



Staff Report

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Report To:	Council	
Date of Meeting:	July 6, 2020	Report Number: Addendum to EGD-011-20
Submitted By:	Ron Albright, Acting Director of Engineering Services	
Reviewed By:	Andrew C. Allison, CAO	Resolution#:
File Number:	RC.C.02.30	By-law Number:
Report Subject:	Proposal to Close and Convey a Portion of a Road Allowance (Given Road) Situated in Lot 30, Concession 2, Former Township of Clarke, Addendum to Report EGD-011-20	

Recommendations:

1. That Report EGD-011-20 and Addendum to Report EGD-011-20 be received;
2. That Part 1 on Plan 40R-30883 be declared surplus, closed and conveyed to Tornat Newcastle Limited for the appraised value;
3. That Parts 2, 3, 4, 6, 10 and 12 on Plan 40R-30883 be declared surplus, closed and conveyed to Lindvest Property (Clarington South) Limited for the appraised value;
4. That paragraph 3 be conditional on the gratuitous dedication of Part 11 on Plan 40R-30883 to the Municipality;
5. That paragraphs 2 and 3 be conditional on payment by the applicants of all applicable costs and fees for the preparation and registration of the transfers, including HST;
6. That the Mayor and the Municipal Clerk be authorized to enact the by-law included as Attachment 2 to Addendum to Report EGD-011-20 upon confirmation to the Municipality that the electrical power lines situated within the Given Road allowance have been successfully relocated to the satisfaction of Elexicon Energy Inc.; and
7. That all interested parties listed in Addendum to Report EGD-011-20 and any delegations be advised of Council's decision.

Report Overview

This is an addendum to report EDG-011-20 that was referred to the June 22, 2020 General Government Committee meeting. During the Committee meeting, an error was noted in the legal description of the proposed transfer. Additional information has also come to light regarding the relocation of power lines currently situated on the Given Road allowance.

It is recommended that portions of Given Road and McDonald Crescent in Newcastle be declared surplus, closed and conveyed to the adjacent property owners for fair market value. The subject portions are required by Tornat Newcastle Limited ("Tornat") and Lindvest Property (Clarington South) Limited ("Lindvest") to facilitate their development proposals.

1. Background

- 1.1 On July 2, 2019, Council passed Resolution #GG-401-19 to provisionally approve the closure and conveyance of certain parts of Given Road and McDonald Crescent in Newcastle.
- 1.2 As indicated in Report EGD-12-19, the Director of Engineering Services has reviewed the application and has determined that the road segments are not required for Municipal purposes.
- 1.3 The applicants have paid the application fee of \$500 and have provided reference plan 40R-30883 found at Attachment 1. The applicants have also provided the Municipality with an appraisal. The application has been circulated to all appropriate parties and agencies. The only issue of concern is that Elexicon Energy Inc. has required the relocation of power lines currently situated on the Given Road allowance. It was anticipated that the power lines would be relocated to King St. earlier this spring, however the work has now been deferred until 2021 in part due to work stoppage related to the COVID emergency.
- 1.4 The applicants have paid for and deposited reference plan 40R-30883, and have agreed to compensate the Municipality for the appraised value of the land.

2. Value

- 2.1 The applicants provided the Municipality with a land appraisal completed in November 2018. The appraised value will be circulated to Council in a confidential memorandum to accompany this report.

3. Road Closure

- 3.1 Subsection 34(1) of the *Municipal Act, 2001* provides that “a by-law permanently closing a highway does not take effect until a certified copy of the by-law is registered in the proper land registry office”. It is proposed that the draft road closure by-law found at Attachment 2 be enacted to come into force and take effect upon confirmation to the Municipality that the power lines on Given Road have been relocated to the satisfaction of Elexicon Energy Inc. On receipt of that confirmation, the Municipal Solicitor will deposit the by-law to the land registry office for registration.

4. Concurrence

This report has been reviewed by the Municipal Solicitor who concurs with the recommendations.

5. Conclusion

It is respectfully recommended that Council close and convey the surplus road allowance for the appraised value plus applicable costs and approve the draft By-law.

Staff Contact: Karen Richardson, Development Manager, 905-623-3379 x2327 or
krichardson@clarington.net.

Attachments:

Attachment 1 – Reference Plan 40R-30883

Attachment 2 – By-law 2020-XX

Interested Parties:

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

D.G. Biddle & Associates Limited

Linvest Property (Clarington South) Limited

Tornat Newcastle Limited