

April 8, 2021

Municipality of Clarington
40 Temperance Street
Bowmanville, ON L1C 3A6

Attn: Mayor Adrian Foster and Members of Council

Re: Unopened Road Allowance Between Lots 34 and 35, Concession 1,
Former Township of Darlington

Further to Council's consideration of staff report PWD-003-20, wherein Council chose not to support the staff recommendation to close and convey the above noted unopened road allowance (ROW), I am writing to ask Council to review their previous decision and allow for the transfer of the ROW to Tribute (Prestonvale) Limited based on new information as outlined below.

By way of context, in late 2019, Council, through Resolution #GG-526-19, provisionally approved the closure and conveyance of the unopened road allowance. Based on Council's direction, Tribute requested that the Municipality engage an appraiser (paid for by Tribute) to establish the value of the subject lands and to complete the formal road closure and conveyance process. The culmination of that process was the presentation to Council on November 9, 2020, of Staff Report PWD-003-20 which, as noted, was not supported by Council. In Council's approved Resolution (#GG-420-20), it was noted that there was a desire to retain the lands "for possible future public purposes" in order to provide for future municipal objectives such as parkland, trails, and other public benefits.

Subsequent to Council's decision, two options have been considered as a means to address the concerns of Council:

1. Undertake a land exchange
 - a. Exchange the ROW lands for the future park and open space lands within the Tribute (Prestonvale) lands in advance of a draft plan of subdivision application in order to secure a net benefit to the Municipality of lands for municipal objectives in a timelier manner than would otherwise be realized.
 - b. Exchange the ROW lands for future park open space lands on other lands owned by Tribute in Clarington with the same idea of securing a net benefit to the Municipality.
2. Request Council review their previous decision by providing additional information, particularly planning information, not included in the previous staff report and recommendation.

With regards to the land exchange options, upon closer review, these options are not supported by Tribute for the following reasons:

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- An exchange of future park and open space lands within the current Tribute (Prestonvale) lands in exchange for the ROW lands at this time, is technically possible but may be complicated by the fact that the exact limits of the park, open space, walkway, trail etc. have not been defined by all stakeholders. Potential complications in the future related to limits of development etc., as part of the subdivision review process, may lead to unintended issues and confusion as the plan of subdivision is processed. The delineation of parks, trails and open spaces is best completed through the Plan of Subdivision review process where such matters are subject to technical review and public input prior to those features being dedicated to the Municipality at time of subdivision registration.
- A land exchange involving other Tribute owned lands in the Courtice area is not possible due to the fact that the ownership structure of each of those properties is unique and non-reciprocal.

Subsequent to Council's decision, the future structure of land use in the Southwest Courtice community has begun to crystalize with the upcoming Southwest Courtice Secondary Plan. It is appropriate for Council to re-evaluate its previous decision based on the new information provided by the land use designations and policies of the new Secondary Plan that has now progressed to the stage where Staff is preparing a Recommendation Report to Council.

As noted above, the Secondary Plan for the community has advanced to the stage where Committee and Council will be in a position to consider final approval of the land use designations and policies that will guide growth and development in the area. The structure of the plan outlines the best location for new housing, transportation connections, parks, open spaces, and schools. Previously, Council did not have the benefit of the final structure of the community in southwest Courtice when the decision to retain the ROW lands was made. With the provision of the recommended Secondary Plan and associated land uses, Council now has the ability to see the "big picture" in terms of the ultimate plans for the community.

Based on the land uses in the Secondary Plan and the ability to implement the Secondary Plan to achieve the Plan's objectives, the retention of the existing ROW lands, in our opinion, creates confusion and uncertainty as to the Municipality's objectives and therefore, the disposition of the ROW lands should be dealt with by the Municipality now for the following reasons:

- The Secondary Plan provides the direction for the location of future roads, parks, open spaces, housing etc. Maintaining the ROW, in its current location as a wholly owned strip of municipal land, is not consistent with the proposed land use structure of the Secondary Plan.
- It is also possible that the Municipality retain ownership of the ROW as development of the land proceeds, however, in order for a plan of subdivision to proceed, both the Municipality of Clarington and Tribute would have to jointly file a plan of subdivision application or, alternatively, Tribute would file two separate plans of subdivision – one on either side of the ROW. Either scenario is unnecessarily complicated for all parties and would not be preferred.
- The ROW extends beyond the southern limits of the Tribute (Prestonvale) lands whereby the southern portions are owned by two other parties. As such, Council should address the future of

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the entire ROW on a comprehensive basis as it plans for completion and implementation of the Secondary Plan.

- For the Tribute (Prestonvale) lands, as part of a comprehensive plan of subdivision, with the ROW being transferred to Tribute, the Municipality will receive parkland, open space block(s), storm ponds and roads in the amount of 17.16 Ha or 42.4 acres as part of the subdivision process. The municipality will receive a net benefit of 16.13 Ha. or 39.8 acres.

For the reasons noted above, Tribute (Prestonvale) requests that Council review its previous decision regarding the closure and conveyance of the unopened road allowance and support the transfer of the lands to Tribute (Prestonvale) at this time in order to facilitate the completion and approval of the Southwest Courtice Secondary Plan and the planned development of the southwest Courtice community in the manner envisaged by the Secondary Plan.

Your consideration of our request is appreciated.

Yours truly,

Tribute (Prestonvale) Limited



per Jeff Solly

c.c. Andy Allison – Chief Administrative Officer
 Ryan Windle - Director – Planning and Development Services
 Steve Deveau – Executive Vice President – Tribute Communities