

To: Economic and Development Services Committee

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

Report Number: ED-23-140

Date of Report: September 6, 2023

Date of Meeting: September 11, 2023

Subject: Declaration of Certain City-owned Land as Surplus, Known  
Municipally as the Christine Crescent Right-of-Way

Ward: Ward 5

File: 12-14-2137

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## **1.0 Purpose**

The purpose of this Report is to recommend that the City-owned land known municipally as the Christine Crescent right-of-way (“R.O.W.”) (the “Subject Site”) be declared surplus to municipal needs and requirements (see Attachments 1 and 2).

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 neighbouring properties.

Attachment 3 is a photo of the Subject Site, taken by Planning Services staff on June 14, 2023.

Confidential Attachment 4 is a copy of Closed Correspondence ED-23-129 from an interested party seeking to potentially acquire 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-23-140 dated September 6, 2023, the City-owned land known municipally as the Christine Crescent right-of-way 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-23-140 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 City-owned land known municipally as the Christine Crescent right-of-way 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:

- Chief Administrative Officer
- 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-23-129 from an interested party seeking to potentially acquire the Subject Site and referred the request to Economic and Development Services staff for a report (see Confidential Attachment 4).

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

The City owns the Subject Site known municipally as the Christine Crescent R.O.W.

The following are key details about the Subject Site:

- **Area:** 0.17 hectares (0.42 ac.)
- **Frontage:** Approximately 51.20 metres (167.98 ft.) along Nevis Avenue
- **Official Plan Designation:** Residential
- **Zoning:** R2 (Residential)
- **Use:** Christine Crescent R.O.W.
- **Adjacent Uses:**

**North:** Nevis Avenue and Lomond Street, beyond which are semi-detached dwellings

**South:** Semi-detached dwellings

**East:** Semi-detached dwellings

**West:** Semi-detached dwellings

### **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 Real Estate Acquisition and Disposition By-law 178-2022, as amended (“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 the 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 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 2, should be declared surplus to municipal requirements for the following key 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;
- Appropriate servicing for development in the vicinity of the Subject Site can be maintained; and,
- A road widening could be retained in the event it is determined by Engineering Services that a road widening is required for future improvements to Nevis Avenue and/or Lomond Street.

Accordingly, it is recommended that the Subject Site known municipally as the Christine Crescent R.O.W. and shown on Attachment 1 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. This 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, requests 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/archaeological studies vs. sells “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 Christine Crescent R.O.W. 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**

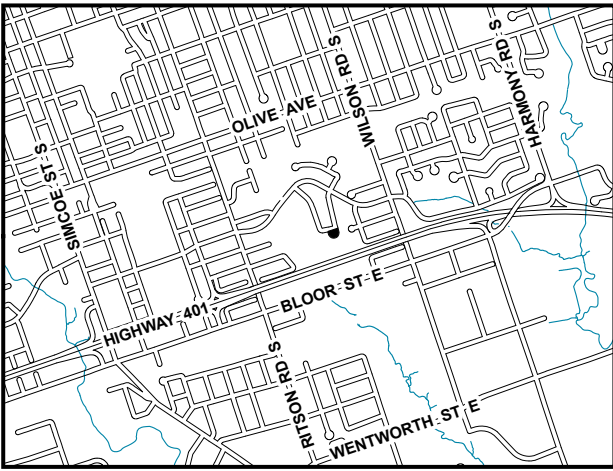
The Recommendation advances the Accountable Leadership and Economic Prosperity and Financial Stewardship goals of the Oshawa Strategic Plan.



