



Council report

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

Recommendation

That council receive Planner Spencer's report;

That council does not declare the lands surplus to the needs of the municipality;

That council supports a zoning by-law amendment to permit development on the subject lands provided a non-service agreement is registered on title;

That development be subject to certain conditions; and

That council direct staff to advise of the zoning process to the interested party.

Executive summary

A request has been provided to council to purchase the unopened and unmaintained portion of Arthur Street in Durham.

Background and discussion

The applicant requesting the purchase of the unopened road allowance is the owner of lands south of the road allowance that are completely landlocked without open and maintained road frontage. It is the desire of the applicant to purchase the road allowance to obtain frontage on the opened and maintained portion of Arthur Street.

The subject lands are designated as a 'primary settlement area' within Schedule 'A' of the County of Grey Official Plan. Appendix 'B' of the County Official Plan also identifies significant woodlands on the majority of the property. The Municipality of West Grey Official Plan designates the lands residential and entirely containing a regulated area with the Saugeen Valley Conservation Authority (SVCA).

The subject lands are zoned R1B (residential) within the Municipality's Comprehensive Zoning By-law 37-2006.

The subject lands are currently vacant and heavily treed.



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The portion of the unopened road allowance (Arthur Street) would involve approximately 0.12 hectares (0.30 acres) in area and 58 metres (190 feet) in length, 20 metres (66 feet) in width. No access has been granted to the unopened and unmaintained portion of Arthur Street to adjacent landowners for the purposes of entrances.

The unopened portion of Arthur Street however, does contain a fire hydrant and hydrant pole. Planning staff have concerns regarding the relocation of these services and do not support the disposal of land as a result.

Due to the designation on the subject lands and the unopened road allowance component, further lot creation would not be supported on the subject lands.

Provision 6.10 of the Municipality's Zoning By-law No. 37-2006 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 opened and maintained on a year round basis. The above provision shall 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 has identified that they wish to construct a single detached dwelling unit on the subject lands, in addition to potential future accessory structures. Planning staff would support an application to rezone the property to address provision 6.10 above provided the landowner is required to enter into a NSA. This agreement will be registered on title to the subject lands and identify that maintenance of the unopened portion of Arthur Street shall be the responsibility of the landowner, that access for fire and emergency services may be limited as a result of the maintenance responsibility and the refuse and recycling pick-up will be provided at the north end of the unopened portion of Arthur Street. The fees associated with the zoning amendment, agreement preparation and registration will be the sole responsibility of the landowner.

The above would resolve the issue for access for the landowner and negate the need to relocate services.

Staff note that permission from the County of Grey should be conducted at the time of future development regarding the Forest Management By-law No. 4341-06 in addition to the Saugeen Valley Conservation Authority.

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;
- 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

The following would be required if Council direction is to proceed with the disposal of lands

- 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

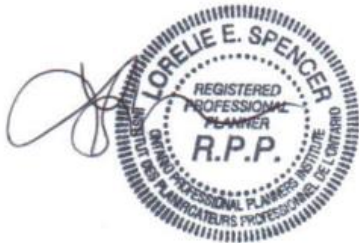
Attachments

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

Next steps

Pending council direction, staff provide guidance to the landowner regarding the zoning by-law amendment and agreement processes.

Respectfully submitted:



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