



MANAGEMENT REPORT

Date: September 23, 2024
To: Mayor and Council
From: Alexander Burnett, Planner
Report Number: COU24-112
Attachments: None

Title: Proposed Disposition and Sale of City-Owned Land – Block 37 Registered Plan 519 (Pedestrian Walkway Block - Sprung Court)

Objective: To seek Council approval to declare as surplus and to dispose of City-Owned land consisting of Block 37, RP 519, being a block of land originally created and recently serving as a pedestrian walkway/connection, that is no longer needed.

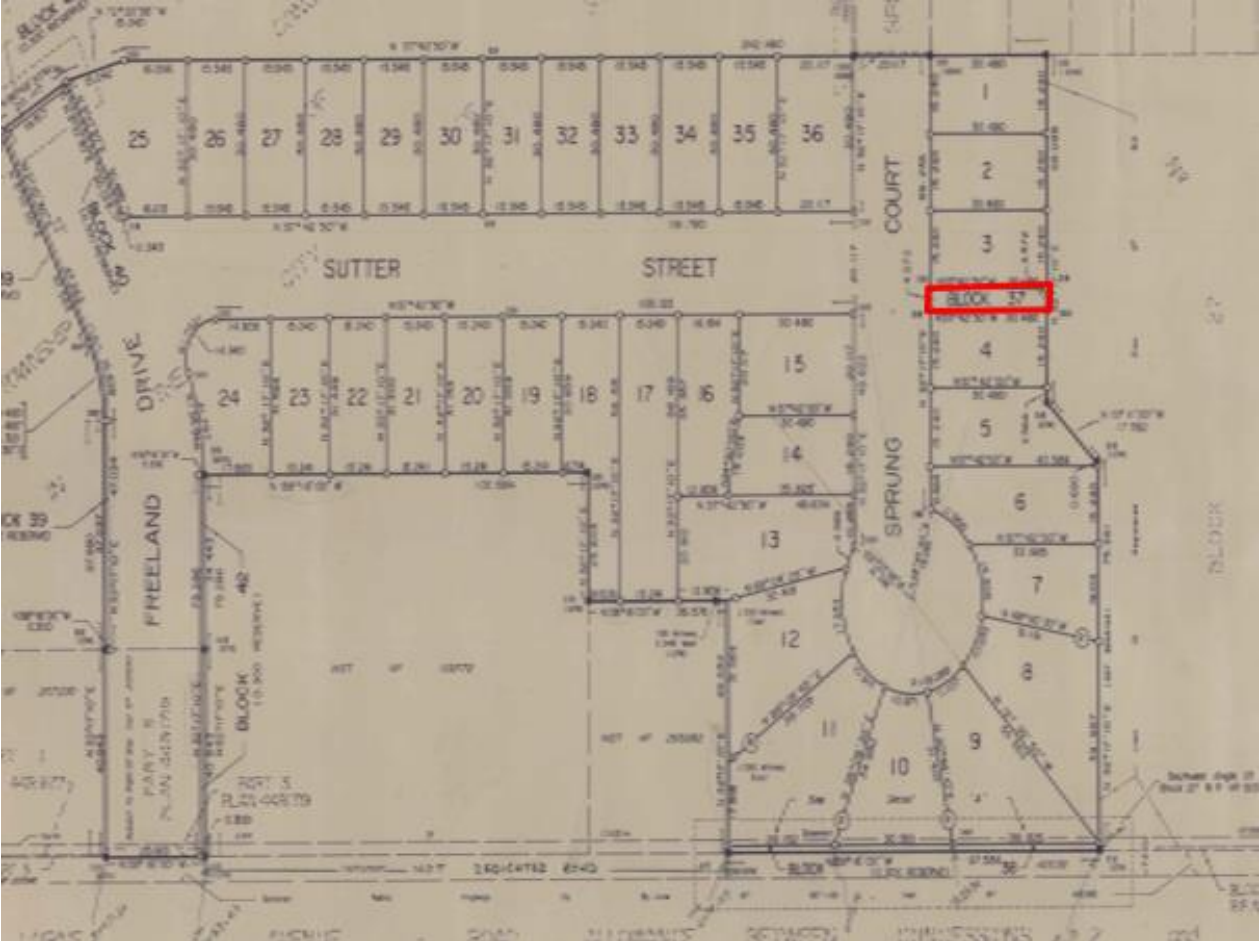
Background: HIP Queensland Inc. has formally requested the walkway between their property and Sprung Court, legally described as Block 37 RP 519, be closed.

