



**City of Kingston  
Report to Council  
Report Number 19-170**

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<b>To:</b>	<b>Mayor and Members of Council</b>
<b>From:</b>	<b>Peter Huigenbos, Acting Commissioner, Community Services</b>
<b>Resource Staff:</b>	<b>Same</b>
<b>Date of Meeting:</b>	<b>June 18 2019</b>
<b>Subject:</b>	<b>Declare Surplus and Exchange Municipal Property with the MTO – Extension of Mclvor Road</b>

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**Executive Summary:**

The City of Kingston owns a parcel of land located on the west side of Highway 38 at the intersection with Mclvor Road. It is an unopened extension of Mclvor Road which the City purchased from the Ontario Ministry of Transportation (MTO) in 1976 for \$200. The MTO now requires the land as part of provincial highway improvements at the Highway 401 and Highway 38 interchange. The MTO previously completed an Environmental Assessment process which recommended the use of these lands to improve the interchange.

In exchange for the unopened extension of Mclvor Road, the Engineering Department has identified nearby MTO lands that the City requires for its road network. The lands the City would receive are: lands required to construct part of a future cul-de-sac at the dead end of Harpell Road; lands to create a widening along the full length along the east side of Harpell Road; and land at the intersection of Harpell Road and Highway 38 for potential intersection improvements in the future. The MTO would pay for all survey, legal and appraisal costs associated with this land exchange.

In order to effect the land exchange, Council needs to declare the existing City property surplus to municipal need.

**Recommendation:**

**That** Council declare surplus to municipal need and dispose of Part 4 on P-3036-158, registered in the Land Registry Office as 3R-21418 in the City of Kingston, County of Frontenac.

June 18, 2019

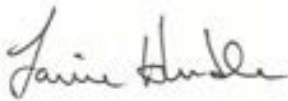
Page 2 of 4

**Authorizing Signatures:**



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**Peter Huigenbos, Acting Commissioner,  
Community Services**



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**Lanie Hurdle, Acting Chief Administrative  
Officer**

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

Gary Dyke, Commissioner, Corporate Enterprise Services	Not required
Jim Keech, President & CEO, Utilities Kingston	Not required
Desirée Kennedy, Chief Financial Officer & City Treasurer	Not required
Sheila Kidd, Commissioner, Transportation & Public Works	

June 18, 2019

Page 3 of 4

**Options/Discussion:**

The MTO is currently upgrading its existing interchange at Provincial Highway 401 and Highway 38 (Gardiners Road); part of these upgrades will be located on the City owned Mclvor Road extension lands as was identified in the Environmental Assessment previously completed by the MTO. The MTO approached the City in August 2018 for a Permission to Enter agreement and the eventual purchase of this unopened extension of Mclvor Road. The property is surrounded on all sides by MTO owned and controlled lands. The MTO sold these lands to the Township Of Kingston in 1976 for \$200.

The City of Kingston Engineering Department has identified lands of interest to the City to receive in an exchange from the MTO which includes: lands required for part of a future cul-de-sac at the dead end of Harpell Road; lands to create a widening along the full length of the east side of Harpell Road; and additional land at the intersection of Harpell Road and Highway 38 for potential intersection improvements in the future (Exhibit A).

The unopened extension of Mclvor road that the MTO will be acquiring is described as Part 4 on P-3036-158, registered as 13R-21954. The total area of the land is 0.45 of an acre.

The City will be acquiring Part 1 on P-3035-161, registered as 13R-21954, as well as all of PIN 36129-0261 (LT). The total area of these parcels is 0.32 acres.

Market value appraisals provided by the MTO show that the lands being exchanged are equal in value on a per acre basis. Therefore, the only difference in value is based on the additional area of the lands to be received by the MTO. In lieu of a payment from MTO for the difference in price, MTO has agreed to pay all costs related to surveys, appraisals, and legal and registration costs.

**Existing Policy/By-Law:**

In accordance with the Official Plan and the Provincial Policy Statement, the City recognizes its road allowances as an important public resource and seeks to protect them as such by retaining ownership. Requests for closure and sale of road allowances may be considered if there are circumstances that suggest it is in the best interest of the City to dispose of the property. In this case, the lands have never been dedicated as public road and the MTO has completed an Environmental Assessment process recommending the need for these lands to improve the interchange along the provincial highway corridor. It is therefore in the best interest of the City to approve the disposition and convey the lands to the MTO in exchange for lands to improve the road allowance ownership on the nearby Harpell Road.

The City's Disposition of Real Property Policy requires that road allowances once closed (this unopened road allowance was never designated as a road and therefore is considered to be a closed road allowance) be declared surplus and sold or exchanged at fair market value.

The land exchange agreement will be processed under the Consolidated Delegation of Authority By-Law Number 2016-189, which grants authority to the Commissioner of Community Services

**June 18, 2019****Page 4 of 4**

to approve the sale of surplus land under \$100,000. The transaction, when completed, will be reported to Council in the regular bi-annual report on the exercise of this delegated authority.

**Notice Provisions:**

The City's Public Notice Policy requires that notice be published two weeks in advance of the proposed meeting date in which Council considers the declaration of said property as surplus to municipal need. The advertisement for declaring the lands to be surplus was published on June 4, 2019 on the City's public notice webpage.

**Accessibility Considerations:**

Not applicable

**Financial Considerations:**

The MTO will pay for all the survey, legal and appraisal costs associated with this land exchange.

**Contacts:**

Peter Huigenbos, Acting Commissioner, Community Services 613-546-4291 extension 3148

**Other City of Kingston Staff Consulted:**

Tyler Lasko, Manager, Design & Development, Engineering Services

**Exhibits Attached:**

Exhibit A      Site Sketch

