



Town of Niagara-on-the-Lake

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REPORT #: CAO-24-025 **COMMITTEE DATE:** 2024-06-18
REPORT TO: COTW-General **DUE IN COUNCIL:** 2024-06-25
SUBJECT: Declaration and Sale of Surplus Lands – Garrison Village

1. RECOMMENDATION

It is respectfully recommended that:

- 1.1 Town-owned lands abutting the properties at 111 Garrison Village Drive being shown on **Appendix I** to this report and containing an area of approximately 150 square metres in the dimensions of 1 metre by 150 metres be declared surplus to the needs of the municipality;
- 1.2 Council authorizes Staff to negotiate sale of the aforementioned lands to the adjacent owner at fair market value under the terms outlined within the report; and
- 1.3 A by-law be presented to Council authorizing the Mayor and Clerk to execute the required transfer/deed of land, as well as any documents that may be necessary to effect the sale of the subject property.

2. EXECUTIVE SUMMARY

- Earlier this year, the landowner of the properties adjacent to Town-owned lands fronting on Niagara Stone Road and Garrison Village Drive approached the Town requesting to purchase a 1 metre (3.28 ft) wide strip of land along the length of his property, approximately 150 metres (500 ft).
- The purpose of the request is to widen the drive aisle between the parking stalls to facilitate planned development through the Village Commercial site plan agreement of September 2022.
- Per the Surplus Lands Policy, the proposed sale has been advertised, and notice has been provided to the Regional Municipality of Niagara, the District School Board of Niagara and the Niagara Catholic District School Board.
- Town staff have reviewed the proposed disposition and identified no issues.
- To facilitate aisle widening, the purchaser offered and will be required to relocate the existing curb and light standards in a manner satisfactory to the Town.

- The lighting would remain with the commercial property. The purchaser has agreed to retain and maintain the existing row of trees immediately adjacent to the lands being conveyed.

3. PURPOSE

This report is in response to a request from the landowner to acquire Town-owned lands adjacent to his property to re-align parking and increase the drive aisle to allow for better traffic flow.

4. BACKGROUND

The disposition of municipally owned lands is a two-step function. Subject to public notice, by resolution, the Town must deem any lands proposed for sale surplus to the municipality's needs. In so doing, the proposed disposition is reviewed by staff beforehand and assessed relative to the municipality's anticipated needs.

Subsequent to that, before authorizing the sale of any Town-owned lands, the Town must notify the Regional Municipality of Niagara, the District School Board of Niagara and the Niagara Catholic District School Board to determine if any have an interest in the lands to be sold. The notice was provided on May 31, 2024.

5. DISCUSSION / ANALYSIS

The subject lands to be declared surplus and offered for sale to the abutting landowner are approximately 1 metre by 150 metres in length, representing 150 square metres of the Town's parkland property abutting the Garrison Village. The lands are required to facilitate the approved development of the property. Under the Municipal Act, 2001, the disposition of Town property would constitute a sale of land, although, in this instance, it may more aptly be seen as a boundary adjustment.

The Region, school boards and Town staff have reviewed the proposed disposition, and no objections have been identified.

Subject to Council's approval to proceed, the purchaser will bear all administrative costs of the sale. These costs include advertising, legal fees, appraisal fees, etc. At their cost, the purchaser will also be required to obtain a draft reference plan to transact the sale and facilitate having the reference plan registered upon satisfactory acceptance by the Town. The purchaser's solicitor may prepare the conveyance documents and register the deed.

The land itself will be sold for no less than its appraised or market value. All lands will be sold on an "as is/where is" basis, and the purchaser will be required to sign an Acknowledgment confirming this. The purchaser will be responsible for paying for the realignment of the curb and relocation of the existing light standards. Such works will be carried out subject to approval by the Town to ensure the preservation of the existing row of trees on municipal lands abutting the parcel to be conveyed.

6. STRATEGIC PLAN

The content of this report supports the following Strategic Plan initiatives:

Pillar

1. Vibrant & Complete Community

Priority

1.2 Economic Development & Community Partnerships

Action

1.2 a) Economic Development

Pillar

3. Enrich Community Assets, Environment, & Infrastructure

Priority

3.3 Infrastructure

Action

3.3 a) Infrastructure Investment (Physical & Green)

7. OPTIONS

- 7.1 **Option 1:** Council declares the subject lands surplus and authorizes staff to proceed to dispose of the lands to the adjacent owner at fair market value. **(Recommended)**
- 7.2 **Option 2:** Council directs that the Town retain the subject lands. *(Not Recommended)*

8. FINANCIAL IMPLICATIONS

Proceeding with the sale of the subject parcel will not directly impact the town. The purchaser will bear all administrative costs of the sale.

9. ENVIRONMENTAL IMPLICATIONS

Protective measures that are satisfactory to the Town will be put in place to ensure that the trees on municipal property are not affected by the relocation of the light standards and curb. The proposed sale will not affect the ability to improve the parkland in the future. With that, no environmental impacts are anticipated.

10. COMMUNICATIONS

In accordance with Town's Public Notice By-law 3784-03, Policy CS-CL-011 - Public Notice, and Policy CS-CL-010A – Sale and Other Disposition of Town-Owned Land, notice to declare the subject lands as surplus and notice of the proposed sale was advertised and posted on the Town website. The Regional Municipality of Niagara, the District School Board of Niagara and the Niagara Catholic District School Board were circulated to determine if they had any interest in the lands to be sold.

11. CONCLUSION

The impact to the Town of moving the property line by approximately one metre to accommodate this development is negligible and staff recommend disposition of the subject lands.

12. PREVIOUS REPORTS

None

13. APPENDICES

- **Appendix I – Key Map**

Respectfully submitted:

Prepared by:



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Recommended by:



**Kyle Freeborn
Director, Corporate Services**

Submitted by:



**Bruce Zvaniga
Chief Administrative Officer (Interim)**