

Date: June 16, 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.BRA

Meeting date:  
June 29, 2022

## **Subject**

**Surplus Land Declaration and Delegation of Authority to Approve and Execute a Land Exchange Agreement with Her Majesty the Queen in Right of Canada for City-owned lands identified as the closed portion of Bramalea Road, south of Derry Road East (Ward 5)**

## **Recommendation**

1. That the City-owned lands being the closed portion of Bramalea Road, south of future Alstep Drive, having an area of approximately 0.58244 hectares (1.438 acres) legally described as part of the Original Road Allowance between Concessions 4 and 5, East of Hurontario Street, designated as Part 1 on Plan 43R-32747 and as Part 22 on Reference Plan 43R-25151 in the City of Mississauga, Regional Municipality of Peel (the "Bramalea Lands"), be hereby declared surplus to the City's requirements.
2. That the Commissioner of Corporate Services and Chief Financial Officer be given delegated authority to approve and execute a Land Exchange Agreement (the "Agreement"), together with all ancillary documents and amending agreements as may be necessary, between The Corporation of the City of Mississauga (the "City") and Her Majesty The Queen in Right of Canada (the "Crown"), for the exchange of the closed portion of Bramalea Road, south of Derry Road East, having an area of approximately 0.58244 hectares (1.4382 acres) and identified as part of PIN 13527 -0052 (LT) and to receive in exchange from the Crown, certain lands required for the Derry Road East/ Bramalea road improvements being approximately 0.4302 hectares (1.0634 acres), in the City of Mississauga, Regional Municipality of Peel (the "Crown Lands") (Ward 5), in form and content satisfactory to the City Solicitor.
3. That all steps necessary to comply with the requirements of Section 2 (3) of City Notice By-law 215-08 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 the subject lands.
4. That all necessary By-laws be enacted.

## Executive Summary

- The Greater Toronto Airport Authority (“GTAA”) leases Crown Lands for the purpose of managing and operating the Toronto – Lester B. Pearson International Airport (the “Airport Lease”) The Airport Lease is for a 60-year term beginning December 2, 1996, with a further option to extend for 20 years.
- On September 15, 1999, in connection with the redevelopment of the Toronto - Lester B. Pearson International Airport (“Pearson”), the City entered into an agreement with the GTAA for certain improvements and other arrangements relating to that portion of Bramalea Road lying south of Derry Road. The agreement provided for, among other actions, that the City was to close out and convey a portion of Bramalea Road to be incorporated into the airport lands and, in exchange, the GTAA was to arrange for the transfer of certain Crown-owned lands to the City to support planned traffic improvements.
- The Bramalea Lands were declared surplus to City requirements in 2001 and 2010, however they remain in City ownership as the proposed land exchange did not come to fruition.
- Recently, with the lease to Bombardier of a portion of the GTAA lands municipally identified as 1890 Alstep Drive, which lands are adjacent to the Bramalea Lands, discussions respecting the exchange of lands have resumed. Construction of the Bombardier facility is now underway and it is anticipated that a land exchange agreement between the City and the GTAA may be reached during the summer/election recess. Therefore, this report requests authority to declare the Bramalea Lands surplus and to authorize the Commissioner to execute a land exchange agreement.

## Background

Pursuant to the terms of an agreement dated September 15, 1999 between the City of Mississauga (the ‘City’) and the Greater Toronto Airports Authority (the ‘GTAA’), relating to the redevelopment of the Toronto - Lester B. Pearson International Airport, the City was to close out and convey a portion of Bramalea Road for incorporation into the airport lands owned by Her Majesty The Queen in Right of Canada (the “Crown”). This portion of Bramalea Road, being identified as Part 22 on Plan 43R-25151, south future of Alstep Drive, containing an area of approximately 0.378 hectares (0.933 acres), was declared surplus by City Council on November 28, 2001 and closed by By-law 0147-2003.

In subsequent reviews of traffic improvements proposed to be undertaken at the intersection of Derry Road and Bramalea Road, it was determined that certain lands owned by the Crown along Bramalea Road, north and south of Derry Road East, which form part of the Airport Lease with the GTAA, are required by the City for incorporation into the City’s Bramalea Road allowance. The Region of Peel also requires lands for proposed improvements to Derry Road East.