On August 4, 2021, the City received an Official Plan and Zoning By-law Amendment Application for 30 Queensland Road to permit a seven storey, 162-unit apartment building. One of the comments received in response to the public notice was that the existing walkway (legally described as Block 37 RP 519) from the former Sobeys Plaza to Sprung Court creates an unsafe area and a source of neighbourhood complaints. In response to comments from the public, the applicant revised their proposal, indicating their intent to close the walkway to Sprung Court. On February 28, 2022, Council adopted an Official Plan Amendment changing the designation from Residential Area to High Density Residential and a Zoning By-law Amendment from a Neighbourhood Commercial C1-2 Zone to a Residential Fifth Density Special R5(2)-4 Zone to permit an apartment building to a maximum height of 21.6 m and a maximum density of 100 units per hectare. The Official Plan Amendment and Zoning By-law amendment would permit a 6 storey, 155-unit apartment building.

On June 1, 2022, a Site Plan application was received from HIP Queensland Inc. for 30 Queensland to permit a 6 storey, 151-unit apartment building. In accordance with the applicant's comments regarding the Official Plan and Zoning By-law Amendment, the submitted plans showed the walkway being closed. Site Plan approval for the project was granted on October 25, 2023. As no decision by Council regarding the walkway was made prior to granting site plan approval, the Site Plan Agreement states: "*No work shall be permitted on the City owned lands being the walkway to the Sprung Court (the*

"Walkway Lands") as identified in red on Drawing SPA.01 of Schedule "A" until such time as approval is granted by the City or the City no longer owns the Walkway Lands."

Excerpt of Registered Plan 519



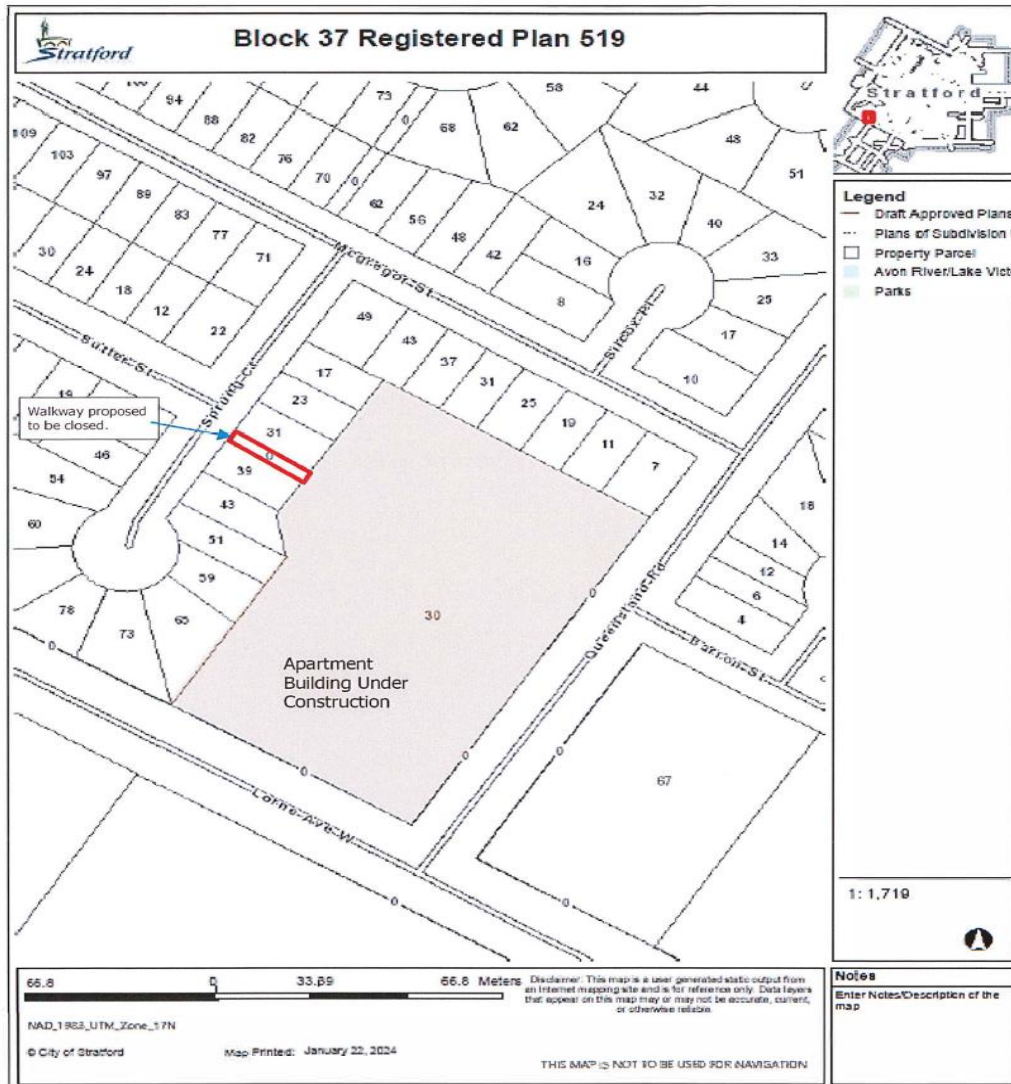
Location Map - Block 37, Registered Plan 519 (Sprung Court Walkway)

Council has a policy for the sale and other disposition of land – Policy P.3.1. and it sets out the process by which Council could close the walkway and dispose of the lands. P.3.1. states the following:

- 3.1 Prior to the Sale of Land that is subject to this Policy, Council shall, where applicable:
 - 3.3.1 Declare the Land to be surplus to the needs of the City by Council resolution adopted at a meeting open to the public;
 - 3.3.2 Determine the method of disposal at a meeting open to the public;
 - 3.3.3 Obtain at least one Valuation;
 - 3.3.4 Give Notice of Intent to Declare as Surplus and to Dispose; and,
 - 3.3.5 Give notice of public meeting and hold a public meeting for Land that is Formally Used by the Public.

