



Subject: Surplus Land Declaration – Westerly Portion of Moose Street Right-of-Way

Report Number: EDM 24-034

Department: Economic Development Department

Submitted by: Cephas Panschow

Meeting Type: Council Meeting

Meeting Date: Monday, September 9, 2024

RECOMMENDATION

- A. THAT report titled EDM 24-034 Surplus Land Declaration – Westerly Portion of Moose Street Right-of-Way be received; and,
- B. THAT the Westerly Portion of the municipally owned Moose Street Right-of-Way, described as Part 2 on Plan 41R-1403, save and except for any easements as may be required by public authorities, 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,
- C. That the Westerly Portion of the Moose Street Right-of-Way, described as Part 2 on Plan 41R-1403, be closed with a bylaw being brought forward for Council's consideration; and,
- D. That the Development Commissioner be authorized to negotiate an Agreement of Purchase and Sale for these lands subject to being brought back to Council for approval.

BACKGROUND

The Town of Tillsonburg has been contacted by a property owner who is interested in acquiring the Westerly portion of the Town owned Moose Street Right-of-Way. In reviewing this request, it has been determined that these lands are not required for municipal purposes, and hence, can be considered for surplus and potential sale.

The purpose of this report is to seek Council direction with respect to declaring these lands as surplus to the Town's needs and proceeding with an Agreement of Purchase and Sale with the adjacent property owners or other interested parties as may be appropriate.

DISCUSSION

The Moose Street Right-of-Way is the standard width of a municipal road, which is 20 metres (or approximately 66 feet) and 80 metres (265 feet) long, more or less. The area of the property is approximately 16,586 square feet or 0.4 acres.

Figure 1 – Subject Property



The property is bisected by a municipal sanitary sewer and private sanitary sewer connection to the adjacent 7 Moose Street property, both of which would have to be protected with an easement in favour of the Town and County.

It would be the intention to offer to the adjacent property owners and to bring back the best opportunities to Town Council for consideration.

CONSULTATION

Department	Comment	Response/Reason
Building and Bylaw	No questions or concerns	
Clerks	No questions or concerns	
Engineering	<p>Referred to County Public Works for comments, which were provided:</p> <ol style="list-style-type: none"> <li data-bbox="662 537 997 1010">1. The County would require an easement over the existing sanitary sewer. Width of easement is dependent on depth of sewer (i.e. 1:1 ratio required for trenching). Easement will (likely) be a minimum 5 metres. <li data-bbox="662 1052 997 1814">2. The sanitary lateral connection to the 7 Moose St property would require a private servicing easement. As per County’s guidelines, a private servicing easement “is required for private sanitary sewers and access roads that cross a parcel of land to service other private lands. A joint access and maintenance agreement between the interested parties shall be entered into. 	<p>Easement can be provided</p> <p>Options to address the sanitary lateral connection to the 7 Moose St property could be a private servicing easement or a small portion of the Moose St ROW lands could be removed from any future sale by splitting the property into two parts with the sanitary servicing lateral lands described by a new plan being retained by the Town.</p>
Fire Department	No comments received	

Planning	Depending on the proposed development, an access onto Broadway may be recommended/required	To be determined as part of the Site Plan Approval process
Public Works	No comments received	
Recreation, Culture & Parks	No comments received	
Tillsonburg Hydro Inc	No comments received	
Duncan, Linton LLP	Not requested to comment (yet)	

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

- Posting a notice on the Town’s website (August 23, 2024); and,
- Posting a notice on the property (August 26, 2024);
- Publishing a notice in the Tillsonburg News (August 29, September 5, 2024).

FINANCIAL IMPACT/FUNDING SOURCE

The value of the property will be established through an Opinion of Value obtained from a local real estate broker. The purchasers will be responsible for the negotiated value of the land as well as all costs (legal, survey, etc) related to the transaction. The overall financial impact is anticipated to be positive.

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.

EDM 24-034 Surplus Lands Declaration – Westerly Portion of Moose Street ROW

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 41R-1403

Appendix A – Part 2, Plan 41R-1403

