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The Regional Municipality of Durham Report

To: Works Committee
From: Commissioner of Works
Report: #2023-W-4
Date: January 11, 2023

Subject:

Declaration of Lands as Surplus and Approval to Transfer the Surplus Lands to the Town of Whitby as Part of an Agreement with the Ministry of Transportation

Recommendation:

That the Works Committee recommends to Regional Council:

- A) That property known as Old Lake Ridge Road, in the Town of Whitby and The Town of Ajax, legally described as Part 4 on 40R-30216 and all of PIN 26494-0745 in the Regional Municipality of Durham, Town of Whitby and Town of Ajax be declared as surplus to Regional Municipality of Durham requirements;
 - B) That the requirements of Section 3 of Regional By-Law #52-95 be waived to facilitate the land transfer between the Regional Municipality of Durham and The Town of Whitby;
 - C) That the Regional Municipality of Durham's solicitors be authorized to complete the transfer of lands as described, to the Town of Whitby for a nominal sum; and
 - D) That authority be granted to the Commissioner of Works to execute any documents necessary to complete the conveyance to the Town of Whitby.
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Report:

1. Purpose

- 1.1 The purpose of this report is to declare a portion of the right of way owned by the

Regional Municipality of Durham (Region) as surplus to the Region's requirements (Attachment #1) and to convey the said land to the Town of Whitby (Whitby).

2. Background

- 2.1 As part of the Ministry of Transportation's (MTO) Highway 407, Phase 1 project, Lake Ridge Road (formerly Regional Road 23) between Highway 401 and Kingston Road/ Dundas Street (Highway 2) has been realigned to the west to facilitate a new Highway 401 bridge and interchange. The realignment has resulted in a section of Lake Ridge Road (now Old Lake Ridge Road) from Almond Avenue to Cresser Avenue no longer serving as an arterial road. The Region, MTO and Whitby agreed to transfer this segment of the road to Whitby. The Town of Ajax (Ajax) has indicated that it has no interest in ownership.
- 2.2 *The Public Transportation and Highway Improvement Act* only allows the transfer of a roadway to the municipality in which the roadway is located. As Lake Ridge Road is the boundary road between the Towns of Whitby and Ajax, MTO could not directly transfer the road to Whitby. Therefore, the Region agreed to accept the transfer of this section of the roadway from MTO and then transfer it to Whitby.

3. Property Disposition

- 3.1 The property is located south of Kingston Road/Dundas Street (Highway 2) and east of Lake Ridge Road (formerly Regional Road 23), being a portion of Old Lake Ridge Road from Almond Avenue to Cresser Avenue and having an area of 6,826.1 square metres (1.69 acres).
- 3.2 Regional By-law #52-95 established the procedures governing the sale of real property. The initial step in the disposal process is to declare the real property as surplus to Regional requirements. As the land was only transferred to the Region to facilitate the transfer to The Town of Whitby, the lands can be declared surplus without circulating internally.
- 3.3 The property will be transferred to Whitby directly for a nominal sum.

4. Financial Implications

- 4.1 Costs associated with the completion of the land transfer are estimated to be minimal.

5. Relationship to Strategic Plan

- 5.1 This report aligns with the following strategic goals and priorities in the Durham Region Strategic Plan:
- a. Economic Prosperity
Goal 3.3: Enhance communication and transportation networks to better connect people and move goods more effectively.
 - b. Service Excellence
Goal 5.1: Optimize resources and partnerships to deliver exceptional quality services and value.

6. Conclusion

- 6.1 Regional staff recommend that Part 4 on 40R-30216 and all of PIN 26494-0745 be declared surplus to the Regional Municipality of Durham's needs and that the land be conveyed to the Town of Whitby for a nominal sum.
- 6.2 This report has been reviewed by the Legal Services Division of the Corporate Services Department
- 6.3 For additional information, contact Christine Dunkley, Manager, Financial Services and Corporate Real Estate at 905-668-7711, extension 3475.

7. Attachments

Attachment #1: Location Map – Old Lake Ridge Road, Whitby

Respectfully submitted,

Original signed by:

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

Recommended for Presentation to Committee



Original signed by:

Elaine C. Baxter-Trahair
Chief Administrative Officer



**Attachment #1 - Location Map
Surplus Land
Old Lake Ridge Road
Town of Whitby/Town of Ajax**



-  Property of Interest
-  Assessment Parcels



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