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The Regional Municipality of Durham Report

To: Works Committee
From: Commissioner of Works
Report: #2023-W-14
Date: April 5, 2023

Subject:

Declaration of Lands as Surplus and Approval to Convey the Surplus Lands to the Adjacent Landowner

Recommendations:

That Works Committee recommends to Regional Council:

- A) That a portion of property municipally known as 2432 Taunton Road in the Municipality of Clarington, legally described as Part of Lot 15, Concession 5, further described as Part 1 on Registered Plan 40R-31518 be declared surplus to Regional Municipality of Durham requirements;
 - B) That the Regional Municipality of Durham be authorized to transfer the lands legally described as Part of Lot 15, Concession 5 further described as Part 1 on Registered Plan 40R-31518 and having an estimated value of \$4,400, to the adjacent property owners, Donald and Marjorie Hutton, of 2440 Taunton Road for nominal consideration; and
 - C) That the Commissioner of Works be authorized to execute all documents associated with this land transfer.
-

Report:

1. Purpose

- 1.1 The purpose of this report is to declare lands owned by the Regional Municipality of Durham (Region) surplus to the Region's requirements and to authorize staff

to transfer the said lands to the adjacent property owners, Donald and Marjorie Hutton of 2440 Taunton Road, in the Municipality of Clarington (Clarington).

- 1.2 The proposed transfer forms part of the compensation package for lands required from 2440 Taunton Road to facilitate the road rehabilitation on Regional Roads 4 (Taunton Road) and 57 (Bowmanville Avenue), in Clarington.

2. Background

- 2.1 The Taunton Road/Bowmanville Avenue intersection reconstruction project will provide improvements to the intersection to address the anticipated future population growth and increased traffic volumes. The improvements will include replacing the current intersection with a two-lane roundabout and replacing the bridge on Taunton Road, west of the intersection, due to the need to widen the road from two lanes to four lanes at the bridge location. Property was required from both 2432 Taunton Road and 2440 Taunton Road to facilitate the above-noted project.
- 2.2 The property municipally known as 2440 Taunton Road is part of a 28.62 acre (115,823.9 square metre (sq. m)) rural residential/agricultural property, improved with an updated century detached single-family dwelling and outbuildings. The property abuts Bowmanville Creek on the east side. The existing entrance to Taunton Road from this property is substandard due to its proximity to the creek. It does not meet current safety standards and cannot be remediated. Due to the location of the driveway at 2440 Taunton Road, there is not enough land to allow for the construction of the proposed wrap-around guide rail along the bridge required to improve safety. Therefore, the entire Taunton Road frontage of the property consisting of 71.9 sq. m. described as Part 1 on 40R-31450, including the existing driveway, is required by the Region for the project, leaving the property owners with no access to Taunton Road. An amicable agreement has been reached with the property owners to acquire the said property with the Region agreeing to provide a new entrance to the property from Taunton Road.
- 2.3 The property located at 2432 Taunton Road is part of a 3.97-acre (16,058.99 sq. m.) rural residential/agricultural property improved with a detached residence and a barn. The barn, originally located in the southeast corner of the property and within the Region's right of way (ROW), has been relocated to a new location on the property. The cost for the relocation was shared equally between the owner and the Region. The Region acquired 122.6 sq. m of the property; 52.2 sq. m. parcel (Part 2 on 40R-31518) for the road works and 70.4 sq. m. parcel (Part 1 on 40R-31518) to facilitate the construction of the new driveway for the adjacent property at 2440 Taunton. The owners of 2432 Taunton Road

are aware that a portion of the lands purchased from them will be transferred to the neighbouring property owners at 2440 Taunton Road to accommodate the new driveway.

- 2.4 Amicable agreements for the purchase of both properties have been reached with the owners of the respective properties and the land transfers to the Region have been completed.
- 2.5 The next step is for the Region to transfer 70.4 sq. m. of the property acquired from 2432 Taunton Road, described as Part 1 on 40R-31450, to the property owners of 2440 Taunton Road. This transfer will rectify the issues with the driveway resulting from the Region's land acquisition and reinstate access to Taunton Road in a safe, permanent, and standardized manner. This land transfer is the only feasible option to provide the additional frontage necessary to construct the new access at 2440 Taunton Road.

