

THE CORPORATION OF THE TOWN OF GEORGINA

REPORT NO. LS-2022-0012

**FOR THE CONSIDERATION OF
COUNCIL**

August 10, 2022

**SUBJECT: REQUEST TO STOP UP, CLOSE AND SELL PORTION OF A LANE
LOCATED SOUTH OF IRVING DRIVE AND NORTH OF SIXTH STREET (PIN NO.
03537-1055)**

1. RECOMMENDATION:

- 1. That Report No. LS-2022-0012 prepared by the Clerk's Division, Legislative Services Department, dated August 10, 2022, respecting the stopping up, closing and conveying of a portion of the lane located north of Sixth Street (PIN No. 03537-1055) be received.**
- 2. That Council provide direction to staff with respect to the preferred Option pertaining to the sale of the Subject Land.**
- 3. That a By-law be passed to authorize the stopping up, closure and sale of the lane north of Sixth Street identified as PIN No. 03537-1055 to an abutting property owner(s) at the rate of \$3.74 per square foot, in accordance with the Surplus Land Policy.**

2. PURPOSE:

The purpose of this report is to provide Staff analysis and recommendations and to outline comments received with respect to the Sale of Surplus Land Application L171801, submitted by Kent J. Raymond, owner of the abutting property municipally located at 12 Sixth Street. The subject application is submitted pursuant to the Town's Policy for Procedures Governing the Sale and Disposition of Land, Including Giving of Notice to the Public, Policy No. DAS-CL-029, as amended ("the Surplus Land Policy"). A copy of the Policy is included as Attachment '4'.

3. BACKGROUND:

The Town is in receipt of an application for Sale of Surplus Land, from an adjacent landowner to close up and sell the lane (comprising a total area of approximately 2520 square feet) owned by the Town, located south of Irving Drive and north of Sixth Street described as PIN No. 03537-1055, identified as "Subject Land" on Attachment '1' and '2'. The owner of 12 Sixth Street is requesting to purchase the Subject Land being an unopened portion of the lane abutting his property. A copy of the site plan is included as Attachment '3'.

On April 28, 2021, Council considered Report CAO-2021-0007 which provided an overview of the Subject Land and surrounding area, specifics of the proposal and staff's preliminary analysis of the application. At the time, Council passed Resolution No. C-2021-0129, deeming the subject land surplus and approving in principal the stopping up, closing and conveying of the subject land to an abutting property owner subject to the public notice requirement and, should no objection be received after circulation of a public notice in accordance with the Town's Surplus Land Policy, the passage of a By-law to authorize the stopping up, closure and sale of the lane located south of Irving Drive and north of Sixth Street. A copy of the Council Report CAO-2021-0007 is available at the following link:

<https://pub-georgina.escribemeetings.com/FileStream.ashx?DocumentId=2324>

The proposal was originally scheduled to be considered by Council at their meeting held on November 17, 2021. However, on November 03, 2021, Staff received a submission from the owners of the abutting property, located at 150 Clovelly Cove. A redacted version of the email with comments received from owners of the abutting property located at 150 Clovelly Cove is included as Attachment '5'. In order to ensure appropriate time to assess the concerns raised in the letter, Staff requested additional time to report back to Council upon further review and assessment of the comments received from the owners of 150 Clovelly Cove. At this meeting, Ms. Susan Fleming, one of the owners of 150 Clovelly Cove, was present to note her objections against the proposal. Details of the comments received from Ms. Fleming are included under Section 4.2 of this report.

4. PUBLIC CONSULTATION AND NOTICE REQUIREMENTS:

4.1 Public Circulation

Pursuant to the provisions of the Town's Surplus Land Policy, Notice of a proposed by-law to stop up, close and sell the subject land was posted for two (2) weeks on the Town's website on October 21, 2021 and on the Town's page in the October 21, 2021 and October 28, 2021 editions of the Georgina Advocate newspaper. For the purpose of additional public notification, the Notice of Application was also mailed to the abutting property owners in relation to the proposal under this application.

4.2 Public Comments Received

In response to the public circulation, Staff received one (1) submission dated November 03, 2021 from the owner of the abutting property at 150 Clovelly Cove. A redacted version of the email with comments received is included as Attachment '5'. Comments received from the owner of 150 Clovelly Cove are summarized in the bullet points below:

- Subject Land is maintained and used for access to Irving Drive and to the far beach on Irving Drive
- Concerns about future use of the Subject Land

- Privacy concerns
- Conservation of the existing trees and native vegetation on the Subject Land
- Lane would be inaccessible to community residents to walk their dogs and/or enjoy as a nature trail.

Ms. Susan Fleming, owner of 150 Clovelly Cove was present at the Council meeting on November 17, 2021 and voiced her objections against the proposal. Staff were directed by Council to further discuss and assess the concerns raised by Ms. Fleming and provide an update to Council accordingly.

Staff contacted Ms. Fleming to discuss the concerns raised in her email. Upon further discussion, Ms. Fleming provided staff with further comments via email dated June 29, 2022, which is included as Attachment '6' to this report.

