

City of Mississauga Corporate Report



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To: Chair and Members of General Committee	
From: Shari Lichterman, CPA, CMA, Commissioner of Corporate Services and Chief Financial Officer	Meeting date: June 29, 2022

Subject

Surplus Land Declaration and Delegation of Authority to Approve a Land Exchange Agreement between the City of Mississauga and the Peel District School Board (Wards 2, 3 and 8)

Recommendation

1. That the City of Mississauga owned lands located at 3450 Dixie Road having an area of approximately 0.495 acres (0.200 hectares) and legally described as part of Block H, Plan 726, Toronto Township, Parts 1 to 5 on Reference Plan 43R-5732, subject to TT179615, being all of PIN 13327-0024 (LT), in the City of Mississauga, Regional Municipality of Peel (Ward 3), be declared surplus to the City's requirements for the purpose of an exchange with the Peel District School Board at fair market value.
2. That the City of Mississauga owned lands forming part of Clarkson Park, having an area of approximately 0.6277 acres (0.254 hectares) and legally described as part of Block A, Plan 878, subject to VS124533, if any; subject to RO588521, being Parts 1 and 2 on a draft reference plan prepared by Alnashir Jeraj, O.L.S., forming part of PIN 13434-0118 (LT), in the City of Mississauga, Regional Municipality of Peel (Ward 2) be declared surplus to the City's requirements for the purpose of an exchange with the Peel District School Board at fair market value.
3. That the Commissioner of Corporate Services and Chief Financial Officer be delegated authority to approve and execute a Land Exchange Agreement, together with all ancillary documents and amending agreements as may be necessary, between The Corporation of the City of Mississauga and the Peel District School Board, for the exchange of 3450 Dixie Road, having an area of approximately 0.495 acres (0.200 hectares) and identified as PIN 13327-0024, together with a portion of 0 Bromsgrove Road, having an area of approximately 0.6277 acres (0.254 hectares) and identified as a part of PIN 13434-0118, to the Peel District School board, and to receive in exchange from the Peel District School Board the property identified municipally as 3546 South Common Court, having an area of 1.108 acres (0.448 hectares) and legally described as Lot M, Plan 43M-160, subject to LT97887, LT97888, LT97890, being part of PIN

13395-0004 (LT), in the City of Mississauga, Regional Municipality of Peel (Ward 8), at fair market value each to the other, in form and content satisfactory to the City Solicitor.

4. That all steps necessary to comply with the requirements of Section 2(3) of the City's Notice By-law 0215-2008 be taken, including giving notice to the public by posting a notice on the City of Mississauga's website for a two week period, where the expiry of the two week period will be at least one week prior to the execution of an agreement for the sale of subject lands
5. That a new capital project PN 22307 - Land Exchange - Parkland be created with a gross and net budget of \$110,100 and that funding be allocated from the Cash in Lieu Parkland Reserve Fund Account #A32121.
6. That all necessary By-Laws be enacted.

Executive Summary

- At its meeting of July 2, 2014 and July 4, 2018, Council authorized Realty Services to assess the merits of exchanging the City owned lands located at 3450 Dixie Road, comprising an area of approximately 0.200 hectares (0.495 acres) and 0 Bromsgrove Road, comprising an area of approximately 0.254 hectares (0.627 acres) with the Peel District School Board ("PDSB") Lands located at 3546 South Common Court comprising an area of approximately 0.448 hectares (1.108 acres).
- The value of the lands to be exchanged will be based on fair market value as established by a qualified independent appraisal report. While the size of the lands to be exchanged are not equal, the fair market value of the respective properties has been found to be equal.
- The exchange of these lands will resolve certain complications on how they are currently being used by the parties. In acquiring the PDSB's lands, the City will enhance its holdings at South Common Court and own the lands which are currently occupied by the City's baseball diamond. The PDSB, in acquiring the City's lands, will amalgamate them with its current holdings and become the owner of the lands upon which a portion of their sports field (soccer) is currently located.

Background

South Common Park and the adjacent PDSB and Dufferin Peel Catholic District School Board (DPCDSB) properties located at the southeast corner of Burnhamthorpe Road West and Glen Erin Drive have historically accommodated two City owned lit baseball diamonds. The northernmost diamond was located on DPCDSB property through a license agreement with the City, and the southernmost diamond is located in South Common Park, but partially encroaching onto PDSB Lands. In 2015, the northernmost ball diamond was removed to accommodate the expansion of the St. Kateri Tekakwitha parking lot.