Section 4.0, Exclusions – Valuations, states that the requirement to obtain a valuation for the sale does not apply to closed walkways if the lands are sold to abutting property owners. Notice to the public for walkway lands shall be given by the Clerk by publishing a notice of public meeting at least 7 days in advance to the public meeting.

Staff circulated the request to close the proposed walkway to City Departments and there were no objections to the lands being declared surplus.



Additional Background Information

In 1989, the City of Stratford entered into an Encroachment Agreement, registered on title as Instrument Number 297150, with the owner, 30 Queensland Rd, (at that time First Paridien Realty Corporation), to permit the erection and maintenance of retaining walls over a portion of Block 37, Plan 519.

Analysis: In accordance with the commitments made during the public consultation process for the Official Plan and Zoning By-law Amendment for 30 Queensland and consistent with the wishes of members of the public, HIP Queensland Inc. submitted site plan drawings showing the walkway to Sprung Court being closed and on April 23, 2024, requested the walkway between their property and Sprung Court be declared as surplus City land and closed. In their opinion, their property is no longer used for commercial purposes and the walkway is no longer needed.

Upon the walkway being closed and in consultation with abutting property owners, HIP Queensland Inc., intends to undertake the following works:

- remove existing retaining walls and concrete sidewalk in the walkway;
- remove the existing streetlight and wiring;
- extend the existing retaining wall and privacy fence along the former walkway lands to match the existing rear of adjacent residential properties; and
- restore the walkway lands with topsoil and sod to match existing grades.

The request to close the walkway was circulated to municipal departments and there were no objections to the lands being declared surplus. A neighbouring property owner has expressed interest in acquiring the lands to enlarge the property, should the land be declared as surplus.

Section 6.2.8 of the Official Plan states that all decisions regarding active transportation shall be consistent with the City's Bike and Pedestrian Master Plan (now the Transportation Master Plan, adopted by Council in November 2023). The Sprung Court Walkway is not part of any existing or proposed cycling or pedestrian connections in the Transportation Master Plan. Similarly, the Sprung Court walkway is not identified as a part of the ultimate cycling network on Map 3: Recommended Ultimate Cycling Network.

Providing pedestrians and cyclists more options does provide for better connectivity; however, the Sprung Court walkway is not identified as a critical part of any active transportation network. Further, because the City does not enjoy an easement over 30 Queensland Rd, the walkway leads to a parking lot that is not designed to take pedestrians and cyclists from the walkway to the public road.

For the reasons noted above, including that no objections were received from municipal departments regarding declaring the walkway surplus, it is recommended Block 37, RP 519 be declared surplus. As the lands are not of sufficient size to be used for any other purpose, it is recommended that the Block be sold to abutting property owners. The Encroachment Agreement for the retaining wall across a portion of Block 37 remains in effect. Should the lands be declared surplus and sold, there is no reason for the City to be a party to any encroachment agreement. Should this occur, the Encroachment Agreement should be terminated.

Financial Implications:

Financial impact to current year operating budget:

There is no direct impact on the 2024 operating budget with respect to declaring the Land as surplus. Proceeds and costs would be recorded, with no net impact to the City's net surplus or deficit.

Financial impact on future year operating budget:

Subject to Council approval of the disposal of the Land, proceeds from the land sale will be held by the City and can be invested as directed by Council.

Alignment with Strategic Priorities:

Work Together For Greater Impact

This report aligns with this priority as through consultation with the surrounding neighbourhood, the walkway was identified as unsafe and alternatives are proposed.

Alignment with One Planet Principles:

Equity and Local Economy

Creating safe, equitable places to live and work which support local prosperity and international fair trade.

Staff Recommendation: THAT Block 37, RP 519, being a block of land originally created and recently serving as a pedestrian walkway to Sprung Court be declared surplus to the needs of The Corporation of the City of Stratford;

THAT once declared surplus, Block 37, RP 519 is to be sold to abutting property owners without requiring a valuation;

THAT all costs associated with closing the walkway, declaring the lands surplus and selling the lands to abutting property owners are to be borne by HIP Queensland Inc.;

AND THAT the City Solicitor take all steps necessary to terminate the Encroachment Agreement between the City and the Owners of Block 37, RP 519, identified as Instrument Number 297150.

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Services
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