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June 23, 2004

TRANSMITTED BY FACSIMILE

Regional Municipality of York
Attention: Denis Kelly, Regional Clerk
17250 Yonge Street
Newmarket, Ontario
L3Y 6Z1

Dear Sir:

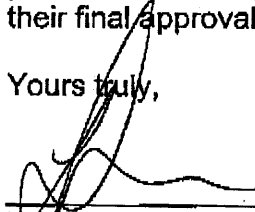
Re: Exchange of Land – Town of Aurora

It has recently come to my attention that the Region has included an additional condition (see Recommendation No. 4 of the attached resolution of September 18, 2003) relating to the proposed land exchange that the Town does not support.

The Town of Aurora originally owned the water tower lands at Davis Road without any development or sale restrictions encumbering the lands prior to the Region of York assuming them in 1999. Therefore, the Town is not agreeable to accepting a transfer of those same lands back from the Region on the condition that they be offered back for nominal consideration if the property is not used for municipal or non-profit purposes. However, if the Region so wishes, the Town is acceptable to transferring its lands to the Region subject to this condition.

Your prompt response to this matter along with your submission of the applicable draft Offer to Purchase Agreements for our review would be greatly appreciated, as it has already been a year since we have received direction from our Council to commence the process to exchange the lands and are quite anxious to return this matter to our Council for their final approval as soon as possible.

Yours truly,


Lawrence Allison
Chief Administrative Officer

Atts.

cc: P. Carlyle, Town Solicitor
J. Diplock, Law Clerk, Region of York



I, HAROLD BROWN, Deputy Clerk, of The Regional Municipality of York, do hereby certify that the 7 pages attached hereto form a true copy of Clause No. 10 of Report No. 7 of Finance and Administration Committee, which was adopted, as amended, by the Council of The Regional Municipality of York on September 18, 2003.

DATED at Newmarket this 1st day of October 2003.

A handwritten signature in cursive script, appearing to read "Harold W. Brown".

HAROLD W. BROWN
DEPUTY CLERK



Clause No. 10 embodied in Report No. 7 of the Finance and Administration Committee was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting on September 18, 2003.

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EXCHANGE OF LAND
TOWN OF AURORA

The Finance and Administration Committee recommends the adoption of the recommendations contained in the following report, August 7, 2003, from the Commissioner of Corporate Services:

1. RECOMMENDATIONS

It is recommended that:

1. Regional Council declare surplus and give notice of its intention to convey to the Town of Aurora:
 - (i) the Davis Road Elevated Tank site (formerly known as the Regency Water Tower site) described as Block D on Registered Plan 514, Town of Aurora; and
 - (ii) the Tannery Creek Trunk Watermain including all related easements located between Aurora Wells 1 to 4 and the Davis Road Elevated Tank sitefor the nominal sum of \$2.00.
2. The above transfer of land be subject to the Town of Aurora conveying to The Regional Municipality of York:
 - (i) the fee simple interest in the lands described as Part of Blocks C, E and F on Registered Plan 475 and Part of Lots 10 and 12 on Registered Plan 246, Town of Aurora and shown as Parts 1 (subject to reservation of easement in favour of the Town of Aurora), 2 and 8 (subject to reservation of easement in favour of the Town of Aurora) on a draft plan of survey prepared by J. D. Barnes Limited and dated April 25, 2003; and
 - (ii) permanent easements in lands described as Part of Blocks C, E and F on Registered Plan 475 and Part of Lots 10 and 12 on Registered Plan 246, Town of Aurora and shown as Parts 3 and 7 on a draft plan of survey prepared by J. D. Barnes Limited and dated April 25, 2003 together with an easement over the 0.3 meter reserve that separates Machell Avenue and the said Part 7;for the nominal sum of \$2.00.
3. By-Law Nos. W-1-70-18 and W-2-70-21 be amended to delete the Davis Road Elevated Tank (formerly known as the Regency Water Tower) and the Tannery Creek Trunk Watermain.

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4. The above transfers be conditional upon the following: in the event either property is not used for municipal or non-profit purposes, in whole or in part, the surplus lands are to be offered back to the respective municipality for the nominal sum of \$2.00.
5. The appropriate Regional officials perform all acts necessary to give effect to the foregoing.

2. PURPOSE

The purpose of this report is to obtain Council's approval to:

1. Declare the lands described in Recommendation 1 above as surplus to the Region's requirements.
2. Transfer these lands to the Town of Aurora in exchange for the lands described in Recommendation 2 above.
3. Amend By-Law Nos. W-1-70-18 and W-2-70-21 by deleting the facilities described in Recommendation 1 above.
4. Have the appropriate regional officials perform all acts necessary to give effect to the foregoing.

