

**STAFF REPORT:** The Blue Mountains Planning and Building Services Dept.



**REPORT TO:** Mayor and Council  
**DATE:** January 25, 2010  
**REPORT NO.:** PL.10.06  
**SUBJECT:** Application to Stop Up and Close a Portion of Pilsen Way  
 Part 3, Plan 16R-6360  
 Part of Lot 19, Concession 2  
 Town of The Blue Mountains  
**PREPARED BY:** Shawn Postma, Planner II

### A. Recommendations

**THAT Council receive Planning Staff Report PL.10.06, “Application to Stop Up and Close a Portion of Pilsen Way, Part 3, Plan 16R-6360, Part of Lot 19, Concession 2, Town of The Blue Mountains”; and**

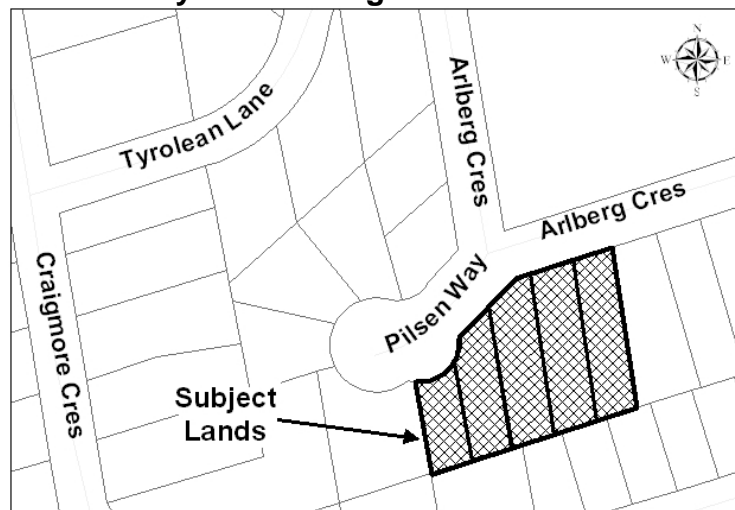
**THAT Council does hereby deem Part 3, Plan 16R-6360 as lands surplus to the needs of the Corporation; and**

**THAT Council authorize Staff to provide notice for the sale of land deemed surplus to the needs of the Corporation in accordance with the “Town Sale and Other Disposition of Land Policy”**

### B. Background

A request to stop up and close a portion of Pilsen Way described as Part 3, Plan 16R-6360 has been received by Travis and Associates Inc, on behalf of Dr. Ian Cunningham.

#### Location of Lands Owned By Dr. Cunningham



In July 2009, Dr. Cunningham received conditional consent approval to create a total of 5 new vacant residential lots off of Arlberg Crescent and Pilsen Way. Through the Consent process, Planning Staff Report PL.09.80 identified that a portion of an old road allowance remains in place adjacent to the Dr. Cunningham lands. The cul-de-sac is constructed as Pilsen Way and is located on and adjacent to the original road allowance, with a small portion of the original road allowance not being used. This portion is identified as Part 3 of 16R-6360 (see attached) and is no longer required by the Municipality. This portion should be formally stopped up and closed and disposed of in accordance with Town policy.

The “Town Sale and Other Disposition of Land Policy” identifies the following:

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.

Town Staff has identified Part 3, Plan 16R-6360 as surplus land not required by the Municipality, and that the following be completed by the applicant at their cost:

1. Confirmation that a 20 metre road allowance will remain in place for Pilsen Way.
2. That an appraisal be completed by the applicant and accepted by the Town to determine the fair market value of the land to be sold

Town Staff will provide a minimum of 14 days notice to the public of the proposed sale of land in accordance with Town Policy.

Town Staff will then follow up with Council with a Staff Report and Recommendation.

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

The recommendation in this Planning Staff Report is consistent and supports the following Strategic Plans Goals:

- “1. *Managing growth to ensure the ongoing health and prosperity of the community*”.

**D. Budget Impact**

1. Provision of Newspaper Notice
2. Revenue from the value of land to be determined

**E. Attached**

1. Excerpt from Registered Plan of Subdivision 1107 - Part 3 of 16R—6360 (below)

Respectfully submitted,

Shawn Postma, Planner II  
26 Bridge Street – Box 310  
Thornbury, ON NOH 2PO  
519-599-3131 ext.248  
1-888-258-6867  
F: 519-599-3018  
[spostma@thebluemountains.ca](mailto:spostma@thebluemountains.ca)

David Finbow, Director, Planning & Building Services  
26 Bridge Street – Box 310  
Thornbury, ON NOH 2PO  
519-599-3131 ext.246  
1-888-258-6867  
F: 519-599-3018  
[dfinbow@thebluemountains.ca](mailto:dfinbow@thebluemountains.ca)

**1. Exerpt from Registered Plan of Subdivision 1107 – Part 3 of 16R-6360**