Through discussions between the City’s Transportation and Works Department, Realty Services staff and the GTAA on behalf of the Crown, it was proposed that a possible solution to the GTAA and City requirements for land would be a land exchange agreement that would see the road

widening lands transferred to the City and the Bramalea Lands transferred to the Crown. However, in order for the City to be in a position to fully negotiate a possible land exchange, it was determined that the lands involved will need to be equal in area.

Subsequently, in an attempt to equalize the land areas, the City further closed a portion of Bramalea Road directly north of Part 22 on Plan 43R- 25151 and identified as Part 1, 43R-32747 and containing an area of 0.20444 hectares (0.50518 acres) through By-law 0346-2010 passed on December 15, 2010.

An Agreement was not reached at that time and the Bramalea Lands remain in City ownership.

Recently, with the lease to Bombardier of the GTAA lands municipally identified as 1890 Alstep Drive, which lands are adjacent to the closed Bramalea Road, discussions respecting the exchange of lands have resumed. Construction of the Bombardier facility is now underway.

## Comments

Considering the passage of time since the Bramalea Lands were declared surplus in 2001 and 2010, Realty Services staff recirculated the parcels to reconfirm that they are surplus to City requirements. Realty Services has completed its circulation and received confirmation that the lands are surplus to City requirements.

A circulation to the various utility companies was also undertaken and it was determined that Alectra, Bell and the Region of Peel will require easement protection prior to the completion of the proposed land exchange. The exact easement requirements will be described by draft reference plans being prepared by the respective utilities.

The lands required by the City for incorporation into its existing public highway /intersection improvements are yet to be finalized pending the completion and approval of the Derry Road East and Alstep Drive Road Improvements including Bramalea Road, Menkes Drive, Telford Way, and Menway Court Municipal Class Environmental Assessment Study. At its meeting of June 15, 2022, General Committee considered a report from the Commissioner of Transportation and Works endorsing the publication of a "Notice of Study Completion" and placing the Environmental Study Report for a 45-day review period in accordance with the Municipal Class Environmental Assessment process.

Early indications are that the City may require an area of approximately 0.4302 hectares (1.063 acres) from GTAA. The Bramalea Lands contain a total area 0.58244 hectares (1.438 acres). The property requirements are currently at a 30% preliminary design stage, but will ultimately be identified with the completion of the project's 100% detailed design drawings.

The GTAA recently confirmed that the Crown is amenable to a cash payment being made to make up the difference in the relative market values of the parcels to be exchanged.

Several months ago, Alectra asked for and was granted an easement over the City-owned lands to permit installation of overhead pole lines and underground dips in order to supply an electric connection to the Bombardier facility being built. It is proposed that the easement to Alectra will be released concurrent with the transfer of lands to the GTAA.

If negotiations with the GTAA are successful, approval of the recommendations in this report will provide the Commissioner with authority to execute a land exchange agreement.

Prior to the sale of the subject lands, public notice will have been given by the posting of a notice of proposed sale 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 before the execution of the agreement for the sale of the said lands. This notice satisfied the requirement of the City Notice By-Law 0215-2008, as amended by By-Law 0376-2008.

## Financial Impact

The financial impacts resulting from the recommendations from this report are minimal and can be covered through existing capital project number 16197.

## Conclusion

As the Bramalea Lands are not required for municipal purposes, it is reasonable to declare them surplus to the City and to authorize execution of a land exchange agreement with the federal Crown in the event negotiations are successful.

## Attachments

- Appendix 1: Approximate location of City lands to be declared surplus on south of Bramalea Road and Derry Road East, part of PIN 13527-0052. (Ward 5)
- Appendix 2: Plan showing the portion of Bramalea Road to be declared surplus, Part 1 on Reference Plan 43R-32747
- Appendix 3: Plan showing a portion of Bramalea Road already closed and declared surplus, Part 22 on Reference Plan 43R-25151



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

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