

To: Economic and Development Services Committee

From: Warren Munro, HBA, MCIP, RPP, Commissioner,  
Economic and Development Services Department

Report Number: ED-23-141

Date of Report: September 6, 2023

Date of Meeting: September 11, 2023

Subject: Declaration of Certain City-owned Lands as Surplus: Portion of  
the Cromwell Avenue Road Allowance, north of Highway 401,  
east of Park Road South

Ward: Ward 5

File: 12-14-2140

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## **1.0 Purpose**

The purpose of the Report is to recommend that a portion of the City-owned Cromwell Avenue road allowance located north of Highway 401, east of Park Road South (the “Subject Site”), be declared surplus to municipal needs and requirements (see Attachments 1, 2 and 3).

Attachment 1 is a map showing the location of the Subject Site and the existing zoning in the area.

Attachment 2 is an air photo of the Subject Site showing key site features and the neighbouring properties.

Attachment 3 is a current photo of the Subject Site, taken by Planning Services staff on June 13, 2023.

Confidential Attachment 4 is a copy of Closed Correspondence ED-23-131, concerning a request to purchase the Subject Site, which was referred to staff for a report on June 5, 2023.

## **2.0 Recommendation**

That the Economic and Development Services Committee recommend to City Council:

1. That pursuant to Report ED-23-141 dated September 6, 2023, a portion of the City-owned Cromwell Avenue road allowance located north of Highway 401, east of Park Road South, be declared surplus to municipal requirements and that the requirement to

declare a City-owned property first as potentially surplus in accordance with By-law 178-2022, be waived given the localized nature of the matter.

2. That pursuant to Report ED-23-141 dated September 6, 2023, all notice requirements in accordance with By-law 178-2022 be waived given the localized nature of Council's decision to declare the subject portion of the City-owned Cromwell Avenue road allowance as surplus.

### **3.0 Executive Summary**

Not applicable.

### **4.0 Input From Other Sources**

The following have been consulted in the preparation of this Report:

- Commissioner, Community and Operations Services
- Commissioner, Corporate and Finance Services
- City Solicitor

### **5.0 Analysis**

#### **5.1 Background**

On June 5, 2023, the Economic and Development Services Committee considered Closed Correspondence ED-23-131 (see Confidential Attachment 4) concerning a request to purchase the Subject Site and referred it to staff for a report.

#### **5.2 Subject Site Details**

The City owns the Subject Site, located north of Highway 401, east of Park Road South, which forms part of the Cromwell Avenue road allowance.

The following are key details about the Subject Site:

- **Area:** Approximately 1,102 square metres (11,861.83 sq. ft.)
- **Frontage:** Approximately 21.68 metres (71.13 ft.)
- **Official Plan Designation:** Residential
- **Zoning:** R2 (Residential), as defined pursuant to paragraph (c) of Article 3.8.2 of Zoning By-law 60-94
- **Use:** Vacant unimproved road allowance
- **Adjacent Uses:**

**North:** Single detached dwellings fronting onto Cromwell Avenue and College Avenue

**South:** Highway 401

**East:** Single detached dwellings

**West:** Park Road South

## **5.3 Declaring City Land Potentially Surplus and Surplus**

### **5.3.1 General Procedures**

Before the City can dispose of any land, Council must declare the land surplus to municipal requirements.

The City's Real Estate Acquisition and Disposition By-law 178-2022 ("By-law 178-2022") and best practices set out the following process for declaring any City holdings surplus to municipal requirements.

- Interested parties may approach the City from time to time with a request to purchase City land that has not been declared surplus to municipal requirements or the City may initiate the process itself;
- Requests are typically presented to the Economic and Development Services Committee for direction;
- In most cases, the Economic and Development Services Committee refers the request to staff for a report;
- The Economic and Development Services Department prepares an open session staff report to the Economic and Development Services Committee that includes a recommendation on whether the City lands should be declared potentially surplus;
- If Council determines that the City land may not be required for municipal purposes it deems the City land potentially surplus in open session;
- Staff initiate the potential disposition by issuing a notice inviting the public to provide comments in response to the declaration of the City land as potentially surplus which may include:
  - Advertisements in local newspapers;
  - Listing the property on the Council agenda and/or the City's website as potentially surplus; and,
  - Any other means of communication that is deemed appropriate in order to give the public notice;
- The Economic and Development Services Department prepares an open session staff report outlining any public comments received in response to the notice and providing a recommendation on whether the City land should be formally declared surplus to municipal requirements and disposed of; and,

- Council makes a decision on whether to declare the City lands surplus and initiate a disposal process or to retain the property in City ownership.

