



Council report

Meeting date:	June 7, 2022
Title:	Request for purchase of municipal property (WILSON, Steve)
Prepared by:	Lorelie Spencer, Manager of Planning and Development
Reviewed by:	Laura Johnston, CAO

Recommendation

That council receive Planner Spencer's report and the recommendation that the lands be declared surplus and

That council direct staff to commence the disposal of land process.

Executive summary

A request has been provided to council to request the purchase of an unopened road allowance south of Road 21 and Baseline.

Background and discussion

The lands were recently purchased by the applicant. A single detached dwelling unit exists on the subject lands however, the property does not have frontage on an open and maintained road.

The parcel requesting the purchase of the unopened and unmaintained portion of the road owns property municipally identified as 232615 Concession 2 WGR. The property is legally identified as CON 13; PT LOT 31 in the geographic township of Normanby,

The subject lands are designated agricultural and hazard under the County of Grey Official Plan. Schedule C identifies a natural heritage core on the entire subject lands. Appendix B further denotes that the road allowance and the requesting parcel are entirely within significant woodlands.

The subject lands are zoned NE (natural environment) and A1 (agricultural). Based on the information provided a single detached dwelling unit exists on the subject lands which requires updating.

Provision 6.10 – Frontage on Public Street of the zoning by-law states as follows:

No person shall erect any building or structure, or use any lot in a zone, unless the lot upon which such building or structure is to be erected, fronts upon and has direct access to an improved public street open and maintained on a year round basis. The above provision shall



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not apply to restrict the erection of any building on a lot in a registered plan of subdivision where a subdivision agreement has been entered into but the street will not be assumed until the end of the maintenance period.

The applicant is requesting the purchase of approximately 183 metres (600 feet) in length and 20 metres (66 feet) in width for a total area of 4.0 hectares (9.8 acres). The applicant has indicated that this portion of the lands would be added to the parcel in question, providing open and maintained road access subject to the issuance of an entrance permit from the Public Works Department.

The applicant also owns the lands immediately east of the unopened and unmaintained road allowance.

The balance of the unopened and unmaintained road runs south to Concession 12. Due to the length of the roadway, it is the opinion of planning staff that there is no merit in the disposal of the balance of the lands beyond the frontage of the subject lands. It is highly unlikely that the balance of the road allowance will be opened as the lands are covered in natural heritage features that would hinder the physical construction of the road.

Planning staff recommend consideration for the sale of these lands to dissolve any issues related to the use of the road from a liability perspective. This would negate the need for a non-service agreement and zoning by-law amendment for the subject lands and provide 20 metres (66 feet) of frontage to the subject lands.

Due to the designation on the subject lands, further lot creation will not be supported by the disposal of this road allowance as a minimum lot size of 40 hectares (100 acres) is required in the agricultural designation.

Planning staff note that an entrance permit and possible upgrades will be required from the Public Works Department. In addition, consultation with the County of Grey regarding Forest Management By-law 4013-06 is required prior to tree removal and consultation with the Saugeen Valley Conservation Authority. These approvals, if determined necessary, would be required as part of a building permit application process.

Legal and legislated requirements

In summary should council choose to proceed with the disposal of property the following shall occur in accordance with by-law no. 23-2008.

Lands abutting an unopened road allowance

- 1.) By resolution, declare the lands to be surplus;
- 2.) Pass a by-law to permanently close the roads under section 34 of the municipal act;



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- 3.) Obtain at least one appraisal of the fair market value of the lands from an independent appraiser, or from a real estate firm or broker;
- 4.) For those properties abutting the requested unopened road allowances, notice must be posted on the municipality's website for 10 days prior to the passage of a by-law approving the sale. This is only relevant to those properties abutting the unopened road allowances in question.

Sale of real property

- 1.) By resolution, declare the lands to be surplus;
- 2.) Obtain at least one appraisal of the fair market value of the lands from an independent appraiser, or from a real estate firm or broker;
- 3.) Give notice to the public of the intended sale of the land by placing at least one advertisement in a newspaper having general circulation in the municipality, and posting notice on the municipal website a minimum of 14 days prior to the sale of the land. Notice of the proposed sale must also be posted at the property location.
- 4.) To complete the sale, council must pass a resolution indicating the method wherein the sale will be completed (tender, request for quotation, public quotation, or by a real estate firm or broker).

By-law 23-2008 contains certain provisions which define that the costs associated with the sale shall be established as part of the resolution. These provisions include the following:

- An estimated bid amount which is not less than the appraised value of the land and must cover any costs incurred during the property transaction;
- Tender or quotation documents must be received by the date specified;
- The tender or quotation document and advertisement in a newspaper shall include the statement that 'the highest or any offer may not necessarily be accepted';
- The sale by public auction documents shall include a minimum bid reserve; and
- Should the sale proceed through a real estate firm or broker, offers standard to the Ontario Real Estate Association Agreement of Purchase and Sale forms shall be submitted to the CAO / Clerk, providing for an irrevocable period of at least 20 days, and shall be submitted to council at a regular meeting for acceptance or dismissal.

Financial and resource implications

- Completion and receipt of appraisal
- Review and completion of a survey for registration purposes, if required
- Circulation regarding the offer to purchase to all abutting property owners

- A tender process regarding interest in the purchase of property

Staffing implications

None

Consultation

- Municipal solicitor, as needed

Alignment to strategic vision plan

Pillar: Build a better future

Goal: Vibrant community

Strategy: Responsible stewards of the tax dollars

Attachments

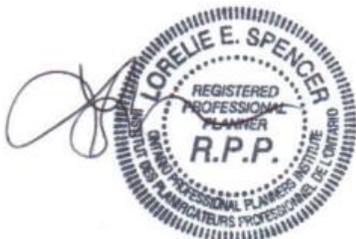
- Aerial and official plan mapping
- Aerial and official plan mapping, schedule 'C'
- Aerial and official plan mapping, appendix 'B'
- Aerial and zone mapping, depicting the unopened road allowance in question
- Topography of the subject lands (including the road allowance)
- Aerial and sketch, depicting the unopened road allowance in question

Next steps

Pending council direction, staff proceed with the disposal of lands process.

- Completion and receipt of appraisal
- Review / completion of a survey, if required
- Passage of a by-law deeming the subject lands surplus
- Circulation regarding the offer to purchase to all abutting landowners
- A tender process regarding interest in the purchase of property (approved by Council)

Respectfully submitted:



Lorelie Spencer, Ba.U.R.PI, MCIP, RPP
Manager of Planning and Development