

Staff Report

Report To: City Council
Report From: Briana Bloomfield, City Clerk
Meeting Date: February 12, 2024
Report Code: CR-24-011
Subject: Request to Purchase Portion of Lane Abutting 385 12th Street West

Recommendations:

THAT in consideration of Staff Report CR-24-011 respecting a request to purchase a portion of a City lane immediately adjacent to 385 12th Street West, City Council directs staff to:

1. Provide notice on the City's website and by mail to neighbours abutting the lane, known as PIN 37052-0273, and shown in red on the map attached to the report, on the City's intention to:
 - a. stop up and close and declare surplus the lane; and
 - b. dispose of the portion of the lane shown in blue on the map attached to the report; and
2. Dispose of the portion of the lane shown in blue through direct sale should the subject lands be stopped up, closed, and declared surplus.

Highlights:

- The City's Disposition of Land By-law governs the sale and disposition of City property.
- The owner of 385 12th St W is requesting to purchase a portion of a City lane that runs adjacent to their property.

Strategic Plan Alignment:

[Strategic Plan](#) Priority: This report supports the delivery of Core Service.

Climate and Environmental Implications:

There are no anticipated climate or environmental impacts.

Previous Report/Authority:

Closed Report CR-24-007 – Request to Purchase a Portion of a Road Allowance Adjacent to 385 12th Street West

[Disposition of Land By-law No. 2012-195](#)

Background:

At the January 29, 2024, Closed Session, City Council considered a request from the owner of 385 12th Street West, to purchase a portion of the City lane that abuts their property. City Council directed staff to bring forward an open report respecting the request.

Analysis:

The land that is the subject of the request to purchase is part of a City lane that runs east-west in the 300 block of 12th Street West and then doglegs to the north to meet up with the road. The lane is PIN 37052-0273. Attached to this report is an aerial photo that depicts the lane to be stopped up, closed, and declared surplus (in red) and the portion of the lane to be sold (in blue).

Staff recommend that Council consider stopping up and closing the entire lane situated in the 300 block of 12th Street West and declaring it surplus. Staff confirm that the lane is not used for City infrastructure and has no other current City purpose. The City Solicitor confirms that the lane has not been previously closed and has no encumbrances registered on it. If the lane is stopped up, closed, and declared surplus, Council can then consider the sale of the portion of the lane adjacent to 385 12th St W. Council will also be able to dispose of the remaining portion of the lane at a later date more quickly as the first step in the disposition process will be complete.

In accordance with the City's Disposition of Land By-law, outlined below are the steps in the disposition of land process and staff's recommended action(s) as they relate to this request.

Step	Process	Action
1.	<p>Notice of intention to close the lane and dispose of a portion of the lane.</p> <p>Notice shall be provided by one or more of the following methods at least ten days in advance of a decision by Council:</p> <ul style="list-style-type: none"> • Newspaper ad; • Listing on City's website, Council agenda, or City facility; • Posting a sign on the property; • Mailing to specified persons, businesses and organizations; and • Posting in printed or digital listing of property sales such as MLS or other similar services. 	<p>This report recommends that notice be given by:</p> <ul style="list-style-type: none"> • Publishing a notice on the City's website; and • Mailing a notice to the neighbours that abut the lane. <p>The notice will include:</p> <ul style="list-style-type: none"> • The method of disposition; • A key map and description of the subject lands; • Where to obtain additional information; and • Details of how public comments will be received by Council.
2.	<p>Declaration of intention to declare land surplus.</p> <p>Before disposal, Council must declare the lands surplus.</p>	<p>After the commenting period has ended, staff will bring forward a report to Council. If comments are favourable, the report will recommend that a by-law be brought forward to stop up and close and declare surplus the subject lands.</p>

Step	Process	Action
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.	If the lands are declared surplus, a valuation will be obtained respecting the lands to be sold.
4.	Method of disposal Council can determine the method of disposal including auction, direct sale, land exchange, real estate listing, RFP, tender or alternate method.	This report recommends that the method of disposal be by direct sale as the lands must merge on title with an adjacent property.
5.	Survey	If the lands are declared surplus, a legal survey is required.

Financial Implications:

The Disposition of Land By-law provides that all costs, including all transfer, legal, survey, and valuation costs be paid for by the party or parties acquiring the land, unless otherwise directed by Council.

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

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 by mail to the neighbours that abut the lane.

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 request and there were no objections to stopping up and closing, declaring surplus, or disposing of the subject lands. The City's Solicitor was also consulted on this request.

Attachments:

Aerial Photo of Subject Lands

Recommended by:

Briana Bloomfield, City Clerk

Kate Allan, Director of Corporate Services

Submission approved by:

Tim Simmonds, City Manager

For more information on this report, please contact Briana Bloomfield, City Clerk at bbloomfield@owensound.ca or 519-376-4440 ext. 1247.