



Council Report

Report Number: RS2022-038
Meeting Date: June 21, 2022
Title: Acquisition of Block 81 on Plan 57M-800 from
Mason Homes Limited
Description:
Author and Title: Laura Carnochan, Law Clerk – Realty Services

Recommendations:

That Report RS2022-038, **Acquisition of Block 81 on Plan 57M-800 from Mason Homes Limited**, be received;

That the acquisition of the property legally described as Block 81 on Plan 57M-800; Together with an Easement over Part of the Northeast 1/4 of Lot 19, Concession 4, being Parts 3 and 8 on Plan 57R-9256 as in R368431, in the Geographic Town of Lindsay, City of Kawartha Lakes, being PIN: 63237-1776 (LT) be approved;

That staff be directed to commence the process of obtaining ownership of the required land for nominal consideration, and with each party to bear its own legal costs, on the condition that the vendor simultaneously transfer land to the City described by PIN: 63237-1792 (LT) and which transfer was approved by Council Resolution CR2018-633;

That the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this decision;

That the By-law attached as Appendix D, required to authorize the acquisition of the subject land, be adopted by Council and executed by the Mayor and Clerk; and

That no municipal maintenance be performed on the subject property.

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

At the Council Meeting of November 13, 2018 Council adopted the following resolution:

CR2018-633

Moved By Councillor Elmslie

Seconded By Councillor Strangway

That Report RS2018-029, **Acquisition of Land for Trail Purposes – Mason Homes Rail Corridor Lands, Lindsay**, be received;

That the acquisition of the property legally described as Lots 2-4 on Plan 116; Part of Lot 1 on Plan 116; Part of Broad Street on Plan 116 (Closed by R96398); Part of the Northeast 1/4 of Lot 19, Concession 4, Ops; Part of the East Half of Lot 20, Concession 4, Ops designated as Parts 1, 2, 4, 5, 6, and 7 on Plan 57R-9256 Except 57M769, 57M783 and 57M800; Subject to an Easement in Gross over Part of the Northeast 1/4 of Lot 19, Concession 4, Ops designated as Part 1 on Plan 57R-10492 as in KL108910; Together With an Easement over Part of the Northeast 1/4 of Lot 19, Concession 4, being Parts 3 and 8 on Plan 57R-9256 as in R368431; in the Geographic Town of Lindsay, City of Kawartha Lakes, being PIN: 63237-1792 (LT) for trail purposes be approved;

That staff be directed to commence the process of obtaining ownership of the required land, for the price of \$43,500.00, with all related costs of the transaction to be at the City's expense;

That all costs associated with the transfer (estimated at \$46,000.00 including the survey, purchase price, Land Transfer Tax and the City's and the vendor's legal fees), to a maximum of \$48,000.00 be drawn from the Property Development Reserve;

That if all costs of the transaction exceed \$48,000.00, the matter be referred back to Council in 2019 for consideration;

That the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this decision; and

That the By-law attached as Appendix E, required to authorize the acquisition of the subject land, be adopted by Council and executed by the Mayor and Clerk.

Carried

Following the passage of the above resolution, an Agreement of Purchase and Sale was executed by Mason Homes Limited and the City for the City's purchase of the property legally described as Lots 2-4 on Plan 116; Part of Lot 1 on Plan 116; Part of Broad Street on Plan 116 (Closed by R96398); Part of the Northeast 1/4 of Lot 19, Concession 4, Ops; Part of the East Half of Lot 20, Concession 4, Ops designated as Parts 1, 2, 4, 5, 6, and 7 on Plan 57R-9256 Except 57M769, 57M783 and 57M800; Subject to an Easement in Gross over Part of the Northeast 1/4 of Lot 19, Concession 4, Ops designated as Part 1 on Plan 57R-10492 as in KL108910; Together With an Easement over Part of the Northeast 1/4 of Lot 19, Concession 4, being Parts 3 and 8 on Plan 57R-9256 as in R368431; in the Geographic Town of Lindsay, City of Kawartha Lakes, being PIN: 63237-1792 (LT) for trail purposes.