3. Property Disposition

- 3.1 Regional By-law #52-95 established the procedures governing the sale of real property. Section 6 of the By-law states that where, in the opinion of the Commissioner of Works or a designate, a parcel of real property that is proposed to be sold has no general demand or market having regard to its size, location or nature, staff are authorized to negotiate directly with potential purchasers of the lands. Sections 2, 3 and 4 of the By-law are waived in these circumstances.
- 3.2 The land proposed for transfer to the owners of 2440 Taunton Road is a small triangular parcel that will be landlocked until the project work is completed and the frontage along Taunton Road is declared a right of way. No other party would have an interest in this parcel.

4. Financial Implications

- 4.1 An internal valuation has been completed by an appraiser accredited by the Appraisal Institute of Canada which determined a fair market value for the lands to be transferred of \$4,400. As the land transfer is required to reinstate access for 2440 Taunton Road due to the Region's acquisition, the transfer will be for a nominal sum.
- 4.2 Costs associated with the completion of this transaction will be funded from the approved project budget (Project ID: R1906).

5. Conclusions

- 5.1 Regional staff recommends that the lands known as Part 1 on 40R-31518 within this report be declared surplus to Regional needs, and that they be conveyed to the adjacent landowner, Donald and Marjorie Hutton, for the reasons presented in this report.
- 5.2 This report has been reviewed by Legal Services – Office of the CAO.
- 5.3 For additional information, please contact Jenni Demanuele, Director, Corporate Infrastructure and Strategic Business Services, at 905-668-7711 extension 3456.

6. Attachments

- Attachment #1: Location Map – 2432 Taunton Road
- Attachment #2: Registered Plan 40R-31518
- Attachment #3: Registered Plan 40R-31450

Respectfully submitted,

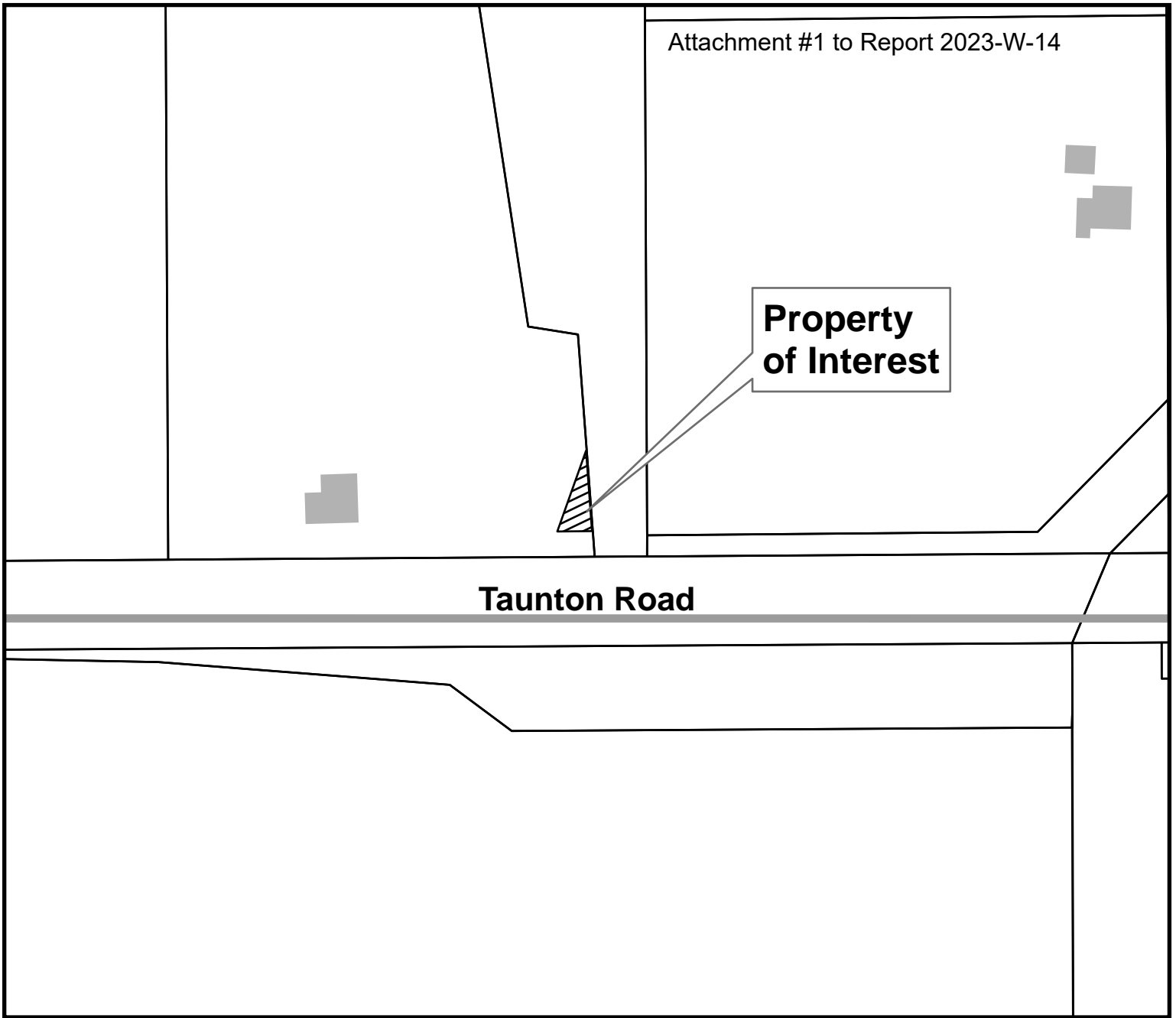
Original signed by:

