

City of Mississauga
Corporate Report



<p>Date: April 15, 2024</p> <p>To: Chair and Members of General Committee</p>	<p>Originator's files:</p>
<p>From: Raj Sheth, P.Eng, Commissioner of Corporate Services</p>	<p>Meeting date: May 8, 2024</p>

Subject

Surplus Land Declaration for the purposes of disposal of City-owned lands located at 1720 Sherwood Forrest Circle (Ward 8)

Recommendation

1. That the City-owned lands located at 1720 Sherwood Forrest Circle, south of Dundas Street East and east of Mississauga Road, containing an area of approximately 455.62 square metres (4,904.41 square feet), legally described as Block F, Plan M151, under the Land Titles Act as PIN 13440-0036(LT), in the City of Mississauga, Regional Municipality of Peel (Ward 8), be declared surplus to the City's requirements (the "Subject Lands") as outlined in the corporate report dated April 15, 2024 and titled "Surplus Land Declaration for the purposes of disposal of City-owned lands located at 1720 Sherwood Forrest Circle (Ward 8)" from the Commissioner of Corporate Services.
2. That Realty Services staff be authorized to sell the Subject Lands and in so doing, enter into negotiations for a possible sale to the adjacent property owner, Argo Sherwood Forrest Limited and Sherwood Forrest Limited Partnership ("Argo"), on an "as-is/where-is" basis and at fair market value.
3. That the Manager of Realty Services be authorized to execute a conditional authorization letter, and any other documentation ancillary thereto, all in form and content acceptable to the City Solicitor, to allow Argo to include the Subject lands as part of their development application for the adjacent lands legally described as Part Lot 3, Range 1, South of Dundas Street, Racey Tract, Part 1, Plan 43R-41162 (PIN 13440-0398), (the "Argo Lands").
4. That all steps necessary to comply with the requirements of Section 2 (3) of the City Notice By-law 0215-2008, as amended, 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 all necessary by-laws be enacted.

Executive Summary

- Realty Services has completed its circulation and received confirmation that there are no concerns with the Subject Lands being declared surplus to the City's requirements and sold, at fair market value. The lands will be sold on an "as-is, where-is" basis.
- A circulation to various utility companies has been undertaken and easement protection over Block F, Plan M151 will be granted if required by any of the utility companies.
- Prior to the sale of the Subject Property, 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 sale of the said lands. This notice satisfied the requirements of the City Notice By-law 0215-2008, as amended by By-law 0376-2008.
- In order to assist Argo with its timelines, staff is supportive of the City allowing Argo to submit the development application for the Argo Lands with the Subject Lands. It should be noted that allowing the Subject Lands to be included in Argo's proposed development application will not fetter Council's discretion to approve or disapprove the development application. The City will retain the right to revoke the letter of authorization.

Background

The City is the registered owner of the Subject Lands.

At its meeting of July 13, 1977, by Recommendation No. 968, General Committee approved a report dated July 6, 1977, from the Commissioner of Engineering, Works and Building with reference to Sherwood Forrest Subdivision Development, registered Plans M-115 and M-151. The report pertains to the access route to the property owned by the Carmelite Sisters of Canada ("Carmelite Sisters"). The report states that in accordance with letter dated June 14, 1977, the City of Mississauga's Planning Department approached the Carmelite Sisters to alter the access to their property from Dundas Street East. The report recommended that the City of Mississauga pay to the Carmelite Sisters the amount of \$5,440.00, being the cost of constructing a new driveway from Sherwood Forrest Subdivision, on the understanding that the Carmelite Sisters will not object to the closing of the access onto Dundas Street East, by the City, after January 1, 1979.

Argo purchased the Argo Lands from Carmelite Sisters on July 21, 2023. Argo has now approached the City expressing an interest in purchasing the Subject Lands to incorporate them into a proposed development of the Argo Lands. In order to facilitate their application to redevelop the Argo Lands, staff is proposing to allow for the City Lands to be included within Argo's development application, while the Subject Lands are undergoing the City's surplus declaration process and while the City and Argo negotiate an agreement of purchase and sale, at fair market value and on an "as-is/where-is" basis. Providing Argo with an authorization letter at this time would allow Argo to proceed with its development application without having to wait for the required surplus declaration and sale of the Subject Lands.

The Acquisition and Disposal of Interests in Real Property policy requires that Council declare the required lands surplus prior to a sale, at fair market value.

Comments

The Subject Lands currently provides access to the Argo Lands.

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

The Subject Lands have been circulated to various external utility companies and easement protection over Block F, Plan M151 will be granted if required by any of the utility companies.

In order to assist Argo with its timelines, staff is supportive of the City allowing Argo to submit the development application for the Argo Lands with the Subject Lands as well. It should be noted that allowing the Subject Lands to be included in Argo's proposed development application will not fetter Council's discretion to approve or disapprove the development application. The City will retain the right to revoke the letter of authorization.

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

Prior to the sale of the Subject Property, 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 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.

If a sale of the Subject Lands is successfully negotiated, an Agreement of Purchase and Sale to convey the Subject Lands will be signed pursuant to Real Estate Delegation of Authority By-law 0004-2024. Should the fair market value of the Subject Lands exceed the limits of delegated authority, staff shall report to Council to seek authority to execute an Agreement of Purchase and Sale.

Financial Impact

There is no adverse financial impact resulting from the Recommendation in this report. However, there will be revenue generated for the City by any sale of the Subject Lands.

Conclusion

As the Subject Lands are not required for municipal purposes, and in anticipation of a potential sale of the Subject Lands to Argo, on an 'as-is/where-is" basis and at fair market value, it is reasonable for the City to declare the Subject Lands surplus and to authorize Argo to include the Subject Lands as part of their Argo development application.

Attachments

Appendix 1: Approximate location of the Subject Lands at 1720 Sherwood Forrest Circle to be declared surplus.



Raj Sheth, P.Eng, Commissioner of Corporate Services

Prepared by: Susy Costa, Project Leader, Realty Services, Corporate Business Services