If, based on the site specific circumstances or the localized nature of a matter, Council deems it appropriate to adjust the procedures set out above and included in By-law 178-2022, it may do so by resolution.

Given the localized nature of the matter, it is recommended that both the notice requirements and the requirement to declare a property as potentially surplus in accordance with By-law 178-2022 be waived. The disposal of City land, however, cannot occur unless the land has been formally declared surplus by Council resolution in open session.

### **5.3.2 Declaring the Subject Site as Surplus to Municipal Requirements**

The Subject Site, as identified in Attachments 1 and 3, should be declared surplus to municipal requirements for the following reasons:

- It is not required for any identified core City purpose;
- Its disposition would reduce risk and future maintenance costs for the City;
- The disposal of the land will generate revenue for the City; and,
- There is interest from an abutting property owner in acquiring the Subject Site from the City.

Accordingly, it is recommended that the Subject Site located on the north side of Highway 401, east of Park Road South, as shown on Attachments 1 and 2, be declared surplus to municipal requirements.

### **5.4 Disposition of Public Highways**

Pursuant to Section 11.3.3 of By-law 178-2022, the following process applies when considering the disposition of a public highway:

“The CITY cannot consider DISPOSITION of any public HIGHWAY unless it has never been opened as a public HIGHWAY, or unless it has been closed as a public HIGHWAY. Where inquiries are made regarding the purchase of these lands and the HIGHWAY has not been closed, a closure procedure is required, in accordance with Section 34 of the Municipal Act, 2001, before DISPOSITION can occur.

In considering whether a HIGHWAY should be closed, Council may also consider whether the land is surplus to municipal needs. Where Council declares the property potentially surplus and surplus, consideration shall be given to the matters raised in Subsection 11.2.6 of this policy in the event of a prospective sale.

A declaration that the lands are potentially surplus or surplus can be revoked by the CITY at any time prior to a DISPOSITION of the same lands and the CITY

reserves the right to ultimately decide not to close the HIGHWAY or dispose of the land.”

### **5.5 Disposal of City Land Deemed Surplus**

In the event Council ultimately and formally declares a site surplus, the Economic and Development Services Department would prepare a report for the Economic and Development Services Committee and Council that sets out a recommended disposal strategy for the surplus City lands. The disposal strategy would address such matters as: responsibilities (e.g. staff lead vs. a real estate agent/broker, etc.); the most appropriate method of disposal (e.g. direct sale, tender, request for proposals, land exchange, etc.); the manner in which the sale price would be determined (e.g. one appraisal, more than one appraisal, letter of opinion, etc.); the best way to avoid or mitigate risk (e.g. the City does environmental studies/geotechnical studies/archeological studies vs. sell “as is where is”), timing of road closure, etc.

Given the Subject Site forms part of a public highway, the disposal strategy would provide direction with respect to the procedure to stop up and close the subject portion of the Cromwell Avenue road allowance prior to its disposition.

Once Council approves a disposal strategy, the Economic and Development Services Department would execute it and report back to the Economic and Development Services Committee and Council as appropriate.

### **6.0 Financial Implications**

There are no financial implications related to the Recommendation of this Report.

### **7.0 Relationship to the Oshawa Strategic Plan**

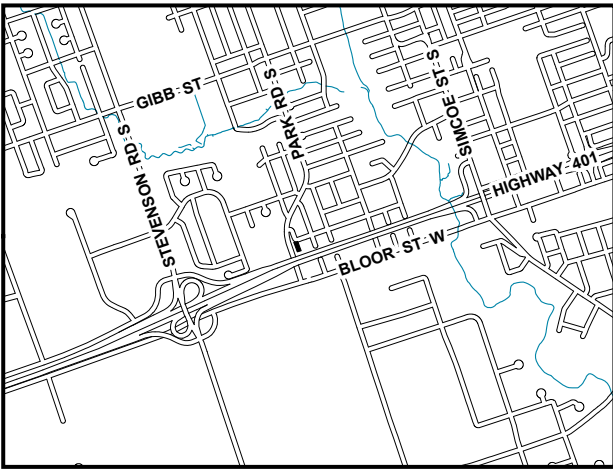
The Recommendation advances the Accountable Leadership and Economic Prosperity and Financial Stewardship goals of the Oshawa Strategic Plan.



