
REPORT TITLE: **Proposed Surplus and Transfer of a Portion of Region Owned Land Located at 2596 Mayfield Road to The Corporation of the Town of Caledon – Town of Caledon, Ward 2**

FROM: Gary Kent, Chief Financial Officer and Commissioner of Corporate Services
 Kealy Dedman, Commissioner of Public Works

RECOMMENDATION

That the fee simple interest in lands described as Part of Lot 18, Concession 1, West of Hurontario Street, Town of Caledon (formerly Township of Chinguacousy), Regional Municipality of Peel, designated as Parts 7, 11, 12 and 13 on Reference Plan 43R-39587 be declared surplus to the needs of The Regional Municipality of Peel;

And further, that The Regional Municipality of Peel, as vendor, enter into an Offer to Purchase Agreement with The Corporation of the Town of Caledon, as purchaser, for the non-gratuitous transfer of the fee simple interest in lands described as Part of Lot 18, Concession 1, West of Hurontario Street, Town of Caledon (formerly Township of Chinguacousy), Regional Municipality of Peel, designated as Parts 7, 11, 12 and 13 on Reference Plan 43R-39587;

And further, that the Regional Solicitor be authorized to complete any and all transactions, including the execution of all agreements, documents, affidavits, statutory declarations, and undertakings necessary or desirable for the purpose of facilitating and completing the transfer of land contemplated in the report of the Chief Financial Officer and Commissioner of Corporate Services and the Commissioner of Public Works, listed on the July 8, 2021 Regional Council agenda titled “Proposed Surplus and Transfer of a Portion of Region Owned Land Located at 2596 Mayfield Road to The Corporation of the Town of Caledon – Town of Caledon, Ward 2”.

REPORT HIGHLIGHTS

- The Town of Caledon requires the lands identified in this report to be dedicated as part of the future north extension of Van Kirk Drive and ancillary uses in the Town of Caledon’s (the “Town”) public highway network and storm water management system for the Mayfield West Phase 2 secondary planning area.
- The Regional Municipality of Peel (the “Region”) has previously entered into a Joint Municipal Project Reimbursement Agreement with the Town, in accordance with Section 4.2 of Schedule 1 of the Document Execution By-law 32-2017 as amended, by By-law 6-2020, providing for how the Region and the Town would go about acquiring, using and disposing to the Town in part, the lands at 2596 Mayfield Road with those lands becoming part of both the Region’s Mayfield Road widening requirements and the future north extension of Van Kirk Drive and ancillary uses, which is under the Town’s jurisdiction.

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DISCUSSION

Mayfield Road is a major east-west arterial road within the Region's transportation system and is a boundary road between the City of Brampton and the Town of Caledon. Widening and improvements are required on Mayfield Road west of Chinguacousy Road to the west side of Hurontario Street to accommodate projected traffic demands associated with growth in the Region over the next 20-25 years. The Town has confirmed that it will extend Van Kirk Drive, from the south side of Mayfield Road north through the eastern half of 2596 Mayfield Road, as part of the development of the municipal road network for the Mayfield West Phase 2 secondary planning area. 2596 Mayfield Road is on the north side of Mayfield Road within the area of both the Region's road widening and improvements project and is also directly impacted by the Town's project to extend Van Kirk Drive. Due to the high degree of impacts from both the Region's project and the Town's municipal road network and ancillary requirements, 2596 Mayfield Road was acquired by the Region, in its entirety for \$1,325,000 (the "Purchase Price"), based upon a third party appraisal valuation, obtained by the Region, approved by Regional Council on April 9, 2020 under resolution 2020-302-1.

Section 42 of the *Expropriations Act R.S.O., 1990* (the "Act") states that the expropriating authority shall not, without the approval of the approving authority, dispose the lands without giving the owners from whom the lands was taken the first chance to repurchase the lands on the terms of the best offer received by the expropriating authority. However, because 2596 Mayfield Road was acquired under an Offer to Sell Agreement dated February 13, 2020 in which the owner waived rights to Sections 41 and 42 under the Act, notice to the previous owner is not required.

The Region and the Town entered into a Joint Municipal Project Reimbursement Agreement (the "Agreement") on February 2, 2021 acknowledging and agreeing that after the purchase of the 2596 Mayfield Road property the lands from that property necessary to achieve the ultimate Mayfield Road right of way would be surveyed for road dedication and the lands remaining net of road dedications would be transferred by the Region to the Town with the sale price to be paid by the Town to the Region to be determined according to the Agreement and in accordance with the Region's By-law 23-95 which Establishes Procedures Governing the Sale and Disposition of Real Property. The Agreement provides that 62 per cent (\$821,500) of the Purchase Price for the acquisition of 2596 Mayfield Road shall be borne by the Town and 38 per cent (\$503,500) by the Region. In addition, surveying, appraisal and costs related to acquiring the entirety of 2596 Mayfield Road and the estimated transfer costs of conveying lands to be identified as surplus in this report, are to be shared equally between the Town and the Region on a 50/50 split.

The portions of the 2596 Mayfield Road lands which are to be conveyed to the Town are identified as Parts 7, 11, 12 and 13 on Reference Plan 43R-39587, as shown outlined in yellow on the attached Appendix II (the "Lands"). This report seeks authority to convey those lands to the Town in consideration of the Town paying the Region its \$821,500 contribution towards the Region's Purchase Price and 50 per cent of the estimated transfer costs of having acquired 2596 Mayfield Road for Regional and Town purposes.

Staff completed an internal and external circulation to determine if there were any objections to the transfer of the Region's interest in the Lands to the Town so that the Lands could be

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dedicated as part of the future north extension of Van Kirk Drive and ancillary uses. No objections were received.

Town staff have confirmed the Town will accept the non-gratuitous transfer of the Lands for inclusion and dedication of the Lands as part of the future north extension of Van Kirk Drive and ancillary uses.

Regional Council approval is required to declare surplus and dispose of the Region's interest in the Lands.

Regional By-law 23-95 establishes procedures governing the sale and disposition of real property. Pursuant to By-law 23-95, the following shall apply to the Lands:

1. In accordance with Subsection 3(a), the subject lands are classified as having no general demand or market.
2. In accordance with Subsection 4(a), an external appraisal was obtained.
3. In accordance with Subsection 4(b), the only transferee is The Corporation of the Town of Caledon.

Notice to the public of the proposed transfer will be given by posting of a Public Notice from July 5, 2021 to July 8, 2021 inclusive in the lobby of Suite A and B of Regional Headquarters at 10 Peel Centre Drive, Brampton and on the Notice Page of the Region's website, as designated by the Regional Clerk.

RISK CONSIDERATIONS

The transfer of the Lands described in this report poses no risk to the Region.

FINANCIAL IMPLICATIONS

The Region and the Town have agreed that the Town will reimburse the Region for the Town's portion of the acquisition of the Lands based on the Agreement and the external appraisal. The proceeds will be deposited to Cost Centre #13-4055, from where the original acquisition was funded.

APPENDICES

Appendix I – Location Map

Appendix II – Site Sketch

For further information regarding this report, please contact Lori-Ann Thomsen, Manager, Real Property and Facility Acquisitions, Real Estate, Ext. 7636, lori-ann.thomsen@peelregion.ca

Authored By: Tony Zois

Reviewed and/or approved in workflow by:

Department Commissioners, Division Directors, Financial Support Units and Legal Services.