



Subject: Offer to Purchase – Surplus Unopened Right-of-Way Lands South of Wood Haven Drive

Report Number: EDM 23-04

Department: Economic Development Department

Submitted by: Cephas Panschow, Development Commissioner

Meeting Type: Council Meeting

Meeting Date: Tuesday, April 11, 2023

RECOMMENDATION

THAT report EDM 23-04 Offer to Purchase – Surplus Unopened Right-of-Way Lands South of Wood Haven Drive be received; and

THAT a by-law be brought forward to authorize the Mayor and Clerk to enter into an Agreement of Purchase and Sale with Robert and Jane Bamford and to execute any documents required to effect a transfer of the property for a portion of the Right-of-Way lands, described as the Westerly part of Part 8, Plan 41R-940.

BACKGROUND

Council approved the following resolution at their September 12, 2022 meeting:

THAT the Unopened Right-of-Way Lands located south of Ridge Boulevard and Wood Haven Drive, described as Part 8, Plan 41R-940, be closed;

AND THAT a small portion of the Unopened Right-of-Way Lands located south of Wood Haven Drive be declared surplus to the needs of the Town of Tillsonburg in accordance with Bylaw 2021-031 (land disposition) including suitable notification to the public;

AND THAT bylaws be brought forward for Council's consideration.

The property owner has now submitted an Offer to Purchase for Council's consideration.

DISCUSSION

The subject property is a 20 metre (66 foot) by 61 metre (200 foot) portion of an unopened Right-of-Way to the South of a residential lot owned by the Purchasers. It is their intent to construct a new home on the front portion of the property.

Subject Property – Small Portion of Unopened Right-of-Way to the rear of the 34 Wood Haven Drive property



Robert and Jane Bamford have submitted an Offer to Purchase as follows:

| | Original Offer Details |
|--|----------------------------------|
| Price | \$2,500 |
| Area (estimated subject to final adjustments) | Approximately 13,347 square feet |
| Irrevocable Date | April 14, 2023 |
| Closing Date | May 4, 2023 |
| Purchaser Conditions | None |

Based on there being no municipal need for the lands, the request received from the adjacent property owner, the Development Commissioner is recommending that Council enter into an Agreement of Purchase and Sale with Rob and Jane Bamford for the purchase of a small portion of unopened Right-of-Way lands adjacent to the rear of their property.

CONSULTATION

The intent to declare the property as surplus to the Town’s needs was circulated to all Town Departments and Tillsonburg Hydro Inc as detailed in report EDM 22-21 Surplus Land Declaration – Small Portion of Unopened Right-of-Way South of Wood Haven Drive with all concerns being addressed.

Oxford County Planning has advised that the lands are designated Environmental Protection in the County of Oxford Official Plan and zoned Open Space (OS1), which permits very few uses; namely:

- a conservation project;
- a flood control works;
- a picnic area;
- a passive use park;
- a public use in accordance with the provisions of Section 5.27 of this By-Law.

Notice of the potential surplus property has been provided in accordance with Bylaw 2021-031, and specifically, by:

- Posting a notice on the property (August 30, 2022);
- Posting a notice on the Town's website (August 30, 2022); and,
- Publishing a notice in the Tillsonburg News (September 8, 2022).

FINANCIAL IMPACT/FUNDING SOURCE

An estimate of the property's value was obtained through a Letter of Opinion prepared by Royal Lepage RE Wood Realty dated October 1, 2022. The Letter of Opinion estimated that the value of the 13,382 square feet of property is estimated at \$16,500 or \$1.23 per square foot of land.

The Purchaser does not agree with that valuation as this property has no road frontage and no access except through their property, which makes it landlocked. Further, the property is zoned Open Space (OS1), has no practical value to anyone else and no building would be permitted by the zoning.

The Purchaser has suggested that the value of the ravine lands adjacent to Borden Crescent sold by the Town in 2021 would be a much better comparison in terms of property value than the comparables used in the Opinion of Value. Those ravine lands were sold at a value of \$24,000 for a total of 4.76 acres, which, at 207,346 square feet, equates to a value per square foot of \$0.12.

The Purchaser also argues that the lands along Borden Crescent have a pedestrian access and some limited road access and there is a portion close to John Pound Road that could have some potential for a more intensive use.

Using the price per square foot from that transaction, the Woodhaven lands totaling 10,382 square feet would be \$1,246.

Hence, the Purchaser has submitted their offer in the same value range as the Borden Crescent lands. Although the offer was submitted a higher value of \$2,500, this is still significantly below the estimated value.

The Purchaser has indicated that they will also pay for all legal, survey and opinion of value costs in addition to the purchase price as is required by the Town's Land Disposition Bylaw.

CORPORATE GOALS

How does this report support the corporate goals identified in the Community Strategic Plan?

- Lifestyle and amenities
- Customer service, communication and engagement
- Business attraction, retention and expansion
- Community growth
- Connectivity and transportation
- Not Applicable

Does this report relate to a specific strategic direction or project identified in the Community Strategic Plan? Please indicate section number and/or any priority projects identified in the plan.

Goal – The Town of Tillsonburg will strive for excellence and accountability in government, providing effective and efficient services, information, and opportunities to shape municipal initiatives.

Strategic Direction – Not applicable.

Priority Project – Not applicable

ATTACHMENTS

Appendix A - Offer to Purchase – Robert and Jane Bamford

Appendix B – Plan 41R-940

Appendix B - Plan 41R-940