Through her revised comments, Ms. Fleming has now expressed her interest in purchasing fully or partially the Subject Land. Ms. Fleming's proposed request for division and sale of the Subject Land between the owners of 150 Clovelly Cove and 12 Sixth Street is delineated on Attachment '7' to this report.

4.3 External Agency and Town Department Comments:

Following the submission of the application by the owner, concerned internal departments and external agencies were circulated for comments on the proposal. None of the circulated Town departments and external agencies indicated any objection to the subject application and their comments are provided in a chart included in this report as Attachment '8'.

Should Council determine that the lane be declared surplus and agree to the recommendations, the result is that the Town's ongoing potential liability as the owner of this lane would no longer exist.

5. ANALYSIS:

5.1 Town's Policy for Procedures Governing the Sale and Disposition of Land:

The Sale of Surplus Land application and proposal for stopping, closing up and sale of the lane is to be assessed pursuant to the Town of Georgina Policy No. DAS-CL-029, as amended. In accordance with Section 6.5 of the Policy, there are a number of exceptions outlining circumstances under which the Town may dispose of an interest in land without adhering to the formal procedure set out in the Policy. Review of the current application by Staff has determined that following two (2) exceptions are applicable to the application:

- Closed highways sold to an owner of land abutting the closed highway; and,
- Land which is not sufficient in size to accommodate a new main use.

5.2 Available Options:

There are three (3) basic options that could be considered by Council and these options are presented below:

Option 1 – Sale of Subject Land to the applicant (owner of 12 Sixth Street):

Under this option, the subject land in its entirety could be sold to the applicant, being the owner of 12 Sixth Street. If Council adopts option 1, to sell the Subject Land to the applicant, the cost would be based on a square footage rate of \$3.74, calculated in accordance with the Town's policy. Further, in addition to the price of the subject land, the applicant will be required to pay all the associated costs of the land transfer.

Option 2 – Sale of Subject Land to the owner of 150 Clovelly Cove:

Under this option, the subject land in its entirety could be sold to the owner of 150 Clovelly Cove. If Council adopts Option 2, to sell the Subject Land to the owner of 150 Clovelly Cove, the cost would be based on a square footage rate of \$3.74, calculated in accordance with the Town's policy.

Further, in addition to the price of the Subject Land, the applicant will be required to pay all the associated costs of the land transfer.

Option 3 – Sale of Subject Land to the owners of 150 Clovelly Cove and 12 Sixth Street:

Under this option, the Subject Land could be divided between the two owners, being the owners of 12 Sixth Street and 150 Clovelly Cove, as requested by the owner of 150 Clovelly Cove, shown on Attachment '7' to the report.

If Council adopts Option 3, to sell the Subject Land to the owners of 150 Clovelly Cove and 12 Sixth Street, staff suggest that the cost be based on a square footage rate of \$3.74. Further, in addition to the price of the Subject Land, both owners will be required to pay all the associated costs of the land transfer.

6. RELATIONSHIP TO STRATEGIC PLAN:

This report supports the following Strategic Goal:

Deliver exceptional service

This is achieved through proactive municipal asset management.

7. FINANCIAL AND BUDGETARY IMPACT:

The Town will be divested of approximately 2520 square feet of property and its associated liability. All additional costs (surveys, title searches, etc.) associated with

this sale will be borne by the prospective purchaser(s) and the Town is expected to receive approximately \$9425.00 in revenue.

8. PUBLIC CONSULTATION AND NOTICE REQUIREMENTS:

All public consultation required has been completed pursuant to the Surplus Land Policy No. DAS-CL-029, as amended. No further public consultation and notice are required respecting the sale of the surplus land policy. In accordance with the decision of Council, a By-law will be prepared in September for consideration by Council.

9. CONCLUSION:

Staff are seeking Council's direction with respect to the preferred option of the three (3) presented in this report. Should Council decide on selling the Subject Land, Staff request that a By-law be passed authorizing the Mayor and Clerk to stop-up, close and sell the lane to the abutting property owner(s) and that the property owner(s), in addition to the price of the subject land, pay the associated costs of the land transfer.

APPROVALS

Prepared By: Mamata Baykar
Deputy Clerk

Reviewed By: Rachel Dillabough
Town Clerk

Recommended By: Michael Bigioni
Director of Legislative Services

Approved By: Ryan Cronsberry
Chief Administrative Officer

Attachments:

Attachment 1 – Key Map
Attachment 2 – Aerial Map
Attachment 3 – Site Plan
Attachment 4 – Procedures Governing the Sale and Disposition of Land, Including Giving of Notice to the Public (Policy No. DAS-CL-029, as amended)
Attachment 5 – Copy of Comments Received from Owner of 150 Clovelly Cove
Attachment 6 – Copy of Revised Comments Received from Owner of 150 Clovelly Cove
Attachment 7 – Site Plan Showing Division of Subject Land under Option 3
Attachment 8 – External Agency and Town Department Comments Chart