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LICENCE AGREEMENT - KEELE WORKS YARD TOWNSHIP OF KING

The Transportation and Works Committee recommends the adoption of the recommendations contained in the following report, April 21, 2005, from the Commissioner of Corporate Services:

1. RECOMMENDATIONS

It is recommended that:

1. Regional Council permit Mayumi Miyamatsu to occupy, landscape and maintain Regionally owned lands described as part of Lot 24, Concession 3, Township of King, Regional Municipality of York having a municipal address of 15785 Keele Street (YR 6).
2. The Region enter into a licence agreement with Mayumi Miyamatsu to permit the occupation, landscaping and maintenance of the above described lands, upon terms satisfactory to the Regional Solicitor.
3. The Regional Chair and Clerk be authorized to execute the licence agreement.

2. PURPOSE

Mayumi Miyamatsu has requested permission from the Region to occupy, landscape and maintain the lands described in Recommendation No. 1 that are located on the east side of Keele Street (YR 6) just south of Lloydtown/Aurora Road (YR 16) (*see Attachment 1*). Regional Council's approval is necessary in order to permit the occupation, landscaping and maintenance of these Regionally owned lands by a private individual.

3. BACKGROUND

The Region owns 1.01 acres of land located on the east side of Keele Street (YR 6) just south of the Lloydtown/Aurora Road (YR 16) in the Township of King. These lands are described as Part of Lot 24, Concession 3, Township of King and have a municipal address of 15785 Keele Street. These lands are known as the Keele Street Yard and were used by the Operations Branch of the Transportation and Works Department for the storage of sand and salt in connection with the winter roads maintenance program. This yard has been closed and the buildings have been removed. The Transportation and Works Department has declared these lands as surplus to its needs.

The neighbouring property owner to the north, Mayumi Miyamatsu, approached the Region to purchase the land to add to her neighbouring 15 acre site that is improved with a residence and outbuilding. She and her husband stated that they would like to own the Region's 1.01 acres of land and enhance the landscaping making it similar to the rest of their property. Realty Services staff informed her that the property was large enough to be sold as a building lot and that it would have to be listed for sale, in accordance with the policy regarding the disposal of surplus property.

An appraisal was completed of the property and its estimated market value as of September 2003 was \$125,000.00. A phase one and two environmental assessments were completed on the property and the phase two report stated that there was extensive salt contamination on the site. Staff determined that the cost of the clean up exceeded the appraised value and investigated the possibility of selling the property to Mayumi Miyamatsu on an "as is" basis. The value would be set on an acreage value in contribution to the value of the remaining property. However, after consulting with the Ministry of Environment, it was realized that the Region could still be required to clean up the site, even after transferring the property to another party. Therefore, it would appear that it is in the Region's best interest to retain ownership and enter into a Licence Agreement with the neighbouring property owner. The Agreement will provide for termination at the option of the Region. In this circumstance, if the Ministry were to require the Region to clean up the site, the land could then be sold as a building lot, after the clean up, and some of the costs of remediation would be recovered from the sale.

If the Licence Agreement is approved, the property will be improved with the addition of fill and will be landscaped and a new decorative fence will be erected along the Keele Street frontage and the southerly boundary. This relieves the Operations Branch of Transportation and Works of the obligation to maintain the property and to keep trespassers from entering and vandalizing by dumping garbage.

4. FINANCIAL IMPLICATIONS

The granting of this Licence Agreement will save the Region operational costs in relation to the maintenance of this property.

5. LOCAL MUNICIPAL IMPACT

The granting of the Licence Agreement will result in the improvement of the appearance of the site for the neighbouring property owners by enhanced landscaping, and also the probable elimination of trespassers and vandalism.

6. CONCLUSION

It is recommended that Regional Council grant permission for the occupancy, landscaping and maintenance of the lands described as Part of Lot 24, Concession 3, Township of King and having a municipal address of 15785 Keele Street, subject to the Region and Mayumi Miyamatsu entering into a licence agreement with appropriate conditions.

The Senior Management Group has reviewed this report.

(The attachment referred to in this clause was included in the agenda for the June 15, 2005 Committee meeting.)