John Presta, P.Eng., MBA.
Commissioner of Works

Recommended for Presentation to Committee




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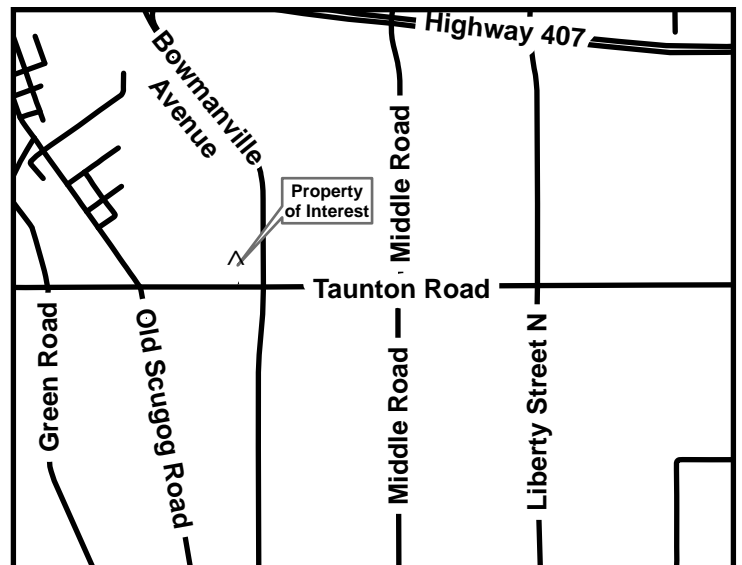
Elaine Baxter-Trahair
Chief Administrative Officer



Attachment #1 - Location Map

**2432 Taunton Road
Town of Bowmanville
Municipality of Clarington**

-  Building Footprints
-  Property of Interest
-  Ownership Parcel



GIS Data: Produced by Durham Region, 2023.
 2022 Orthophotography provided by © First Base Solutions Inc.
 © MPAC and its suppliers. All rights reserved. Not a Plan of Survey.
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Attachment #2 to Report #2023-W-14

| SCHEDULE | | | | | |
|----------|----------------|------------|--------------------|--------------------------------|------------|
| PART | LOT | CONCESSION | PIN | NAME OF MOST RECENT TRANSFEREE | AREA |
| 1 | PART OF LOT 15 | 5 | PART OF 26717-0202 | WEIR, JANET EDITH | 70.4 sq m. |
| 2 | | | | | 52.2 sq m. |

