

**Date:** 2021-05-31

**Subject:** **Surplus Declaration of Easement Rights over City owned Buffer Blocks for sewer infrastructure in connection with the development of adjacent residential lands, (Escribe #2021-694 and RS File# PM03W15F), Ward 6, to the Council meeting of**

**Contact:** **Kristine Thususka, Senior Real Estate Coordinator, SR/WA, 416 464-1785**

**Report Number:** Community Services-2021-694

**Recommendations:**

1. That the report titled “**Surplus Declaration of Easement Rights over City owned Buffer Blocks for sewer infrastructure in connection with the development of adjacent residential lands (Escribe #2021- 694 and RS File# PM03W15F) Ward 6**”, to the **Council Meeting of July 7 2021**, be received and;
2. THAT a by-law be passed to declare surplus to the City’s requirements a limited interest in the City’s lands, comprising two Buffer Blocks being Block 163, Plan 43M-1725, all of PIN 14366-2519(LT) and Block 164, Plan 43M-1725, all of PIN 14366-1789(LT), having a total area of 0.044 acres, in order that a permanent non-exclusive servicing easement can be disposed of to Coscorp Wanless Inc., required to facilitate their development of the adjacent lands located at 1265-1323 Wanless Drive.

**Overview:**

- **Coscorp Wanless Inc. (“Coscorp”) is developing the lands located at on the south side of Wanless Drive, east of Treegrove Crescent, having a municipal address of 1265-1323 Wanless Drive, as a townhouse and semi-detached development, in accordance with planning file number C03W15.008 (“Development Parcel”).**
- **The City owns two Buffer Blocks located immediately to the west of the Development Parcel, being Block 163 on Plan 43M-1725, PIN 14366-2519(LT) and Block 164 on Plan 43M1725, in the City of Brampton, in the Regional Municipality of Peel, PIN 14366-1789 (LT)(“City’s Lands”).**

- **During a detailed review of the engineering design, City Staff requested that Coscorp acquire from the City, a permanent, non-exclusive, private servicing easement (“Limited Interest”) over the City’s Lands in order to provide a servicing connection to the Development Lands.**
- **While Activity 103(i) of the Administrative Authority Bylaw as currently written does provide for delegated authority to dispose of a limited interest for a period of 21 years or longer to an adjacent property owner if the fair market value is \$75, 000 or less, there is no clear delegated authority to declare the Limited Interest surplus in this instance. The City did not initiate surplus declaration nor is the surplus declaration of the Limited Interest a condition of development approval. Therefore, authority from Council is being sought to have the Limited Interest declared surplus.**
- **This report recommends therefore, that the Limited Interest in the City’s Lands be declared surplus to the City’s requirements so that the permanent non-exclusive servicing easement can be sold to Coscorp.**
- **Public notice of the City’s intention to declare the said Limited Interest in the City’s Lands surplus to the City’s requirements has been given in accordance with the City’s Procedure By-law.**

### **Background:**

The City owned property subject to this report is comprised of two Buffer Blocks, being Block 163 on Plan 43M-1725, PIN 143662519(LT) and Block 164 on Plan 43M1725, in the City of Brampton, in the Regional Municipality of Peel, PIN143661789 (the “City’s Lands”). The City’s Lands are located immediately to the west of the lands owned Coscorp Wanless Inc. (Coscorp”) located at 1265-1323 Wanless Drive, as shown on Appendix A.

During a detailed review of the engineering design, City staff determined that the only means by which to provide a connection for services to the Development Parcel, which include, storm, sanitary and foundation drainage was through the City’s Lands. Due to the number of services as well as the relatively small area of the City’s lands, being 0.44 acres in size, it was determined that the entirety of the City’s Lands, would be required.

In order to allow Coscorp to acquire the necessary Limited Interest in the City’s Lands, the Limited Interest will need to be declared Surplus.

### **Current Situation:**

Given that the Delegated Authority By-Law as currently drafted does not provide authority to convey private easements, approval from Council is required.

As the private servicing easements are necessary in order to facilitate construction of the Development Parcel, City staff is supportive of the Limited Interest being declared surplus to the City's requirements, in order that the surplus land are deemed saleable for easement purposes.

Public notice of intent to declare surplus the aforesaid limited interest in the Subject Parcel has been made in accordance with the City's Procedure By-law.

### **Corporate Implications:**

Financial Implications: There are no financial implications in connection with the recommendations in this report.

### Other Implications:

**Public Works and Engineering- Development Engineering** is in agreement with the proposal to declare surplus to the City's requirement, permanent non-exclusive easement rights for the private infrastructure identified, over the City's Lands, as illustrated in Appendix A.

**Corporate Services – Legal Services** will review and approve as to form the by-law to declare surplus the requisite easement rights.

### **Term of Council Priorities:**

This report supports the Term of Council Priorities and the 2040 Vision.

Through stewardship of assets and services, and a focus on service excellence, this report demonstrates that Brampton is a Well Run City.

### **Conclusion:**

This report recommends that a Limited Interest in the City's be declared surplus for the purpose of conveying permanent non-exclusive easement rights for servicing purposes to Coscorp.

Authored by:

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**Attachments:**

Appendix A: City's Lands