



Report
Staff Report
The Corporation of the City of Brampton
4/24/2024

Date: 2024-03-29

Subject: **Surplus Declaration and Disposal of City Owned Lands – Railway Spurs – Ward 3**

Secondary Title: **PIN 14032-0097 (LT) and PIN 14032-0027 (LT)**

Contact: Sanjeev Kumar, Senior Real Estate Coordinator, Strategic Services & Initiatives

Report number: CAO's Office-2024-370

RECOMMENDATIONS:

1. That the report from Sanjeev Kumar, Senior Real Estate Coordinator, Strategic Services & Initiatives to the Committee of Council Meeting of April 24, 2024, re: **Surplus Declaration and Disposal of City Owned Lands – Railway Spurs – Ward 3**, be received;
2. That a by-law be enacted to declare surplus to the City's requirements for all of the City's properties identified as Southerly Spur, PIN 14032-0097(LT), approximately 0.571 acres in accordance with previous Council direction, and Northerly Spur, PIN 14032-0027(LT) with approximately 0.655 acres;
3. That staff be directed to negotiate the terms of the Agreement of Purchase and Sale for the disposal of the Southerly Spur and Northerly Spur at fair market value to the adjacent property owners of 71 Orenda Road and 72 Orenda Road, respectively, on an as-is-where-is basis; and
4. That staff report back for Council approval to ratify the Agreement of Purchase and Sale for the Northerly and Southerly Spurs once negotiated.

OVERVIEW:

- **The City owns and maintains the lands supporting a rail spur line that branches off of the Canadian National Railway Company Mainline. See Attachment 1. In June 2021, Council directed staff to terminate the Siding Agreement with the Canadian National Railway which governs the Southerly Spur and Northerly Spur and to commence the surplus declaration process.**

- **As per the City's Real Estate policy, Staff is seeking authorization for the surplus declaration of the Northerly Spur with a dimension of 30.04 ft x 941.48 ft x 34.53 ft x 958.06 ft (approximately 0.655 acres) and Southerly Spur with a dimension of 279.67 ft x 5.13 ft x 483.43 ft x 34.53 ft x 500.47 ft x 5.01 ft x 226.35 ft x 86.08 ft (approximately 0.571 acres) in order to negotiate a Fair Market Value Agreement of Purchase and Sale (based on an independent property appraisal) for a fee simple transfer to the adjacent property owners on an as-is-where-is basis as directed by Council.**
- **The relevant circulations and notifications have been published and no concerns were received.**
- **Any future re-development of Northerly Spur Lands will be subject to compliance with City's policies, plans, By-laws, and approval process.**
- **There is no financial impact resulting from the adoption of the recommendations in this report. Any future revenues collected arising from any potential sale agreement(s) will be deposited in Reserve #12 – Land Sale Proceeds, subject to Council approval.**

BACKGROUND:

The City owns and maintains the lands supporting a rail spur line that branches off of the Canadian National Railway Company (CNR) Mainline, terminating at Eastern Avenue. Please see Attachment 1. The City entered into an Industrial Siding Agreement with CNR in 1956, which governed the Southerly Spur that extends north from the CNR Mainline to Orenda Road, and the Northerly Spur that extends north from the southerly limit of Orenda Road to the northern terminus of the siding.

CURRENT SITUATION:

In accordance with Council direction from June 2021, staff completed the termination of the Siding Agreement with CNR and initiated the surplus declaration for the Southerly Spur Lands to negotiate a fair market value Agreement of Purchase and Sale for a fee simple transfer to the adjacent property owner on an as-is-where-is basis. Since then, staff have received interest from the adjacent property owner for the Northerly Spur as well.

Circulation was made to the City's Real Estate Coordinating Team and priority notification was given to Infrastructure Ontario, The Peel District School Board, Dufferin Peel Catholic District School Board, The Library Board, The Regional Municipality of Peel and the Utility Companies. The following was received:

- The Region of Peel, Peel District School Board and Dufferin-Peel Catholic District School Board have no interest in the property.

- Alectra Utilities and Rogers Communications do not have any existing infrastructure on the property, and no easement protection is required.
- Infrastructure Ontario circulated within their internal stakeholders with no response.
- No response was received from Enbridge and Brampton Library.

Staff is seeking Council approval on the surplus declaration for both the Southerly Spur, legally described as Block P, Plan 518 Brampton being all of PIN 14032-0097(LT), with a dimension of 279.67 ft x 5.13 ft x 483.43 ft x 34.53 ft x 500.47 ft x 5.01 ft x 226.35 ft x 86.08 ft (approximately 0.571 acres), and Northerly Spur, legally described as Block Q, Plan 518 Brampton being all of PIN 14032-0027(LT), with a dimension of 30.04 ft x 941.48 ft x 34.53 ft x 958.06 ft (approximately 0.655 acres).

A title search has revealed that the PIN 14032-0027 (LT) was acquired by expropriation in 1954. However, s. 42 of the *Expropriations Act* that requires the expropriating authority to give the owners from whom the land was taken the first chance to repurchase the lands, was added to the *Expropriations Act* later and came into effect in 1968. The Ontario Superior Court of Justice has held that there is no retroactive application of section 42. It only applies to expropriations occurring after 1968. PIN 14032-0097 (LT) was not acquired by expropriation. Disposal of both PINS can proceed. Public notice of intent to declare surplus has also been made in accordance with the City's Procedure By-law 160-2004.

Following the disposition, staff will negotiate the terms of the Agreement of Purchase and Sale for the disposal of the properties at fair market value to the adjacent property owners on an as-is-where-is basis, and report back for the ratification of the Agreement of Purchase and Sale at a future meeting.

The City's Planning, Building and Growth Management Department, Economic Development, and Public Works department support the recommendations made in this report.

A site survey, reference plan and an independent property appraisal to determine the fair market value, boundaries and part(s) of the properties to be transferred shall be completed in due course.

CORPORATE IMPLICATIONS:

Financial Implications:

There is no financial impact resulting from the adoption of the recommendations in this report. Any future revenues collected arising from any potential sale agreement(s) will be deposited in Reserve #12 – Land Sale Proceeds, subject to Council approval.

Other Implications:

Legal Implications – Legal Services will approve as to form the surplus declaration by-law.

Communications Implications – Public notice of intent to declare surplus has been made in accordance with the City's Procedure By-law 160-2004.

STRATEGIC FOCUS AREA:

The recommendations of this report support the Government & Leadership initiative by practicing proactive, effective, and responsible management of municipal assets and services.

CONCLUSION:

Staff are requesting that Council approve this report and that a by-law be enacted to declare the Northerly and Southerly Spurs surplus to the City's requirements and proceed with disposition of the properties at fair market value.

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Attachments:

- Attachment 1 – Location of Spur Line