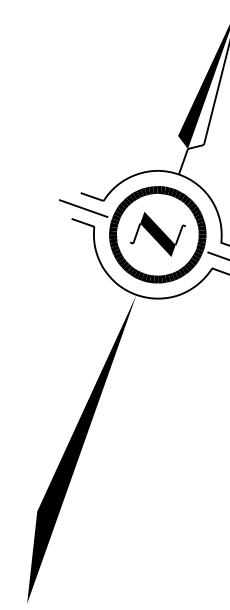
PLAN 40R-31518

Received and deposited

September 23rd, 2021

Zach Patterson

Representative for the
Land Registrar for the
Land Titles Division of
Durham (No.40)



PLAN OF SURVEY OF
**PART OF LOT 15
CONCESSION 5**
(GEOGRAPHIC TOWNSHIP OF DARLINGTON)
NOW IN THE
MUNICIPALITY OF CLARINGTON
REGIONAL MUNICIPALITY OF DURHAM
SCALE 1 : 250



THE INTENDED PLOT SIZE OF THIS PLAN IS 609mm IN WIDTH BY 356mm IN HEIGHT WHEN PLOTTED AT A SCALE OF 1:250

J.D. BARNES LIMITED

METRIC DISTANCES AND/OR COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

NOTES

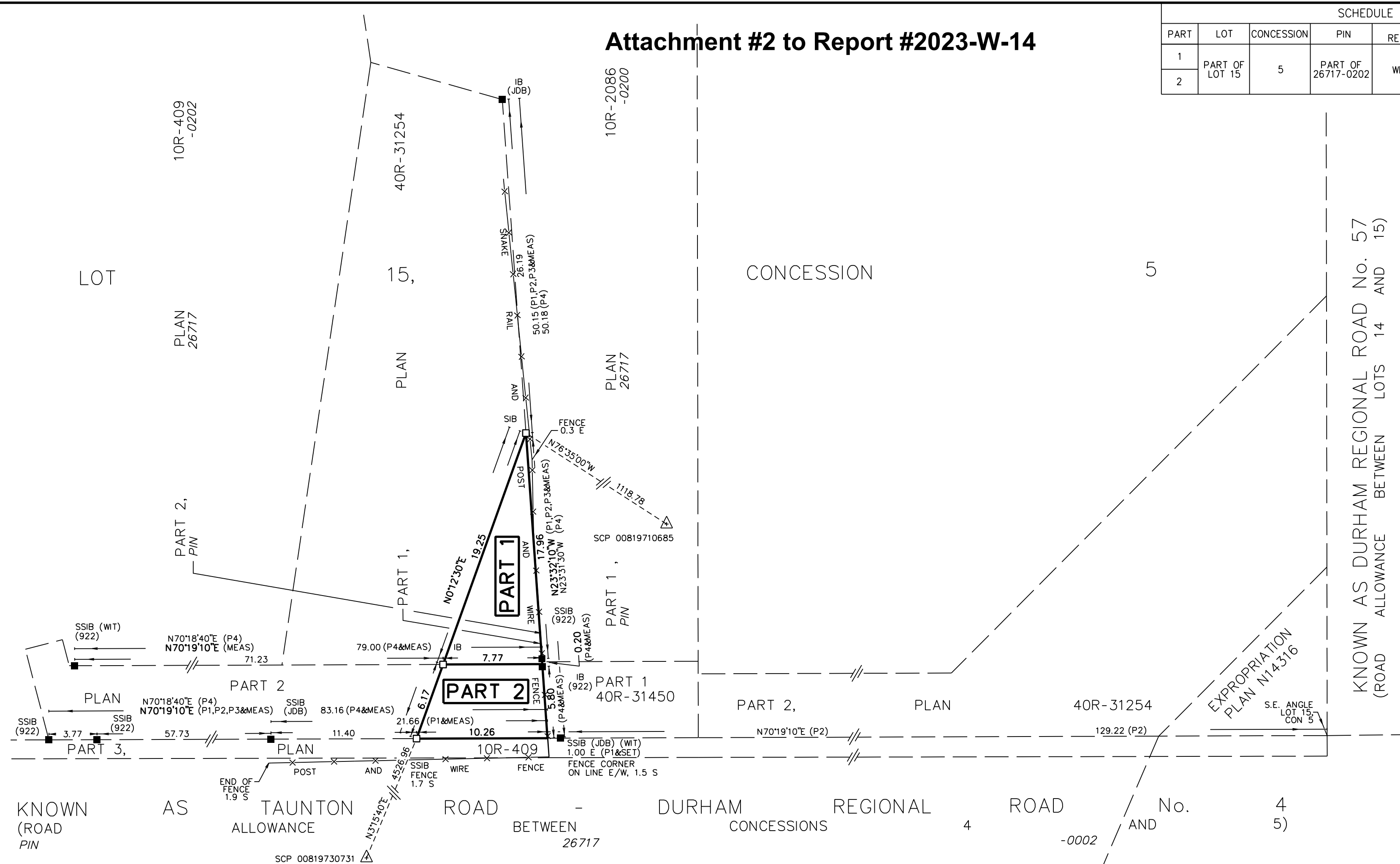
BEARINGS ARE UTM GRID, DERIVED FROM SPECIFIED CONTROL POINTS (SCPs) SCP 00819710685 AND SCP 00819730731, UTM ZONE 17, NAD83 (ORIGINAL). DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING THE COMBINED SCALE FACTOR OF 0.999986.