Closing of the sale was then delayed at the request of Mason Homes. Subsequently, Mason Homes proposed that the City acquire two additional parcels of land in the area, a parcel adjacent to a City-owned parcel of land on Denfield Road (Block 81 on Plan 57M-800) and a parcel adjacent to the rear boundary of 133 Angeline Street South (Block 86 on Plan 57M-800).

The Land Management Team reviewed the request at its meetings of September 9, 2019, March 8, 2021, and January 10, 2022. While the Team felt that there is no municipal purpose for the parcels, they were supportive of acquiring Block 81 given that it is adjacent to a parcel of City-owned land on Denfield Road. The Team was not supportive of acquiring Block 86, as it is only adjacent to a City-owned road allowance and is not needed for widening purposes.

The purpose of this Report is to advise Council that the Land Management Team recommends that the City proceed with acquiring title to Block 81 on Plan 57M-800.

Rationale:

Council Policy CP2021-034 Real Property Acquisition Policy requires that all real property acquisition for consideration be supported with a current market value appraisal. As the subject property is to be sold for nominal consideration, an appraisal is not required. Further the subject property will be conveyed in conjunction with the previously approved land legally described as Lots 2-4 on Plan 116; Part of Lot 1 on Plan 116; Part of Broad Street on Plan 116 (Closed by R96398); Part of the Northeast 1/4 of Lot 19, Concession 4, Ops; Part of the East Half of Lot 20, Concession 4, Ops designated as Parts 1, 2, 4, 5, 6, and 7 on Plan 57R-9256 Except 57M769, 57M783 and 57M800; Subject to an Easement in Gross over Part of the Northeast 1/4 of Lot 19, Concession 4, Ops designated as Part 1 on Plan 57R-10492 as in KL108910; Together With an Easement over Part of the Northeast 1/4 of Lot 19, Concession 4, being Parts 3 and 8 on Plan 57R-9256 as in R368431; in the Geographic Town of Lindsay, City of Kawartha

Lakes, being PIN: 63237-1792 (LT), therefore incurring no additional legal fees for the City.

While the Land Management Team recognized that there is no municipal use for the subject property, it was noted that the property is directly adjacent to the City-owned property located on Denfield Road. As the Denfield Road property is intended for future sale, the Team felt that acquiring the subject property and merging it with the Denfield Road property may increase the market value of the land.

The Land Management Team did note one concern with acquiring the property, specifically that area residents may expect the City to perform general maintenance on the property (i.e. grass cutting). Currently it appears that the owner of a neighbouring property may be completing general maintenance on the property. As there is no budget and no specific department under whose portfolio this property would fall, the Team wished to advise Council that there will be no maintenance performed on the property.

Other Alternatives Considered:

Council may decide not to proceed with acquiring title to the subject land. This option is not recommended, as the subject property can be acquired for nominal consideration and will serve to extend the City-owned property on Denfield Road.

Alignment to Strategic Priorities:

The recommendations set out in this Report align with the following strategic priority:

- Good Government
 - Effective management of the municipal building and land portfolio

Financial/Operation Impacts:

The subject property will be conveyed to the City for nominal consideration. The subject property will be conveyed in conjunction with the trail lands, for which a budget of \$48,000.00 was approved on November 13, 2018 by CR2018-633. The vendor will bear its own legal costs. There will be no additional costs associated with acquiring the subject property.

Consultations:

Land Management Team

Attachments:

Appendix A – General Location Map



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Appendix A - General Location Map

Appendix B – Aerial Map



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Appendix C – Map



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Appendix D – By-Law Authorizing the Acquisition of Block 81 on Plan 57M-800



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Appendix D - By-Law

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Department Head: Robyn Carlson

Department File: L06-18-RS033