3. BACKGROUND

A land swap between the Town of Aurora and the Regional Municipality of York has been proposed in order to construct facilities in conjunction with the water treatment facility for the Town of Aurora. The land required by the Region for the facilities is located beside Aurora Wells 1 to 4, and the site to be deeded to the Town in exchange is the site that was previously assumed by By-Law No. W-1-70-18 as the Regency Water Tower, now known as the Davis Road Elevated Tank (*see Attachment No. 1*). In addition, the Tannery Creek Trunk Watermain, assumed by the Region by By-Law No. W-2-70-21, extending from Aurora Wells 1 to 4 to the Davis Road Elevated Tank is also to be transferred to the Town (*see Attachment No. 1*).

When the York/Durham Sewage System was installed in Aurora, the Region returned the old Aurora Sewage Treatment Plant property to the Town of Aurora since it was no longer needed to treat the Town's wastewater. The Town has been using part of this site for its Leisure Department Works Yard. The Region has engaged R. V. Anderson, consulting engineers, to design an ammoniation facility and a chlorine contact chamber in conjunction with the operation of Aurora Wells 1 to 4. The Region now requires that part of the previous sewage treatment plant site, 0.9 acres, be transferred back to the Region in order to construct these facilities. The required land is shown as Parts 1 and 2 on a draft reference plan prepared by J. D. Barnes Limited and dated April 25, 2003 (*see Attachment No. 2*). The Region will also require that Part 8 be included in the transfer in order to have access to the facility from Aurora Heights Drive. The westerly portion of Part 1 together with Part 8 will be subject to an easement in favour of the Town in order to give the Town access to the Leisure Department's Works Yard. The Region will require an easement over Part 3 for the connecting watermain between the facility and

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Wells 1 to 4, as well as, an easement over Part 7 to have access from Machell Avenue to a Region manhole that is located on Part 6.

The Town of Aurora has requested that the Region, in return for the deeding over of the various parts of the previous sewage treatment plant site, deed to the Town the site, 1.05 acres, that was previously used as the Davis Road elevated water tank site. The return of this property to the Town is in accordance with Region policy regarding the returning of facilities to the local municipality when the Region no longer requires them. The Region no longer required the Davis Road elevated water tank and had the facility demolished in December of 2002. It was located on Block D on Registered Plan 514 in the Town of Aurora (*see Attachment No. 3*). Part of the Tannery Creek Trunk watermain is located on this property. This watermain was assumed by the Region in 1970, however, since it is now operated by the Town as part of its distribution system, it is appropriate that this watermain and all related easements be transferred to the Town.

The Davis Road elevated water tower site and the Tannery Creek Trunk watermain are surplus to the Region's requirements and should be transferred to the Town of Aurora.

4. ANALYSIS AND OPTIONS

The Region requires a site to construct the ammoniation and chlorine contact chamber in conjunction with its operation of the Water Facilities supplying the Town of Aurora. The Town owns land that can be used for the construction of these facilities and the Region now has surplus property that the Town would like to have in return. The land swap facilitates both the Region's requirements for the facility and the desire of the Town for the ownership of the site previously used for a water tower.

No appraisal of the relative land values has been carried out. The Davis Road site is zoned Institutional, and the Aurora Wells site is zoned Open Space.

5. FINANCIAL IMPLICATIONS

The exchange of land between the Region and the Town of Aurora saves the Region the costs associated with acquiring land, either by negotiation or expropriation, from a private ownership to accommodate its needs.

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6. LOCAL MUNICIPAL IMPACT

The construction of these facilities will enhance the quality of the water supply to the residents of the Town of Aurora and the land swap will provide the Town with lands for use as Aurora Council decides and title to that part of its water distribution system known as the Tannery Creek Trunk watermain.

