
REPORT TITLE: Proposed Surplus and Transfer of 0.3m Reserves to The Corporation of the City of Brampton and Permanent Easement Rights to Alectra Utilities Corporation Abutting Embleton Road Between the Limits of Regional Roads 1 and 19 – City of Brampton, Ward 6

FROM: Gary Kent, CPA, CGA, ICD.D, Chief Financial Officer and Commissioner of Corporate Services

RECOMMENDATION

- 1. That the fee simple interest in lands described as:**
 - a. Part of East Half of Lot 5, Concession 5, West of Hurontario Street, City of Brampton (formerly Township of Chinguacousy), Regional Municipality of Peel, designated as Part 2 on Reference Plan 43R-27848; and**
 - b. Part of East Half of Lot 5, Concession 5, West of Hurontario Street, City of Brampton (formerly Township of Chinguacousy), Regional Municipality of Peel, designated as Part 6 on Reference Plan 43R-27848; and**
 - c. Part of Lot 6, Concession 6, West of Hurontario Street, City of Brampton (geographic Township of Chinguacousy), Regional Municipality of Peel, designated as Part 3 on Reference Plan 43R-27617; and**
 - d. Part of Lot 6, Concession 5, West of Hurontario Street, City of Brampton (originally Township of Chinguacousy), Regional Municipality of Peel, designated as Parts 2, 4, 6, 8, 11 and 12 on Reference Plan 43R-37233,****be declared surplus to the needs of The Regional Municipality of Peel and transferred gratuitously to The Corporation of the City of Brampton; and**

- 2. That permanent hydro easement interests in lands described as:**
 - a. Part of Lot 5, Concession 5, West of Hurontario Street, City of Brampton (formerly Township of Chinguacousy) Regional Municipality of Peel designated as Parts 1 and 2 on draft reference plan 22-234RP01 prepared by KRCMAR; and**
 - b. Part of Lot 6, Concession 6, West of Hurontario Street, City of Brampton (formerly Township of Chinguacousy) Regional Municipality of Peel, designated as Part 1 on draft reference plan 22-234RP03 prepared by KRCMAR,****be declared surplus to the needs of The Regional Municipality of Peel and transferred gratuitously to Alectra Utilities Corporation; and**

- 3. That the Regional Solicitor be authorized to complete any and all transactions, including the execution of all agreements, documents, affidavits, statutory declarations, and undertakings required for each property outlined in the report from the Chief Financial Officer and Commissioner or Corporate Services listed on the February 23, 2023 Regional Council agenda titled “Proposed Surplus and Transfer of 0.3m Reserves to The Corporation of the City of Brampton and**

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and

- 4. That a copy of the subject report be forwarded to The Corporation of the City of Brampton for information purposes.**

REPORT HIGHLIGHTS

- The Regional Municipality of Peel is the registered owner of 0.3 metre reserves abutting Embleton Road between the limits of Regional Road 1 (Mississauga Road) and Regional Road 19 (Winston Churchill Boulevard) in the City of Brampton.
- Embleton Road (former Regional Road 6) was transferred to The Corporation of the City of Brampton on October 15, 2021, under Resolution 2021-962.
- As the 0.3 metre reserves are not part of the existing public highway these lands were not included with the Embleton Road transfer.
- Embleton Road is now under the jurisdiction of The Corporation of the City of Brampton. The Regional Municipality of Peel no longer requires the 0.3 metre reserves.
- Staff recommend the gratuitous transfer of the 0.3 metre reserves to The Corporation of the City of Brampton.
- Alectra Utilities Corporation has identified infrastructure within portions of the 0.3 metre reserves and have requested permanent easement interests to protect their infrastructure.
- Regional Council approval is required to declare the fee simple and permanent easement interests as surplus and to transfer gratuitously to each party.

