semi-retired and moved here to the Town of Blue Mountains into my chalet including my business. A large percentage of my work was coming from this area and further north from here also. I would like to live in my chalet for the rest of my life, but to do so there are certain conditions I would need to address.

My chalet, which I designed and built 41 years ago, contains stairs to 5 different levels. My knees and ankles have been operated on (damaged on the Blue Mountain slopes). I do not know how long I can manage living by myself and negotiating all the stairs.

My daughter, Esther Balogh, who is a very good skier, would like to keep this place after I am gone and move up here after she retires, within two or three years. Originally at the time when I built this place, Esther would have liked a swimming pool but the

only suitable area on the lot was behind my building on the north side, but that area was needed for the septic system. After the development of this area around me in 1987, I discovered that there was this above mentioned piece of land adjacent to my property. At that time, I talked to the Clerk about the possibility of purchasing the road allowance and I received a letter from the Clerk that I would have to pay a \$3000 deposit for appraisal and other expenses which I decided I was not going to spend. Shortly after that my daughter moved to the Caribbean under contract to Air Transat Holidays and Air France, and I dropped the swimming pool issue.

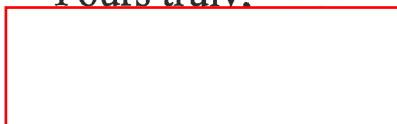
At this point with my daughter moving up here, the swimming pool is again an issue.

For myself, I would have to build an extension to my building on the first level with a separate entrance, a large bed sitting room and a large handicapped 4 piece bathroom, including an indoor hot tub for my back. This could be accommodated on my current property. But to do all this I would have to connect up to the municipal sewer system.

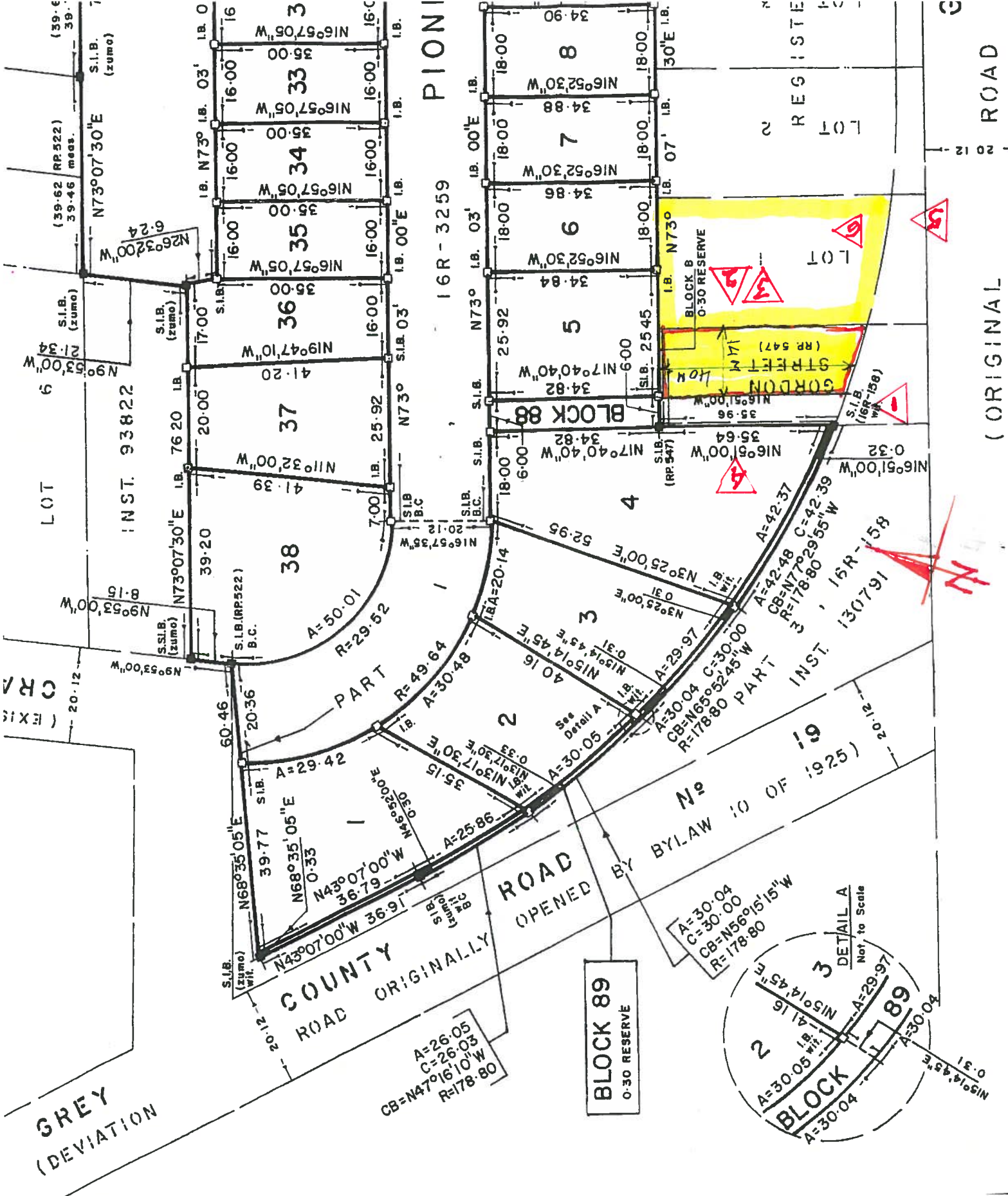
The adjacent area would be very well suited for a swimming pool facing west without any trees and a fence constructed toward the walkway.

As I am going on with my age, I cannot safely live by myself so I would like to have consideration on this issue and let me know what the purchase price would be for this piece of land in order for me to set up a budget for this project.

Yours truly,



Joseph L. Balogh



( ORIGINAL )

ROAD

3

LOT 2 REGISTERED

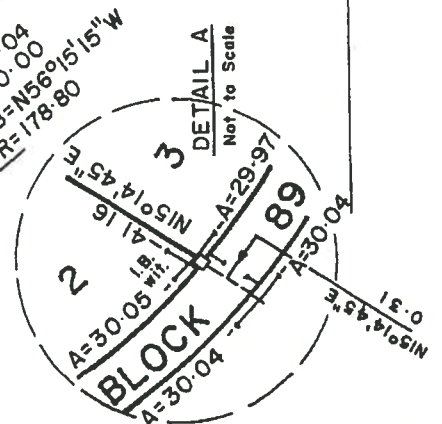
GREY (DEVIATION)

PIONEER

16R-3259

INST. 93822

BYLAW 10 OF 1925



BLOCK 89  
0-30 RESERVE

A=26.05  
C=26.05  
CB=N47°16'10"W  
R=178.80

COUNTY ROAD ORIGINALLY OPENED

CRA (EXIST)

LOT 6

INST. 93822

INST. 130791

BYLAW 10 OF 1925

GREY (DEVIATION)





 Gordon Street



