

## Staff Report

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**Report To:** City Council

**Report From:** Pamela Coulter, Director of Community Services  
Briana Bloomfield, City Clerk

**Meeting Date:** May 8, 2023

**Report Code:** CS-23-039

**Subject:** Intention to Declare Surplus and Dispose of Municipal Property - Portion of Unopen Road Allowance - 7th Avenue West between 23rd and 24th Streets West

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### Recommendations:

That in consideration of Staff Report CS-23-039 respecting the Intention to Declare Surplus and Dispose of Municipal Property - Portion of Unopen Road Allowance - 7th Avenue West between 23rd and 24th Streets West, City Council directs staff to:

1. Provide notice and invite public comment on the City's intention to stop up and close, declare surplus and dispose of lands described as a portion of the 7<sup>th</sup> Avenue West unopen road allowance between 23<sup>rd</sup> and 24<sup>th</sup> Streets West (the "subject lands");
2. Provide notice on the City's website and in the Sun Times; and
3. Dispose of the subject lands as follows:
  - a. Parcel 'a' by direct sale; and
  - b. Parcel 'b' and 'c' by listing with the City's Realtor or direct sale.

### Highlights:

- The City's Disposition of Land By-law governs the sale and disposition of City property.

- The City has received a request to sell a portion of the unopen 7<sup>th</sup> Avenue West road allowance between 23<sup>rd</sup> and 24<sup>th</sup> Streets West.
- Other portions of this unopen road allowance have been identified as candidates for disposition.
- This report provides the steps necessary, including giving notice to obtain public input respecting the sale and the closure of the unopen road allowance.

### **Strategic Plan Alignment:**

This report supports the delivery of Core Service.

### **Climate and Environmental Implications:**

There are no anticipated climate or environmental impacts.

### **Previous Report/Authority:**

Closed Reports CS-22-038 and CS-22-080

Resolution No. C-220613-003

Closed Report CS-23-031

Resolution Nos. C-230327-003 and C-230327-004

### **Background:**

During a Closed Session, City Council considered a request from Carol Holland, owner of 697 24<sup>th</sup> Street West, to purchase an 8 m portion of the unopen 7<sup>th</sup> Avenue West road allowance. City Council provided direction to staff to bring forward an open report respecting the sale of this 8 m section as well as other lands that make up this road allowance.

There are three parcels to be considered through this report:

- a. An 8 m portion of the unopen portion of the 7th Avenue West unopen road allowance adjacent to 697 24th Street West. This 8 m portion is to be added to the lot adjacent and to the east;
- b. A 12 m portion of the unopen portion of the 7th Avenue West unopen road allowance fronting on 24th Street West; and

- c. A 20 m portion of the unopen portion of the 7th Avenue West unopen road allowance fronting on 23rd Street West.

Attachment 1 shows the three lots under consideration.

The subject lands consist of portions of the 7<sup>th</sup> Avenue West unopen road allowance. Notice is required of the intention to stop up and close this road allowance through this process. The City would retain the ravine through this process.

The subject lands are designated Residential and Hazard. The lands fronting 24<sup>th</sup> Street West are zoned R1, and the lands fronting 23<sup>rd</sup> Street West are zoned R3.

### **Analysis:**

In accordance with the City's Disposition of Land By-law No. 2012-195, the following process is required prior to the disposition of land.

<b>Process</b>	<b>Action</b>
<p>1. Notice of Intention to Dispose of Land – shall be provided by one or more of the following methods at least ten days in advance of a decision by Council:</p> <p>a. Newspaper Advertisement;</p> <p>b. Listing on City's website, Council agenda or City facilities;</p> <p>c. Posting a sign on the property;</p> <p>d. Mailing to specified persons, businesses &amp; organizations; and,</p> <p>e. Posting in printed or digital listing of property sales such as MLS or other similar services.</p>	<p>This report is recommending that notice be given via the City's website and an advertisement in The Sun Times newspaper.</p>

<b>Process</b>	<b>Action</b>
2. Declaration of Intention to Declare Land Surplus - before disposal, Council must declare the lands surplus.	Following the commenting period, staff will bring forward a subsequent report.
3. Valuation - Before disposal of land, the City must obtain at least one valuation unless Council directs that a valuation is not warranted for the subject land.	<p>The lands have been valued by the City's Realtor (Chestnut Park).</p> <ul style="list-style-type: none"> <li>a. The 8 m portion of land has been valued at \$55,000.</li> <li>b. The 12 m portion will be listed by the realtor with a price to be determined by the realtor.</li> <li>c. The 20 m portion will be listed by the realtor with a price to be determined by the realtor.</li> </ul>
4. Method of Disposal – Council can determine the method of disposal, including auction, direct sale, land exchange, real estate listing, RFP, tender or by alternate method declared by Council resolution, which resolution establishes the terms of such method.	<ul style="list-style-type: none"> <li>a. The 8 m portion of land is proposed to be sold through direct sale; and,</li> <li>b and c. The 12 m and 20 m portions are proposed to be sold by listing with the City's realtor or by direct sale.</li> </ul> <p>The notice must include the proposed method of disposition and other matters as listed in section 10 of the Land Disposition By-law</p>
5. Costs of Disposal – All costs associated with disposition shall be borne by the party/parties acquiring the land unless otherwise directed by Council	All transfer, legal and survey costs must be paid by the party acquiring the lands.
6. Survey	A legal survey is required for each of the three parcels.

Process	Action
	<p>The survey would be requested pending consideration of public feedback.</p> <p>The cost of the survey will be passed on to the future purchasers.</p>

## **Financial Implications:**

Funds received through this process will be put in the City's Land Sale Reserve.

All costs associated with the disposition of land, including all transfer, legal, survey, and valuation costs, shall be paid by the party acquiring the land unless otherwise directed by Council.

The cost to put a notice in The Sun Times is approximately \$350.00.

## **Communication Strategy:**

The public will be notified of the City's intention to declare surplus and dispose of municipal property through a notice in the newspaper and posting on the City's website.

A report will be presented to Council respecting comments received and a recommendation as to whether the subject lands should be stopped up and closed and declared surplus.

## **Consultation:**

City departments have been circulated on the proposed land sale. There are no objections to the sale or the intention to stop up and close the road allowance.

## **Attachments:**

Attachment 1 - Map illustrating parcels a, b, and c.

**Recommended by:**

Pamela Coulter, Director of Community Services  
Briana Bloomfield, City Clerk

**Submission approved by:**

Tim Simmonds, City Manager

For more information on this report, please contact Pamela Coulter, Director of Community Services at [pcoulter@owensound.ca](mailto:pcoulter@owensound.ca) or 519-376-4440 ext. 1252.