FOR BEARING COMPARISONS, A ROTATION OF 1°21'40" COUNTER-CLOCKWISE WAS APPLIED TO BEARINGS ON P2 AND P3.

LEGEND

| | | |
|------|---------|--|
| ■ | DENOTES | SURVEY MONUMENT FOUND |
| □ | DENOTES | SURVEY MONUMENT SET |
| SIB | DENOTES | STANDARD IRON BAR |
| SSIB | DENOTES | SHORT STANDARD IRON BAR |
| IB | DENOTES | IRON BAR |
| MEAS | DENOTES | MEASURED |
| WIT | DENOTES | WITNESS |
| 922 | DENOTES | SCHAEFFER DZALDOV BENNETT LTD., O.L.S. |
| JDB | DENOTES | J.D. BARNES LIMITED |
| P1 | DENOTES | PLAN 40R-31254 |
| P2 | DENOTES | PLAN 10R-2086 |
| P3 | DENOTES | PLAN 10R-409 |
| P4 | DENOTES | PLAN 40R-31450 |

ALL SET SSIB MONUMENTS WERE USED DUE TO PROXIMITY OF UNDERGROUND UTILITIES IN ACCORDANCE WITH SECTION 11 (4) OF O.REG. 525/91.



KNOWN AS DURHAM REGIONAL ROAD No. 57
(ROAD ALLOWANCE BETWEEN LOTS 14 AND 15)

EXPROPRIATION
PLAN N14316

INTEGRATION DATA

SPECIFIED CONTROL POINTS (SCPs): UTM ZONE 17, NAD83 (ORIGINAL).
COORDINATES TO AN URBAN ACCURACY PER SECTION 14 (2) OF O.REG 216/10.

| POINT ID | EASTING | NORTHING |
|-----------------|------------|--------------|
| SCP 00819710685 | 683 233.25 | 4 870 569.01 |
| SCP 00819730731 | 681 897.93 | 4 866 259.60 |

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

THE RESULTANT TIE BETWEEN SCP 00819710685 AND SCP 00819730731 IS 4511.62m N17°13'00"E.

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON SEPTEMBER 17, 2021.

