



Subject: Lot 4 on Sandy Court – Approval for Easement and Offer to Purchase

Report Number: EDM 23-13

Department: Economic Development Department

Submitted by: Cephas Panschow

Meeting Type: Council Meeting

Meeting Date: Monday, July 17, 2023

RECOMMENDATION

- A. THAT report titled EDM 23-13 Lot 4 on Sandy Court – Approval for Easement and Offer to Purchase be received; and,
- B. That a by-law be brought forward to authorize the Mayor and Clerk to execute all documents required to recognize an existing 12 metre wide corridor used by Hydro One Networks Inc for a hydro pole line through the registration of an easement on Part 2, Plan 41R-7549; and,
- C. THAT a by-law be brought forward to authorize the Mayor and Clerk to enter into an Agreement of Purchase and Sale with E&E McLaughlin Ltd and to execute all documents required to effect a transfer of the property described as Lot 4, Sandy Court.

BACKGROUND

Tillsonburg Town Council approved the following resolution at the July 13, 2020 meeting:

THAT Council receive Report DCS 20-15 Surplus Land Declaration - Lot 4, Plan 41M-205 (Sandy Court);

AND THAT the property described as Lot 4, Plan 41M-205, be declared surplus to the needs of the Town of Tillsonburg and that suitable notification to the public be made in accordance with Bylaw 3549 – Sale of Real Property Policy.

Subsequent to this, Council directed staff to the sell the property back to the developer on an “as-is” basis, including the existing Open Space zoning and valuation.

This direction has been significantly delayed by the identification of an existing 12 metre wide hydro pole corridor that severely impacts Lot 4. Specifically, this corridor should have been protected through the registration of an easement in favour of Hydro One Networks Inc (HONI) at the time of the Plan of Subdivision registration. The Development Commissioner has been working in conjunction with the Town's legal counsel and HONI to effect this easement, which has been finalized and is now being brought forward for consideration by Town Council.

The original developer of the property; namely, E&E McLaughlin Ltd has also submitted an Offer to Purchase based on the previously agreed upon terms and it is also being brought forward for consideration by Town Council.

DISCUSSION

Lot 4, Plan 41M-205 was acquired by the Town of Tillsonburg from Edwin McLaughlin and Ewart McLaughlin on July 7, 2007 as part of the parkland requirements for the Sandy Court Subdivision. The Town's Recreation, Culture and Parks Department had previously indicated that it is not feasible to develop this property for a municipal park due to the small size of the lot, other public amenities (trails) in the area, and the potential for a more centralized public space amenity in the area.

Subject Property – Lot 4, Plan 41M-205 (Sandy Court)



Registration of the easement in favour of HONI is required prior to transferring the property back to the developer. Should Council approve the recommendation, the Mayor and Clerk would be required to sign the Acknowledgement and Direction, which would enable the easement to be registered followed by the transfer of the property back to the developer.

It is staff's understanding that the developer is interested in rezoning the property to residential, which would be subject to making an application and obtaining approval.

CONSULTATION

Public notification of the surplus lands has been made as follows:

- Sign Posted on the Property – September 9, 2020
- Town Website – Published September 14, 2020
- Tillsonburg News – Included in the Tillsonburg Update Section on September 17, 2020

In response to the publication notices, staff received the following concerns from the neighbouring property owners:

Comment
<p>My name is M [REDACTED] F [REDACTED]. Unit owner of [REDACTED] Sandy court.</p> <p>When we purchased this property one of the major selling factors was the park. We are against the sale of this land for further development and would like to keep it as a park.</p> <p>This will also affect our home values since this is a great selling factor. In addition the community of this size and the number of families it currently houses requires a park.</p> <p>We ask that you consider our input for this. Thank you and let me know if you have any questions.</p>
<p>Hi I agree with M [REDACTED].</p> <p>Our family has bought two houses and cousins own 3.</p> <p>One of the main factors was this park.</p> <p>I do not support move.</p>

Hi Cephas,

I do agree with M [REDACTED] and S [REDACTED].

We purchased those houses prior development and we were told the open space land will be a park.

I'm against the move.

Thanks

D [REDACTED]

I'm also against this. We were told this space will be used for a park and I have communicated this to my tenant as well.

Thanks,

F [REDACTED]

Based on the concerns raised, staff believe that the developer of the subdivision is best positioned to deal with the concerns raised by property owners within the subdivision as any representation regarding these lands would have been made by them or their home builder.

FINANCIAL IMPACT/FUNDING SOURCE

The Opinion of Value obtained from Royal LePage R.E Wood Realty valued these Open Space lands at \$26,000 as of September 1, 2020. It was originally thought that the Town had to sell the lands back to the subdivision developer at the original "raw land" value from 2002, which was estimated to be \$7,000. However, the 2020 market value for Open Space lands was \$26,000, which is significantly higher than the 2002 value.

The developer will be responsible for the legal and related costs to re-acquire the lands, which means that the revenue from the sale of the property would be allocated to the Parkland Trust (as the lands were originally dedicated as parkland) and used for recreational projects as approved by Council in the future.

CORPORATE GOALS

- 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 – Plan 41M-205

Appendix B – Plan 41R-7549

Appendix C – Offer to Purchase