Tom Goodeve, M.Sc.Pl., MCIP, RPP, Director,  
Planning Services



Warren Munro, HBA, MCIP, RPP, Commissioner,  
Economic and Development Services Department



**Item: ED-23-141  
Attachment 1**

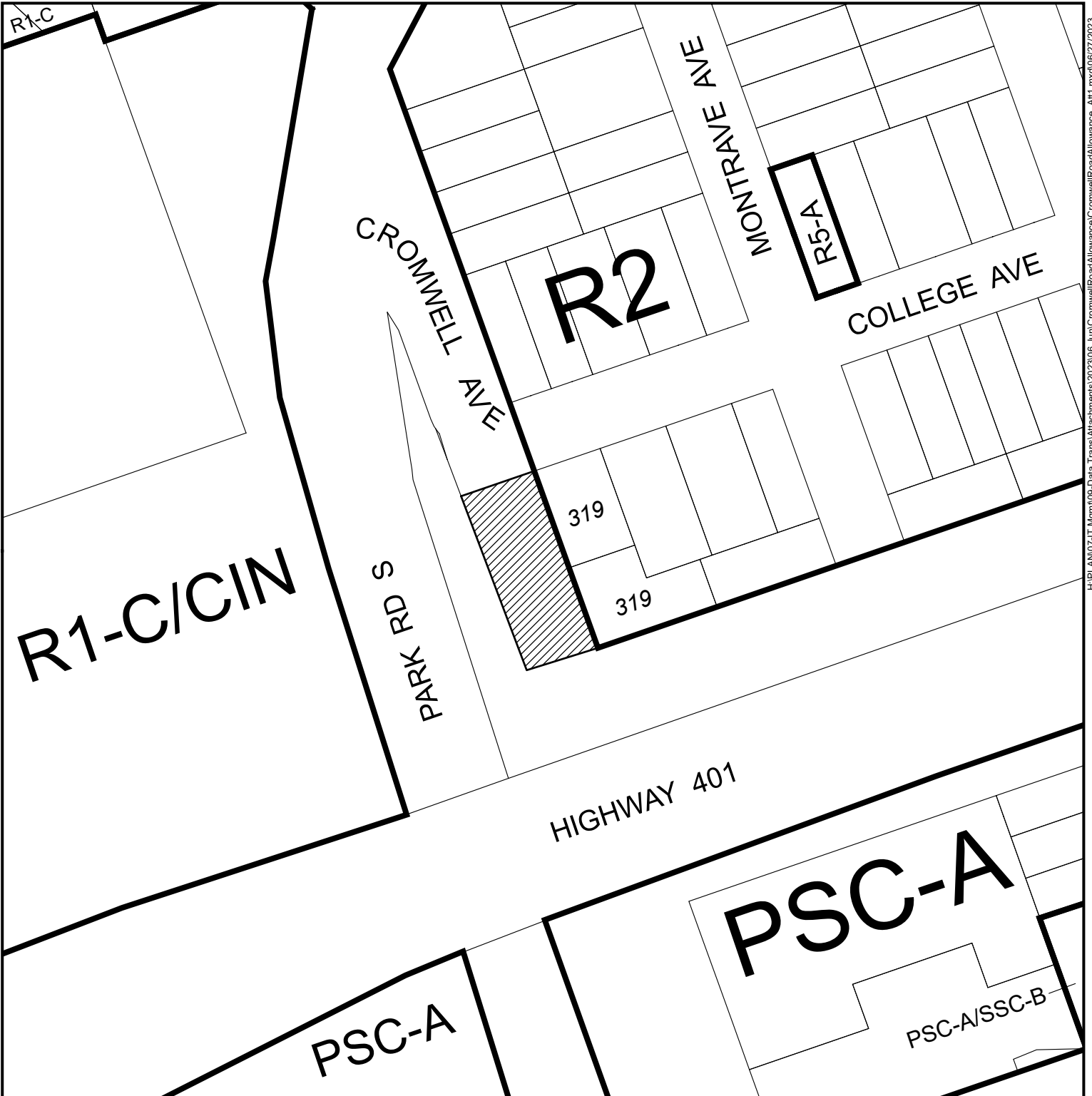
Economic and Development Services

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Subject Site 




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Item: ED-23-141  
Attachment 2

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 Subject Site

City of Oshawa  
Economic and Development Services 



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**Item: ED-23-141  
Attachment 3**

**Title:** Photo of Subject Site looking north towards Cromwell Avenue/College Avenue  
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