SEPTEMBER 21, 2021
DATE

R. Mc RAE
R. Mc RAE
ONTARIO LAND SURVEYOR

THIS PLAN OF SURVEY RELATES TO AOLS PLAN SUBMISSION FORM NUMBER 2159115

J.D. BARNES
LIMITED
SURVEYING
MAPPING
GIS

LAND INFORMATION SPECIALISTS
110 SCOTIA COURT, UNIT 38, WHITBY, ON L1N 8Y7
T: (905) 723-1212 F: (905) 723-4234 www.jdbarnes.com

| | | |
|--|---------------------|----------------------------------|
| DRAWN BY: P.D. | CHECKED BY: R.M. | REFERENCE NO.: 20-25-846-00-F |
| FILE: G:\20-25-846\00\20-25-846-00-F.dgn | | DATED: 09/21/2021 |

PLOTTED: 9/21/21

METRIC: DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

NOTES

| | | |
|------|---------|-------------------------|
| □ | DENOTES | PLANTED MONUMENT |
| ■ | | FOUND MONUMENT |
| SIB | | STANDARD IRON BAR |
| SSIB | | SHORT STANDARD IRON BAR |
| IB | | IRON BAR |
| P | | PLAN 40R-31254 |
| P1 | | PLAN 10R-2086 |
| P2 | | PLAN 10R-409 |
| M | | MEASURED |
| JDB | | J.D. BARNES LIMITED |
| 1106 | | M.D. BROWN, O.L.S. |
| WT | | WITNESS |
| RF | | RAIL FENCE |
| PWF | | POST AND WIRE FENCE |
| OW | | OVERHEAD WIRE |
| UP | | UTILITY POLE |
| GA | | GUY ANCHOR |

BEARINGS ARE UTM GRID DERIVED FROM OBSERVED REFERENCE POINTS 1 AND 2, UTM ZONE 17, NAD83 (ORIGINAL).

DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999983.

OBSERVED REFERENCE POINTS (ORPs): UTM ZONE 17, NAD83 (ORIGINAL) COORDINATES TO URBAN ACCURACY PER SEC. 14(2) OF O.REG. 216/10

| POINT ID. | NORTHING | EASTING |
|-----------|-------------|------------|
| ORP 1 | 4870820.984 | 682257.308 |
| ORP 2 | 4870791.348 | 682174.469 |

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN

Attachment#3 - Report#3023-W-14

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.

PLAN 40R-31450

RECEIVED AND DEPOSITED
DATE JULY 27, 2021.

