



**City of Kingston  
Report to Council  
Report Number 16-145**

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<b>To:</b>	<b>Mayor and Members of Council</b>
<b>From:</b>	<b>Cynthia Beach, Commissioner, Corporate &amp; Strategic Initiatives</b>
<b>Resource Staff:</b>	<b>Peter Huigenbos, Manager, Real Estate &amp; Land Development</b>
<b>Date of Meeting:</b>	<b>May 3, 2016</b>
<b>Subject:</b>	<b>Declare Surplus and Dispose of Municipal Property being Block A on Plan 642, Wartman Avenue</b>

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**Executive Summary:**

The City was advised by the prospective purchaser of the property at 845 Wartman Avenue that the City owned a portion of lands known as Block A on Plan 642, situated between the private property and the public roadway. Block A was initially retained by the former Township of Kingston as a temporary turnaround in 1955. Wartman Avenue was subsequently extended approximately 10 years later and a turnaround on Block A was no longer necessary. At that time, Block A should have been transferred to the two abutting properties. The conveyance of this property is necessary to provide 845 Wartman Avenue with frontage onto a public road, with the balance being transferred to adjacent property at 849 Wartman Avenue.

**Recommendation:**

**That** Council declare surplus to municipal need and dispose of Block A on Registered Plan 642, being all of PIN 36119-0037(LT), further described as Parts 1 to 5 on Reference Plan 13R-21287, in the former Township of Kingston, lying on the south side of Wartman Avenue and abutting the properties known municipally as 845 and 849 Wartman Avenue; and

**That** Council authorize the Mayor and Clerk to execute all necessary agreements as may be required to affect the transfer of title of Block A on Registered Plan 642 to the abutting properties, 845 and 849 Wartman Avenue, to the satisfaction of the Director, Legal Services.

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**Authorizing Signatures:**

ORIGINAL SIGNED BY COMMISSIONER

**Cynthia Beach, Commissioner,  
Corporate & Strategic Initiatives**

ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER

**Gerard Hunt, Chief Administrative Officer**

**Consultation with the following Members of the Corporate Management Team:**

Lanie Hurdle, Community Services	Not required
Denis Leger, Transportation, Facilities & Emergency Services	Not required
Jim Keech, President and CEO, Utilities Kingston	Not required
Desiree Kennedy, Chief Financial Officer & City Treasurer	Not required

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**Options/Discussion:**

Staff was advised by the prospective purchaser of the property located at 845 Wartman Avenue that a title search had determined that the City owned a portion of lands known as Block A on Plan 642, situated between the private property, 845 Wartman Avenue, and the public roadway. Without Block A, the property does not have frontage on a public road. The transfer of Block A would correct this deficiency which is desirable to facilitate the sale of the property and meet municipal requirements.

It is presumed that Block A, being approximately 3,350 square feet in area, was initially retained by the former Township of Kingston as the location of a temporary turnaround in 1955. Wartman Avenue was subsequently extended approximately 10 years later as a through street and Block A was no longer necessary. Block A should have subsequently been transferred to the two abutting property owners; however, in the absence of formal subdivision agreements as is the standard today, the disposition of temporary turnarounds was not predetermined. In this case, the deficiency was recently identified by title review in a pending sale of land.

Requests for the sale of City property are circulated to internal departments to determine whether there is a municipal need to retain the property or an interest in any portion of the subject lands. It has been confirmed that Block A was never designated as a public road and is not required by the municipality for a public road use. No internal department has any objection to the transfer of the subject parcel to the abutting properties provided the City retain a municipal easement for the existing stormwater sewer running between the houses at 845 and 849 Wartman Avenue.

Exhibit A provides a location map of the subject property. Block A abuts both 845 and 849 Wartman Avenue. To maintain the current projected lot line between these two properties, Block A will be divided into parts to be conveyed to the respective property owners subject to the necessary stormwater sewer easement.

The City's Disposition of Real Property Policy requires that land be sold at fair market value unless specifically exempted by other municipal programs as stated in the policy or as otherwise approved by Council on terms and conditions in the best interest of the municipality. The City has received \$10,000 from the previous owner of 845 Wartman Avenue to settle this matter, which includes funds for the City's fees, legal costs and the preparation of a survey to complete the transfer of Block A to both of the abutting properties, 845 and 849 Wartman Avenue.

Staff recommends that Council declare surplus Block A and authorize its disposition to the abutting property owners in return for the settlement funds of \$10,000.

The current owners for 845 and 849 Wartman have each executed agreements to affect the transfer of Block A, subject to Council's approval.

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**Existing Policy/By-Law:**

The City's Disposition of Real Property Policy requires that prior to selling property Council must declare the property surplus to its needs and give notice to the public of its intention to sell the land.

**Notice Provisions:**

The City's Public Notice Policy requires that notice be published two weeks in advance of the proposed meeting date to allow anyone who objects be given an opportunity to be heard by Council prior to Council's consideration of the request. The advertisement for declaring surplus was published on April 19, 2016 on the City's News & Notices web page in accordance with the City's Public Notice Policy.

**Accessibility Considerations:**

None.

**Financial Considerations:**

Block A will be transferred to the respective abutting property owners for a total of \$10,000. These funds have been received and shall be used to prepare the property for conveyance including the City's survey costs, fees and legal costs and the registration costs of the two abutting property owners. Any balance of funds will be transferred to the general municipal capital reserves in accordance with the City's Disposition of Real Property Policy.

**Contacts:**

Peter Huigenbos, Manager, Real Estate & Land Development 613-546-4291 ext. 3148

**Other City of Kingston Staff Consulted:**

Susan Nicholson, Director of Legal Services and City Solicitor

**Exhibits Attached:**

Exhibit A – Location Map

