

City of
Peterborough

To: **Members of the Committee of the Whole**

From: **Patricia Lester, City Solicitor and Director of Legal Services**

Meeting Date: **February 27, 2017**

Subject: **Report OCSRE17-002**
Sale of Surplus Land – 1309 Cedargrove Drive

Purpose

A report to recommend that 1309 Cedargrove Drive be declared surplus to the needs of the Municipality and transferred to the adjacent property owner at 1311 Cedargrove Drive.

Recommendation

That Council approve the recommendation outlined in Report OCSRE17-002 dated February 27, 2017, of the City Solicitor and Director of Legal Services as follows:

That a by-law be passed to authorize 1309 Cedargrove Drive, legally described as Block G, Plan 299 (see Appendix A), be declared surplus to the needs of the Municipality and transferred to the adjacent property owner at 1311 Cedargrove Drive for \$6,500.00.

Budget and Financial Implications

The proceeds of the sale of 1309 Cedargrove Drive will be allocated to the General Property Reserve Account.

Background

1309 Cedargrove Drive (the “Subject Property”) was acquired by the City many years ago as a possible location for a walkway to provide access between subdivisions. The subject property was never utilized because an alternate walkway was established further down the street which provided better access. As a result the subject property remained in City ownership and was never developed as a walkway

In July of 2016, the City received a complaint from the owner of 1305 Cedargrove Drive that the owner of 1311 Cedargrove Drive had recently erected a fence on the “Subject Property”. A site inspection confirmed the existence of this fence and the owner of 1311 Cedargrove Drive was contacted to inform her that this encroachment was not permitted. The owner of 1311 Cedargrove Drive subsequently wrote to the City indicating her desire to purchase the Subject Property.

An old drainage catch basin (See Appendix B, page 2), is located on the Subject Property which does not currently serve a municipal purpose. It was historically installed to help divert storm water from the walkway if that walkway was ever built. The Utility Service Department has confirmed that there is no requirement for the City to maintain ownership, care and control of this catch basin.

An Agency Circulation to relevant City Departments was sent out seeking any background issues or objections in August 2016. No objections to the proposed sale were received, including to the sale of the catch basin. The City also contacted the owner at 1305 Cedargrove Drive who has confirmed in writing that he has no interest in acquiring part of the subject property.

If the City sells the Subject Property to the owner of 1311 Cedargrove Drive, the ownership, care and control of the catch basin will also be transferred to the owner. The owner will also be required to consolidate ownership of the Subject Property with 1311 Cedargrove Drive. The owner of 1311 Cedargrove Drive has agreed to acquire all of the Subject Property and is in agreement with the terms of sale set out in this report.

The Subject Property is approximately 195.1 Square metres in size, (2,100 ft²) and it has no significant value because its size makes it undevelopable. The owner of 1311 Cedargrove Dr. wishes to legitimize her use of the Subject Property by purchasing it.

The Parks Levy Committee calculated Subject Property’s value is \$6,500.00. The purchaser will have to pay land transfer tax and any administrative costs associated with the transfer.

It is recommended that Council declare the Subject Property surplus and authorize its sale to the owner of 1311 Cedargrove Drive.

