

Date: December 12, 2022	Originator's files: PO.11.BEV
To: Chair and Members of General Committee	
From: Shari Lichterman, CPA, CMA, Commissioner of Corporate Services and Chief Financial Officer	Meeting date: January 11, 2023

Subject

Request for Authority to Stop-up, Close and Declare Surplus City-owned lands adjacent to 5, 7 and 9 Beverley Street, and 7198 Airport Road (Ward 5)

Recommendation

1. That a by-law be enacted authorizing the closure of a portion of City-owned lands consisting of a 1.82 metre (6 foot) wide lane, being comprised of approximately 151.6 square metres (1,631.8 square feet), 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, Part 1 on Reference Plan 43R-40552, and forming part of PIN 13273-1125(LT) (the "Subject Lands").
2. That City staff be authorized to register a certified copy of the Closure By-Law against title to the lands described within Schedule 'A' of the By-Law in the appropriate Land Registry Office.
3. That City-owned lands consisting of a 1.82 metre (6 foot) wide lane, identified as Part 1 on Reference Plan 43R-40552, comprising an area of approximately 151.6 square metres (1,631.8 square feet), be declared surplus to the City's requirements for the purpose of a proposed sale to 2862505 Ontario Limited at market value, for the inclusion in a future development application.
4. That all steps necessary to comply with the requirements of Section 2(3) of the 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.
5. That all necessary by-laws be enacted.

Executive Summary

- Staff is seeking authority to stop-up, close and declare the City-owned Subject Lands surplus to City requirements for the purpose of disposition.
- The Subject Lands are a 1.82 metre (6 foot) wide section of untraveled road allowance. The adjacent property owner has expressed an interest in purchasing the Subject Lands in order to facilitate their plan to redevelop their lands known municipally as 5, 7 and 9 Beverly Street and 7198 Airport Road.
- It has been determined that the Subject Lands are not required, and all departments have concluded the property may be declared surplus to City needs.

Background

The City is the registered owner of an untraveled road allowance, being all of PIN 13273-1125(LT). The owner of the adjacent property, 2862505 Ontario Limited (“2862505”), has approached the City expressing an interest in purchasing the Subject Lands in order to facilitate their plan to redevelop their lands by including a portion of the City lands in a development proposal for the properties known municipally as 5, 7 and 9 Beverly Street and 7198 Airport Road. The Subject Lands are shown on the sketch attached hereto as Appendix 2.

At its meeting on July 6, 2022, Council approved a by-law which authorized the execution of an Authorization Letter which allowed for the Subject Lands to be included within 2862505’s development application for 5, 7 and 9 Beverley Street and 7198 Airport Road, allowing them to make a development application to the City without undue delay associated with the road closure, surplus declaration and sale process. At the time of preparing this report a formal development application has not been submitted by 2862505.

Comments

The Subject Lands are a 1.82 metre (6 foot) wide section of untraveled road allowance, identified as Part 1 on Reference Plan 43R-40552, which are not viable on their own and it is appropriate for them to be redeveloped in conjunction with the abutting 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, and at market value.

A circulation to various utility companies will be undertaken and easement protection over the Subject Lands shall be granted, if required.

Notice of the road closure contemplated in this report has been undertaken to satisfy the requirements of City Notice By-law 0215-2008, as amended by By-law 0376-2008.

Once the road closure and the surplus declaration are completed, City staff will negotiate with 2862505 towards the completion of a sale. It is anticipated that the sale price of the Subject Lands will fall under the \$1,000,000 threshold authorized for the approval and execution of real estate agreements under Real Estate Delegation Authority By-Law 0136-2022. Following successful negotiations for the sale of the City-owned lands to 2862505, the Agreement of Purchase and Sale, and any other ancillary documents or agreements required, will be executed by the appropriate level of authority as outlined under By-Law 0136-2022.

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 satisfies the requirements of the City Notice By-law 0215-2008, as amended by by-law 0376-2008.

Financial Impact

There is no financial impact from declaring the lands surplus. Revenue will be generated by the subsequent sale.

Conclusion

As the Subject Lands identified in this report as Part 1 on Reference Plan 43R-40552 are not required for City municipal purposes, they can be stopped-up and closed as road and declared surplus to municipal purposes. It is reasonable to declare the lands outlined in this report surplus in order to facilitate the proposed sale to 2862505.

Attachments

Appendix 1: Location Map of the Subject Lands

Appendix 2: Reference Plan 43R-40552 showing Part 1 to be declared surplus.



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

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