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TRANSFER OF LAND
COTTER STREET WELL PROPERTY
TOWN OF NEWMARKET

The Finance and Administration Committee recommends the adoption of the recommendations contained in the following report, April 3, 2008, from the Commissioner of Corporate Services:

1. RECOMMENDATIONS

It is recommended that:

1. Regional Council authorize the conveyance of the lands described as Lot 6 Registered Plan 34, and, Part of Lot 6 (West Side of Prospect Street) Registered Plan 15, Newmarket designated as Parts 1 and 2 on draft reference plan RY-N-21, to The Corporation of the Town of Newmarket in exchange for a good and valid conveyance of Part 4 on draft reference plan RY-N-21 to the Region.

2. Authorization be given for the execution of the transfer of the lands described in Recommendation No. 1 above.

3. By-Law No. W-1-70-18 be amended to delete the Cotter Street Well.

2. PURPOSE

This report is to obtain Council’s approval to:

1. Convey the lands described as Lot 6 Registered Plan 34, and, Part of Lot 6 (West Side of Prospect Street) Registered Plan 15, Newmarket designated as Parts 1 and 2 on draft reference plan RY-N-21 to the Town of Newmarket for the sum of $2.00 in exchange for a good and valid conveyance of Part 4 on draft reference plan RY-N-21 to the Region.

2. Amend By-Law No. W-1-70-18 by deleting reference to the Cotter Street Well.

3. BACKGROUND

History of acquisition and reason for transfer

In December 1970, Regional Council enacted By-Law No. W-1-70-18 whereby the Region assumed existing waterworks for the production, treatment and storage of water as described therein. One of the facilities assumed by The Regional Municipality of York was the Cotter Street Well. The Cotter Street Well property is located on the east side of Cotter Street, south of Water Street and extends easterly to the west side of Prospect Street. More recently the property has been used as a monitoring test well.

The Region has constructed a new facility beside Fairy Lake rendering the Cotter Street property surplus to Regional purposes. Therefore, the Region has decommissioned the facility. The structure housing the Cotter Street Well Monitoring Facility is costly to maintain and disposition of the property will result in cost savings as well as eliminate liability issues associated with the property.

Clause 13 of Report No. 10 of the Engineering Committee adopted as amended, by Regional Council on June 9, 1977, states that if a facility, that was assumed by the Region, is no longer required by the Region, the local municipality must have first chance to assume ownership of the site. The land shall be deemed surplus if The Regional Municipality of York does not require it for any future municipal service under the jurisdiction of The Regional Municipality of York, or if it is not required for future road widening. In accordance with the policy, the property is to be offered in an “as is” condition for a nominal sum of $2.00 to the Town of Newmarket. Disposition of the property in an “as is” condition results in the Region conveying the property with all existing structures, environmental and title issues (if any) that exist. The Town has indicated that it is interested in acquiring these lands.

The Region commissioned a reference plan defining the property limits which determined a title issue affecting part of the property. Lloyd & Purcell Ltd., Ontario Land Surveyors draft reference plan RY-N-21 identified Parts 1 & 2 being in the Region’s name; however despite having occupied Parts 3 and 4 since the assumption, paper title to the lands remain in the name of a private owner. The Region requires Part 4 as it forms part of the Prospect Road allowance. Thus, the Region will only transfer Parts 1 & 2 to the Town subsequent to the Town providing the Region with good and valid title to Part 4.

4. FINANCIAL IMPLICATIONS

Nominal sum transfer

The Town of Newmarket has agreed to accept the Cotter Street Well property in an “as is” condition. The Region is requesting that in exchange for Parts 1 and 2, the Town transfer Part 4 to the Region with a clear title. The site was assumed by the Region at a nominal cost and therefore it is appropriate that the property be reverted to the Town of Newmarket on the same nominal sum basis.

5. LOCAL MUNICIPAL IMPACT

The transfer of the Cotter Street Well property to the Town of Newmarket will be an addition to the town's property holdings.

6. CONCLUSION

The Cotter Street Well assumed in 1970, under By-Law No. W-1-70-18 has been decommissioned and is no longer required by the Region and in accordance with Regional policy, it is recommended that this property be reverted to the Town of Newmarket for the nominal sum of $2.00 conditional on the Town providing clear title to the lands required for the Prospect Street road allowance.

For more information on this report, please contact Paul J. Roberts, Manager, Realty Services at Ext. 1424.

The Senior Management Group has reviewed this report.

(The attachment referred to in this clause was included in the agenda for the June 5, 2008 Committee meeting.)