RECEIVED AND DEPOSITED
DATE July 28 2021

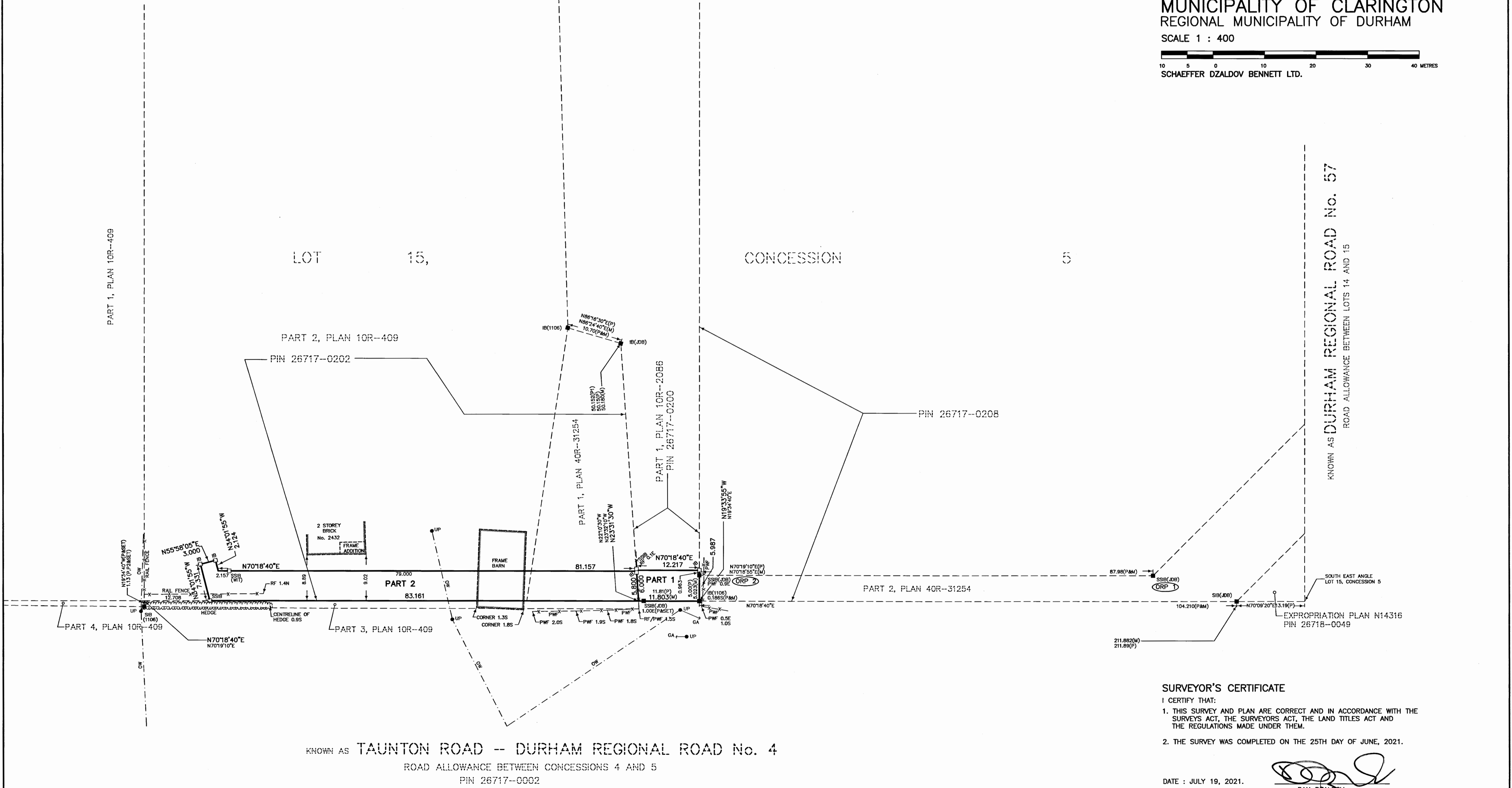
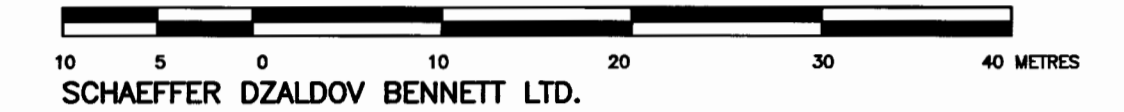
[Signature]
DAN DZALDOV
ONTARIO LAND SURVEYOR

[Signature]
REPRESENTATIVE FOR LAND REGISTRAR FOR THE LAND TITLES DIVISION OF DURHAM No. 40

SCHEDULE

| PART | LOT | CONCESSION | PIN | AREA (m ²) | NAME OF MOST RECENT TRANSFEREE |
|------|------------|------------|--------------------|------------------------|---|
| 1 | PART OF 15 | 5 | PART OF 26717-0200 | 71.9 | HUTTON, DONALD ROBERT HUTTON, MARJORY ELAINE |
| 2 | | | PART OF 26717-0202 | 489.6 | WEIR, JANET EDITH |

PLAN OF SURVEY OF
**PART OF LOT 15
CONCESSION 5**
(GEOGRAPHIC TOWNSHIP OF DARLINGTON)
MUNICIPALITY OF CLARINGTON
REGIONAL MUNICIPALITY OF DURHAM
SCALE 1 : 400



SURVEYOR'S CERTIFICATE

- I CERTIFY THAT:
- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
 - THE SURVEY WAS COMPLETED ON THE 25TH DAY OF JUNE, 2021.

DATE : JULY 19, 2021.

[Signature]
DAN DZALDOV
ONTARIO LAND SURVEYOR

SCHAEFFER DZALDOV BENNETT LTD.
ONTARIO LAND SURVEYORS
64 JARDIN DRIVE CONCORD, ONTARIO L4K 3P3 TEL:(416)987-0101
CALC. WMF DRAWN ACAD/LW CHECKED WMF SCALE 1:400 JOB NO. 21-097-00
JOB # D12-109 Drawing # L99998 D1S 10162 8745