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Report To: General Government Committee

Date of Meeting: September 9, 2024 **Report Number:** LGS-033-24

Authored by: Colin Lyon, Associate Solicitor

Submitted By: Rob Maciver, Deputy CAO/Solicitor, Legislative Services

Reviewed By: Mary-Anne Dempster, CAO

By-law Number: **Resolution Number:**

File Number: L4000-10-115E; RC.D.01.34.35.1

Report Subject: Surplus Declaration of Road Allowance Between Lots 34-35, Con 1, Former Township of Darlington

Recommendations:

1. That Report LGS-033-24, be received;
2. That the unopened road allowance between Lots 34 and 35, Concession 1, Former Township of Darlington described in Report LGS-033-24 be declared surplus and conditionally approved for sale to the Applicant;
3. That the Applicant shall pay the cost to prepare and register a reference plan for the property to be conveyed;
4. That the Applicant shall pay the cost for the Municipality to obtain an appraisal of the property to be conveyed;
5. That the Deputy CAO/Solicitor is authorized to enter into an agreement of purchase and sale with the applicant with a purchase price consistent with the appraisal obtained for the value of the property, and any other terms considered necessary by the Deputy CAO/Solicitor;
6. That the Applicant shall pay the non-refundable processing fee;
7. That once all conditions have been fulfilled by the Applicant, the Deputy CAO/Solicitor shall prepare the necessary by-law to give effect to the closure and conveyance of the Road Allowance; and
8. That all interested parties listed in Report LGS-033-34, and any delegations be advised of Council's decision.

Report Overview

This report recommends the sale of a portion of an unopened municipal road allowance located between Lots 34 and 35, Concession 1, Former Township of Darlington to Tribute (Prestonvale) Limited (the “Applicant”).

1. Background

- 1.1 The dimensions of the Road Allowance are approximately 510 metres by 20 metres.
- 1.2 The Applicant’s objective is to add the Road Allowance to the lands owned by the Applicant on both sides of the Road Allowance.
- 1.3 The Applicant applied to purchase the portion of the unopened road allowance between Lots 34 and 35, Concession 1, former Township of Darlington, shown on Attachment 1 (the “Road Allowance”) in 2019.
- 1.4 The Municipality did not have a formal policy on the process to follow for applications to purchase road allowances at the time.
- 1.5 Staff brought the matter to Council by way of Report EGD-017-19, and Council endorsed in principle the closure and conveyance of the Road Allowance at its December 9, 2019 meeting.
- 1.6 An appraisal was obtained for the Road Allowance and Staff brought the matter back to Council by way of Report PWD-003-20. Council resolved to retain the Road Allowance for possible future public purposes at its November 23-24, 2020 meeting.
- 1.7 During consideration of the Southwest Courtice Secondary Plan Official Plan Amendment 125 in 2021, Council resolved to close the Road Allowance and convey it to the adjacent landowners in return for an equivalent amount of land. Land needed for public spaces is typically acquired as part of the development process and Staff have not identified a need to acquire land as part of the disposition of this Road Allowance.
- 1.8 Council approved the Road Closure and Conveyance Policy CP-004 in 2023 to standardize and streamline the process to follow for applications to purchase road allowances.
- 1.9 The Applicant has submitted the required application together with the initial application fee, and Staff have made a preliminary determination that the Road Allowance is surplus to the needs of the Municipality and recommend that it be sold.

2. Next Steps

- 2.1 If the sale is approved by Council, the Road Allowance will be surveyed and appraised in accordance with the Road Closure and Conveyance Policy CP-004.
- 2.2 Upon successful fulfilment of the conditions stipulated in the recommendations of this Report, the by-law to permanently close the Road Allowance will be presented to Council for enactment, and the sale will be finalised.

3. Financial Considerations

- 3.1 If approved, the proceeds of the sale will be deposited to the appropriate account as determined by the Finance and Technology Department.

4. Concurrence

This report has been reviewed by the Deputy CAO, Planning and Infrastructure who concurs with the recommendations.

5. Conclusion

It is respectfully recommended that Council approve the sale of the above noted property to the Applicant in accordance with the Council approved Road Closure and Conveyance Policy CP-004.

Staff Contact: Colin Lyon, Associate Solicitor, 905-623-3379 or clyon@clarington.net.

Attachments:

Attachment 1 – Sketch of Proposed Road Closure

Interested Parties:

The following interested parties will be notified of Council's decision:

Tribute (Prestonvale) Limited