

**Subject:** Park Lane Right-of-Way Land Exchange**Recommendation:**

**BE IT RESOLVED THAT Council receive Report #2021-0031; and**

**THAT Council direct staff to undertake the preparation of the necessary easement agreement in perpetuity for the exclusive use of 4 parking spaces on Park Lane by the owner of 9 Highway 20 West in exchange for land dedication to the Town to improve the Park Lane right-of-way; and**

**AND THAT staff be directed to prepare the necessary by-law to declare the lands associated with the 4 parking spaces surplus to the Town needs when the necessary Reference Plan is prepared; and**

**AND THAT Council direct staff to work with the owner of 9 Highway 20 West to facilitate the transfer of 27m<sup>2</sup> of land to the Town and the preparation of the necessary Reference Plan; and**

**AND THAT the owner of 9 Highway 20 West is responsible for the legal and surveying costs associated with this land exchange.**

**Background:**

The property owner of 9 Highway 20 West has approached Town Staff with a proposal to increase the width of Park Lane, thereby improving the access to Marlene Stewart Streit Park. The owner is willing to dedicate to the Town a strip of land along the west side of Park Lane right-of-way to the Town in exchange for the exclusive use of 4 parking spaces that are located along Park Lane north of the property owner's lands.

**Analysis:**

The owner of 9 Highway 20 West proposes to dedicate to the Town a 27m<sup>2</sup> triangular strip of land along the west side of Park Lane along the boundary of Park Lane and 9 Highway 20 West to the Town, in exchange for the exclusive use of 4

parking spaces located along Park Lane to the north being approximately 64.6m<sup>2</sup> in area. The lands proposed for the land exchange are identified on the aerial photo below in green and 9 Highway 20 West is identified in red.



The width of Park Lane at this location is undersized and does not meet minimum requirements for two-way traffic movements. In September 2019 Staff presented a report to Council regarding site plan approval for 1 Highway 20 West which abuts Park Lane to the east; at that time, Council was informed that the width of Park Lane was 1.83m in width at the frontage along Regional Road 20 and it did not widen until past the rear of 1 and 9 Highway 20 West. As part of the site plan approval of 1 Highway 20 West, that property owner dedicated to the Town a strip of land along the east side of Park Lane that was 3.786m in width at the frontage and narrowed to 1.428m at the rear. This dedication of land from 1 Highway 20 West did increase the width and improved the access, however, Park Lane remains undersized in width and with the proposed dedication of land from 9 Highway 20 West, it will be further improved. Given the location of the existing building at 9 Highway 20 West, it is not possible for the owner to dedicate more land to the Town.

The area where the 4 parking spaces are located that are proposed for exclusive use for 9 Highway 20 West is just north of the access driveway that provides rear laneway access to 11-17 Highway 20 West from Park Lane. The owner of 9 Highway 20 West initially requested exclusive use of all of this area (7 parking spaces),

however Town staff recommend that the Town retain control of at least 3 parking spaces in this area and the owner is now requesting exclusive use of 4 parking spaces.

9 Highway 20 contains one commercial unit, 1 apartment unit, an attached garage and surface parking for 3 vehicles to the rear of the building. The commercial unit is currently vacant and with the exclusive use of 4 more additional parking spaces the owner of 9 Highway 20 West would have greater flexibility with regards to finding a suitable tenant for the commercial space.

### **Financial Considerations:**

According to Town By-law 1942(1997) being the by-law to establish procedures for the sale of real property, all legal and surveying costs are to be borne by the proponent not the Town. The proponent, in this case the owner of 9 Highway 20 West, however is requesting that the Town bear the remainder of the costs to complete this transaction. This is contrary to approved policy that requires the proponent to bear the costs and it recommended that the proponent be responsible for the legal and surveying costs associated with this transaction. While the Town is not technically selling the lands associated with the exclusive use of parking, the easement in perpetuity does give the owner of 9 Highway 20 exclusive use over these lands and accordingly having the owner pay for the legal and surveying costs is consistent with the Town's approach regarding the sale of real property.

### **Alternatives Reviewed:**

Council could choose to not agree to the land exchange to improve the access of Park Lane for the exclusive use of 4 parking spaces on Park Lane. This puts the Town at some risk as that portion of Park Lane that the Town owns in this area is not wide enough for safe two-way traffic movements.

### **Strategic Plan Relationship: Build Strong Communities and Cultural Assets**

Improving the width of Park Lane is a benefit to the Town and provides control over the access to an important recreational asset, being Marlene Stewart Streit Park and to the trails on the Lathrop property.

### **Consultation:**

The CAO, Public Works, and Town Clerk staff were consulted on this proposal.

### **Other Pertinent Reports/Attachments:**

See preliminary survey sketch attached prepared by the proponent.

**Prepared and Recommended by:**

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Director of Community Planning and Development

**Prepared and Submitted by:**

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Chief Administrative Officer