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



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



Item: ED-23-140  
Attachment 1

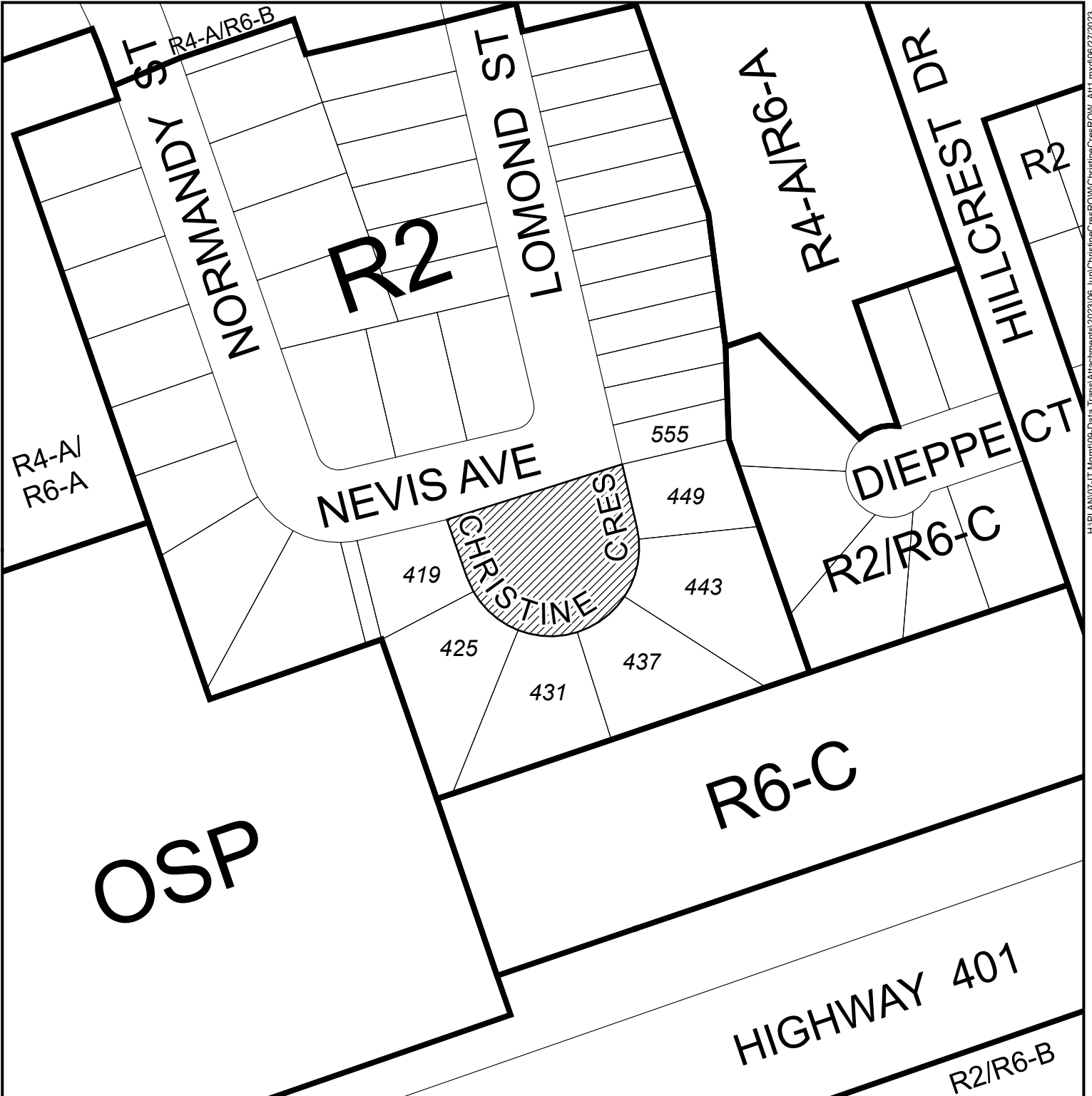
Economic and Development Services

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Subject Site






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Item: ED-23-140  
Attachment 2

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 Subject Site

City of Oshawa  
Economic and Development Services 



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**Item: ED-23-140  
Attachment 3**

**Title:** Photo of the Subject Site – looking southeast  
**Subject:** Declaration of Certain City-owned Land as Surplus, Known Municipally as the Christine Crescent Right-of-Way  
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