7. CONCLUSION

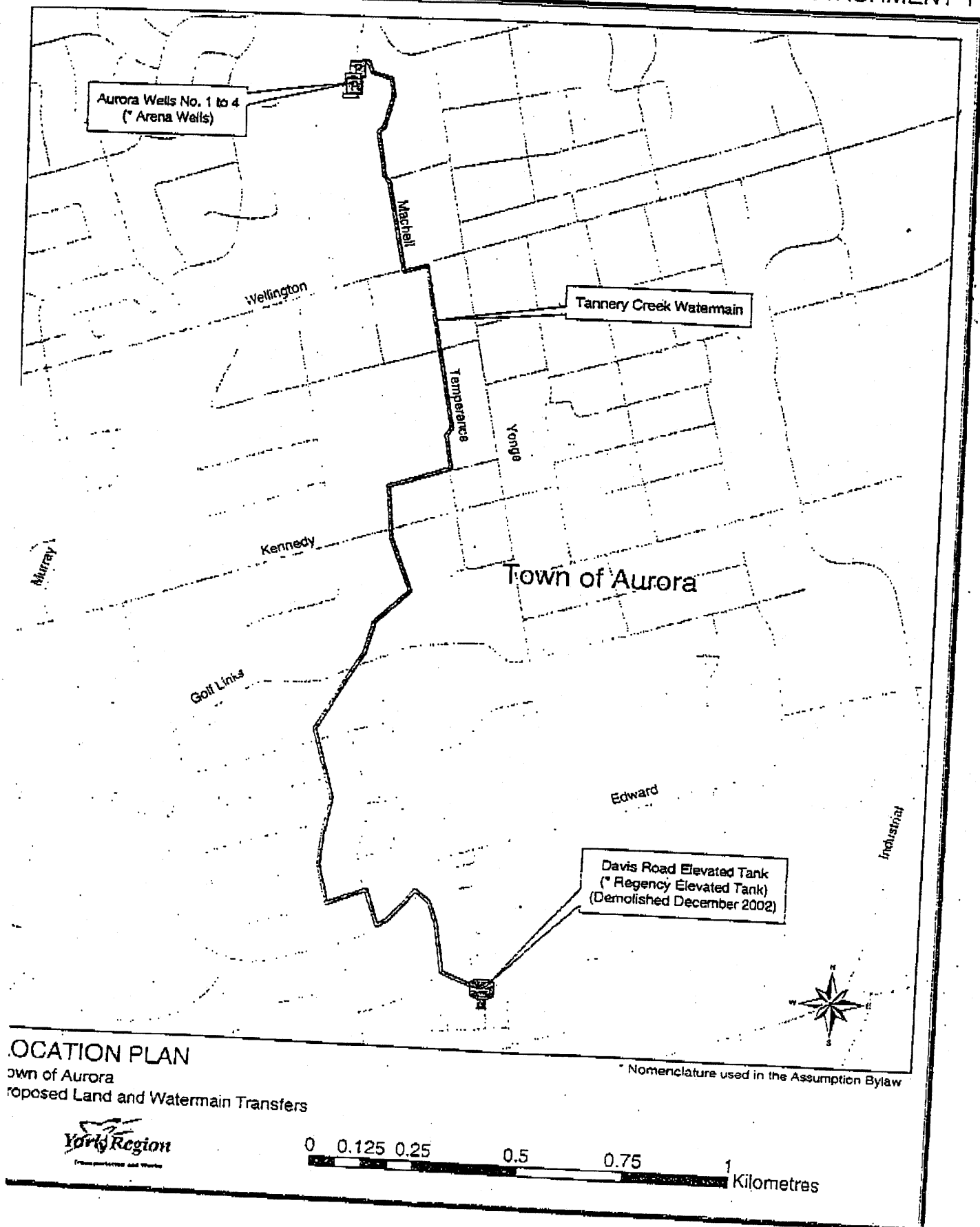
The Region requires land to construct an ammoniation facility and a chlorine contact chamber in conjunction with the water facility for the Town of Aurora. The Town of Aurora has land that will accommodate these needs and are shown as Parts 1, 2 on a draft plan of survey prepared by J. D. Barnes. The Region will require an access to the facility, shown as Part 8 on the plan, an easement, shown as Part 3, for the connecting watermain from the facilities to Aurora well 1 to 4 and an easement, shown as Part 7, from Machell Avenue to the Region manhole. The Town will require an easement over Part 8 and part of Part 1 in order to have access to its Leisure Department Works Yard.

The Region has surplus land that was once used for an elevated water tank. This is described as Block D on Plan 514. The Town has requested that these lands be deeded to the Town in exchange for the lands that the Region requires for its facility. In addition, the Tannery Creek Trunk watermain and all related easements will be transferred to the Town. It is recommended that the Region and the Town proceed with the land swap since this exchange eliminates the costs that would be incurred by the Region if it were to pursue the acquisition of land from private ownership.

The Senior Management Group has reviewed this report.

(A copy of the attachments referred to in the foregoing has been forwarded to each Member of Council with the September 4, 2003 Finance and Administration Committee agenda and a copy thereof is on file in the Office of the Regional Clerk.)

ATTACHMENT 1 117



LOCATION PLAN

Town of Aurora
Proposed Land and Watermain Transfers

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ATTACHMENT 2