DISCUSSION

1. Background

The Regional Municipality of Peel (the “Region”) is the owner of 0.3 metre reserves abutting Embleton Road between the limits of Regional Road 1 (Mississauga Road) and Regional Road 19 (Winston Churchill Boulevard) in the City of Brampton legally described as:

- a. Part of East Half of Lot 5, Concession 5, West of Hurontario Street, City of Brampton (formerly Township of Chinguacousy), Regional Municipality of Peel, designated as Part 2 on Reference Plan 43R-27848, with an area of approximately 17 square metres.
- b. Part of East Half of Lot 5, Concession 5, West of Hurontario Street, City of Brampton (formerly Township of Chinguacousy), Regional Municipality of Peel, designated as Part 6 on Reference Plan 43R-27848, with an area of approximately 8 square metres.
- c. Part of Lot 6, Concession 6, West of Hurontario Street, City of Brampton (geographic Township of Chinguacousy), Regional Municipality of Peel, designated as Part 3 on Reference Plan 43R-27617, with an area of approximately 10 square metres.
- d. Part of Lot 6, Concession 5, West of Hurontario Street, City of Brampton (originally Township of Chinguacousy), Regional Municipality of Peel, designated as Parts 2, 4, 6, 8, 11 and 12 on Reference Plan 43R-37233, with an area of approximately 31.4 square metres.
(collectively the “Subject Lands”) as shown on the attached Appendix I – Location Map.

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On October 15, 2021, the Region's former Regional Road 6 (Embleton Road) was transferred to The Corporation of the City of Brampton (the "City") under Resolution 2021-962. The Subject Lands were not part of the existing public highway and were not included with the original transfer of Embleton Road to the City. The Region no longer requires the Subject Lands as jurisdiction of Embleton Road is the City's.

Staff completed internal and external circulations to determine if there were any objections to the transfer of the fee simple interests in the Subject Lands to the City. No objections were received.

As part of the circulation Alectra Utilities Corporation (the "Alectra") expressed interest in obtaining permanent easement interests in portions of the Subject Lands for the purposes of installing and maintaining its lines of electrical power and service wires and cables and equipment and all appurtenances and accessories prior to the Subject Lands being transferred to the City legally described as:

- a. Part of Lot 5, Concession 5, West of Hurontario Street, City of Brampton (formerly Township of Chinguacousy) Regional Municipality of Peel, designated as Parts 1 and 2 on draft reference plan 22-234RP01 prepared by KRCMAR, with an area of approximately 2.2 square metres; and
- b. Part of Lot 5, Concession 5, West of Hurontario Street City of Brampton (formerly Township of Chinguacousy) Regional Municipality of Peel, designated as Part 1 on draft reference plan 22-234RP03 prepared by KRCMAR, with an area of approximately 0.9 square metres

(collectively the "Permanent Easement Lands") as shown on the attached Appendix II – Draft Reference Plans.

The City is aware of the Region's intention to transfer the permanent hydro easement interests to Alectra, and the City does not object.

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 Subject Lands and the Permanent Easement Lands.

- a. In accordance with Subsection 3(a), the Subject Lands and Permanent Easement Lands have no general demand or market.
- b. In accordance with Subsection 4, the Subject Lands and Permanent Easement Lands are exempt from the requirement to obtain an appraisal.

Notice to the public of the proposed transfers will be given by posting of a Public Notice from [February 20, 2023 to February 23, 2023] inclusive, in the lobby of Suite A and B of Regional Headquarters at 10 Peel Centre Drive, Brampton, and on the Notice of the Region's website, as designated by the Regional Clerk.

RISK CONSIDERATIONS

The transfer of the Subject Lands and Permanent Easement Lands described in this report poses no risk to the Region.

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FINANCIAL IMPLICATIONS

As the obligations for maintenance and liability of Embleton Road has already been transferred to the City of Brampton, the City will assume all costs related to the Subject Lands.

APPENDICES

Appendix I – Location Map
Appendix II – Draft Reference Plans

G. Kent.

Gary Kent, CPA, CGA, ICD.D, Chief Financial Officer and Commissioner of Corporate Services

*Authored By: Lori-Ann Thomsen, Manager, Real Property and Facility Acquisitions
ROS-22265*