

City of Mississauga Corporate Report



10.5

Date: June 8, 2022

To: Chair and Members of General Committee

From: Shari Lichterman, CPA, CMA, Commissioner of
Corporate Services and Chief Financial Officer

Originator's files:
PO.11.BEV

Meeting date:
June 29, 2022

Subject

Delegation of Authority to execute an Authorization Letter to allow City owned land to be included in a development application at 5, 7 and 9 Beverley Street, and 7198 Airport Road (Ward 5)

Recommendation

That a by-law be enacted authorizing the Manager of Realty Services to execute an authorization letter, and any other documentation ancillary thereto, all in form and content acceptable to the City Solicitor, to allow the applicant in the proposed development application at 5, 7, 9 Beverley Street, and 7198 Airport Road, to include City owned lands, consisting of a 1.83 metre (6 foot) wide lane, comprising an area of approximately 160 square metres (1,722.22 square feet) and shown on the sketch dated June 11, 2021, and legally described as part of 12 Foot Lane, Plan Tor 4 abutting CNR Lands Plan Tor 4; 12 Foot Lane abutting Lots 418 to 441 on Plan Tor 4, forming part of PIN 13273-1125, in the City of Mississauga, Regional Municipality of Peel (the "City Lands").

Background

The City is the registered owner of an untraveled road allowance, being all of PIN 13273-1125(LT). The owner of the properties municipally identified as 5, 7 and 9 Beverly Street and 7198 Airport Road (the "Applicant's Property"), which property is adjacent to a portion of the untraveled road allowance, is seeking permission to include the City Lands, being a portion of the untraveled road allowance, in its development application. The City Lands are more particularly shown on the sketch attached hereto as Appendix 2.

The owner of the adjacent property, 2862505 Ontario Limited (the "Applicant"), has approached the City expressing an interest in purchasing the City Lands in order to facilitate their application to redevelop their lands at this location. As there is insufficient time to allow the City stop up, close, and declare the lands surplus, staff is proposing to allow for the City Lands to be included within the Applicant's development application, while these procedural actions are being undertaken by

the City. Providing authorization at this time would allow the applicant to proceed without undue delay associated with the future surplus declaration and sale.

A reference plan has been commissioned by the Applicant to identify the City Lands located within the block which includes the residential lots 5, 7 and 9 Beverley Street, and the commercial property at 7198 Airport Road.

Comments

The City Lands are a 1.83 metre (6 foot) wide section of untraveled road allowance which are not viable on their own and it is appropriate for them to be redeveloped in conjunction with the abutting Applicant's Property.

Realty Services has completed its circulation and received confirmation that there are no concerns with the lands being declared surplus to the City's requirements and sold. The lands shall be sold on an "as is/where is" basis.

Until such time as a reference plan identifying the City Lands is available, the portion of laneway adjacent to the Applicant's Property cannot be stopped up and closed or declared surplus to City needs. Consequently, in order to minimize delay the property owner is requesting the City's authorization to allow them to proceed with a development application for 5, 7 and 9 Beverley Street and 7198 Airport Road that includes the City Lands at this time. At the time of Site Plan application, the property owner will have to have acquired the City Lands. It should be noted that allowing the City Lands to be included in the applicant's proposed development application for a Rezoning and Official Plan Amendment at this time will not fetter Council's discretion to approve or disapprove the development application, and would be in keeping with a logical disposition to the abutting property owner.

The City Delegated Authority By-Law 0148-2018 allows for the Manager of Realty Services to execute any General Agreements, which would provide for the temporary use of City Lands. As the request from the Applicant developer to include these lands in its development agreement, Staff's interpretation is that Delegated Authority By-Law 0148-2018 did not anticipate this situation, and as such Council approval and direction is required to allow the Manager of Realty to execute the necessary authorization documentation.

Anticipating a sale of the City Lands to the Applicant at fair market value once Council resumes, staff is recommending that the Manager of Realty Services be delegated authority to execute on behalf of the City, as owner of the City Lands, an authorization letter permitting the applicant to include the portion of the City's untraveled road allowance within its development application at this time.

The applicant is assuming any risk associated with including the City Lands in their development application in advance of purchasing the City Lands from the City. If negotiations for the sale of the City Lands between staff and the applicant are not successful, the applicant will be required to resubmit their development application without the City Lands.

Financial Impact

There is no financial impact associated with this report. There will, however, be revenue generated to the City by the subsequent sale of the subject lands.

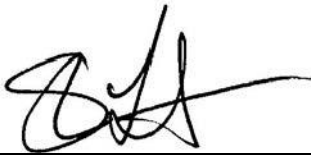
Conclusion

As the City Lands identified in this report is not required for City municipal purposes, and in anticipation of a potential sale of the subject lands to the abutting owner, it is reasonable for the City to authorise the subject lands to be included in the abutting owner's development application.

Attachments

Appendix 1: Location Map of the City Lands

Appendix 2: City Lands identified on the sketch dated June 11, 2021



Shari Lichterman, CPA, CMA, Commissioner of Corporate Services and Chief Financial Officer

Prepared by: Erny Ferreira, Real Estate Analyst-Appraiser, Realty Services, Corporate Business Services