City Staff have investigated the possibility of a land exchange with the PDSB to remedy the encroachment and secure ownership of the remaining lit baseball diamond. As such, the City seeks to

acquire approximately 0.44 Ha (1.1 Acre) of land currently owned by the PDSB as part of their Erin Mills Middle School site. Acquisition of this land by the City would ensure the ownership of the entirety of the lit baseball diamond as well as an appropriate buffer zone.

Reciprocally, the PDSB has expressed an interest in acquiring a 0.20 Ha (0.49 Acre) City-owned property located at 3450 Dixie Road. This property was formerly occupied by City of Mississauga Fire Station #106. Acquisition of these lands by the PDSB would enable it to 'square off' the adjacent Burnhamthorpe Public School site. Although the lands at 3450 Dixie Road were declared surplus by the City in June 2014 (Recommendation GC-0348-2014), with the passage of time, staff recommends that the surplus declaration of 3450 Dixie Road be reaffirmed by City Council.

As the Erin Mills Middle School site and former Dixie Road Fire Station lands were not of equal value, staff have identified approximately 0.25 Ha (0.62 Acre) of land in Clarkson Park adjacent to Clarkson Secondary School, where the PDSB encroaches onto City land. The encroachment consists of a small portion of the school parking lot, a concrete slab-on-grade storage shed, and a portion of the school soccer pitch. As a result, the inclusion of this site into the land exchange agreement will allow the transfers to take place without the need to exchange money.

The City and the PDSB jointly commissioned an appraisal report to determine the fair market value of the three properties. Areas of the land exchange have been adjusted to arrive at a net zero value transaction. Draft reference plans have been created to identify parts that will describe the land exchange between the City and the Board.

Comments

Completion of the land exchange contemplated in this report will enable the City to secure complete ownership of the existing lit baseball diamond at South Common Park, rectify a long standing encroachment at Clarkson Park, and dispose of surplus lands that will enable the PDSB to better utilize their Burnhamthorpe Public school site.

Negotiations with the PDSB are nearing completion, however, given the summer recess and extended municipal election pause, staff are seeking Council's approval to declare the lands surplus for the purpose of an exchange, and is recommending that the Commissioner of Corporate Services and Chief Financial Officer be authorized to approve and execute the land exchange agreement, and all documents ancillary thereto including amending agreements, in form and content satisfactory to the City Solicitor.

Prior to executing the land exchange agreement the City will have complied with the City's Notice By-law 0215-2008, by having posted notice of its intent to execute an agreement to transfer the lands.

Financial Impact

This land exchange is premised on equal value transactions and therefore no monies are to be exchanged between the parties.

Given that all the terms of the exchange are not fully completed, Staff is seeking authority for the Commissioner of Corporate Services and Chief Financial Officer to approve and execute the necessary agreement and create such project accounts and undertake any associated budget transfers to complete this transaction.

Nonetheless, for greater clarity, each of the parties will be required to pay their own costs inclusive of Land Transfer Tax, appraisal, environmental, survey, registration and any other reasonable closing costs.

On completion of the Land Exchange Agreement, Staff at the City will be required to pay Land Transfer Tax \$79,356, environmental investigation Phase 1 and 2 ESA if required, at an estimated cost of \$30,000 and Closing and registration costs estimated at \$700. It is recommended that a new capital project PN 22307 – Land Exchange – Parkland be created with a gross and net budget of \$110,100 and that funding be allocated from the Cash in Lieu of Parkland Reserve Fund Account #A32121.

Survey costs of \$4000 plus HST have been incurred and charged to PN17303 and Appraisal cost of \$10,735 including HST have been incurred and charged to PN19306

Total cost of this transaction is estimated at \$124,791.

Conclusion

This report requests City Council to declare certain City lands surplus and delegate authority to the Commissioner of Corporate Services and Chief Financial Officer to approve and execute a Land Exchange Agreement between the PDSB and the City.

It is reasonable to recommend the surplus declaration at this time for the purpose of transfer to the PDSB, and to delegate Authority to the Commissioner of Corporate Services and Chief Financial Officer to approve and execute the Land Exchange Agreement.

Attachments

Appendix 1: Location of 3546 South Common Court (Erin Mills Public School)

Appendix 2: Location of 3450 Dixie Road (Former Fire Station 106) Site

Appendix 3: Location of Site 0 Bromsgrove Road (Clarkson Park) Site



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

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