Submitted by,

Patricia Lester
City Solicitor and Director of Legal Services

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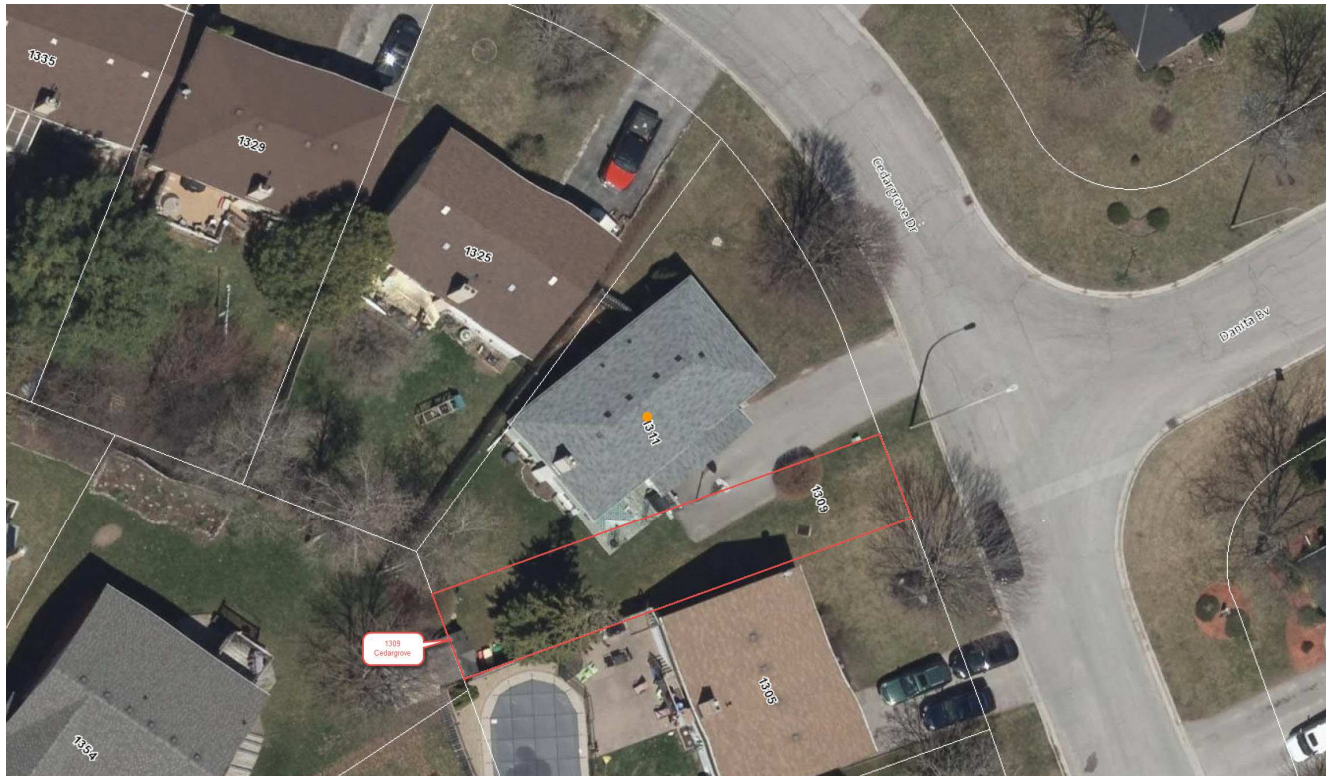
Attachments:

Appendix A - Property location
Appendix B - Photos of property

Appendix A (property location) – Page 1 of 1



Appendix B – (property photos) – Page 1 of 2

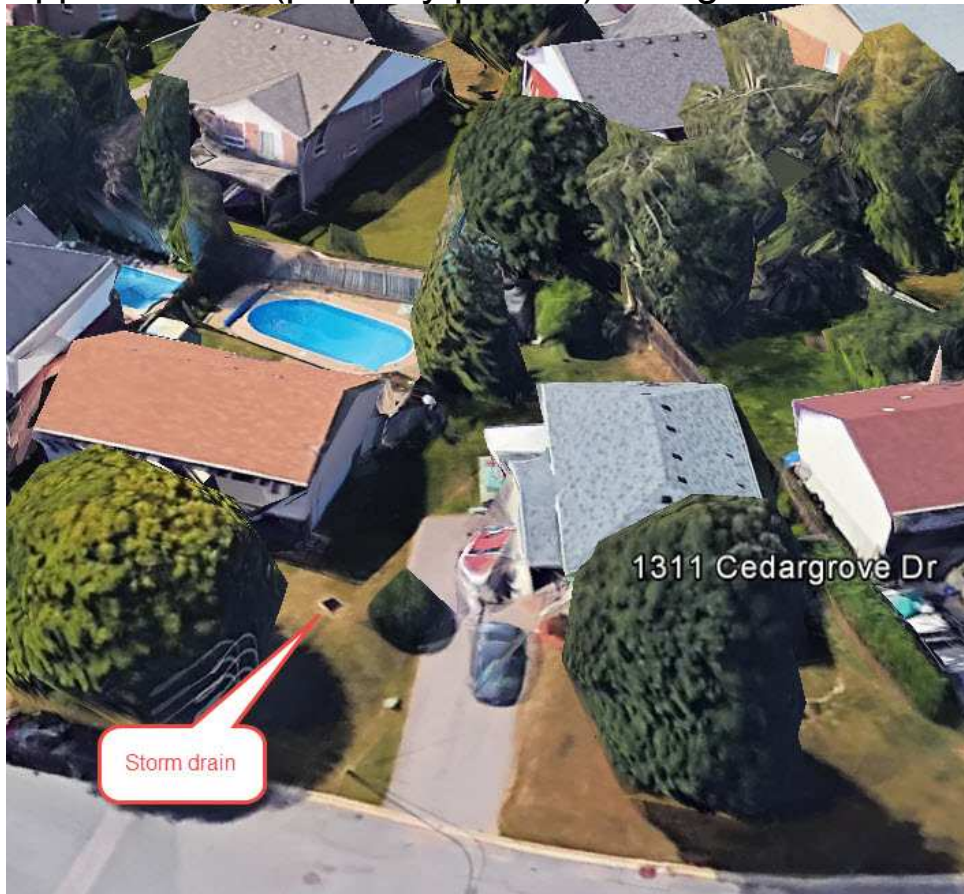


Complete City owned Parcel at 1309 Cedargrove



Existing back yard at 1311 Cedargrove with fence encroachment

Appendix B – (property photos) – Page 2 of 2



Aerial view of the Catch Basin



Catch Basin looking toward the street