



The Regional Municipality of Durham Report

To: Works Committee
From: Commissioner of Works
Report: #2024-W-18
Date: June 5, 2024

Subject:

Declaration of Surplus Lands adjacent to Taunton Road West and east of Des Newman Boulevard in the Town of Whitby

Recommendation:

That the Works Committee recommends to Regional Council:

- A) That property located east of Des Newman Boulevard and adjacent to Taunton Road West in the Town of Whitby, legally described as Part 1 on Plan 40R-32580 in the Town of Whitby, Regional Municipality of Durham, identified as part of PIN 26548-3570 (the Lands), be declared as surplus to Regional requirements;
- B) That the Regional Municipality of Durham pass a by-law, generally in the form included as Attachment #2 to this Report, to stop up and close as a public highway (the Lands), subject to any easements that may be required by any utility;
- C) That the requirements in Section 3 of Regional Municipality of Durham By-Law #52-95 establishing the procedures, including the giving notice to the public, governing the sale of real property be waived;
- D) That Regional staff be permitted to negotiate the disposition of the lands described above in Recommendation A) with Lazy Dolphin Development Inc. at fair market value; and
- E) That the Commissioner of Works be authorized to execute all documents associated with the transaction.

Report:**1. Purpose**

- 1.1 The purpose of this report is to declare property owned by the Regional Municipality of Durham (Region) surplus to the Region's requirements and to obtain approval for staff to negotiate an agreement of purchase and sale with Lazy Dolphin Development Inc. to sell the property at fair market value.

2. Background

- 2.1 The Region acquired the property on June 23, 2006, through an amicable agreement to accommodate the widening of Taunton Road (Regional Road 4), appurtenant utilities, sidewalks and other infrastructure. The expansion and rehabilitation of Taunton Road is now complete, and staff have advised that the lands identified are surplus to Regional requirements.

3. Disposition of Property

- 3.1 Lazy Dolphin Development Inc. approached the Region in April 2020 and expressed an interest in purchasing the south shoulder of Taunton Road West Right-of-Way between Des Newman and Coronation Road (Attachment #1) in the Town of Whitby (Whitby).
- 3.2 Lazy Dolphin Development Inc. owns the property adjacent to the Region's, and acquiring the Region-owned parcel would facilitate the construction of four stacked townhouse buildings comprising ninety-six units. Without the Region's lands, the developer could only construct one of the four proposed buildings.
- 3.3 In accordance with Regional Municipality of Durham By-law #52-95, notices were sent to the local area municipality, utilities, and governmental organizations. Elexicon (utility) indicated that easements would be needed over portions of the land to accommodate hydro pole anchors. In November of 2023, Elexicon provided specific dimensions of the land requirements, and Regional staff commissioned an R-Plan to define the lands that are surplus to our requirements.
- 3.4 Land use analysis concluded that the parcel is designated as Community Areas in the Regional Official Plan and Residential in the Town of Whitby Official Plan. The Town of Whitby zoning by-law states that the property is currently zoned as High-Density Zones (HD).

3.5 The estimated fair market value of the referenced property, as determined by Region staff, is provided under separate cover. Please refer to the confidential memo attached (Attachment #3).

4. By-Law # 52-95

4.1 By-law #52-95 established the procedures governing the sale of real property. The initial step in the disposal process is a declaration that the real property is surplus to the Region's requirements.

4.2 Section 3 of the By-law requires staff to issue notices to the public and other authorities regarding the disposition of the surplus land. As Lazy Dolphin Development Inc. is interested in acquiring the lands to accommodate its future development, waiving the notice requirement is recommended.

5. Conclusion

5.1 The Regional Municipality of Durham does not require the portion of the Road allowance described in this report. It is recommended that Regional Council approve this road closure, and permit staff to enter into an agreement of Purchase and Sale to dispose of the land to the adjacent property owner.

5.2 This report has been reviewed by the Legal Services Division – Office of the CAO.

5.3 For additional information, please contact Christine Dunkley, Director of Corporate Infrastructure and Strategic Business Services at 905-668-7711, extension 3475.

6. Attachments

Attachment #1: Location Map

Attachment #2: Proposed Stop Up And Close By-law

Attachment #3 Confidential Memo (Under Separate Cover)

Respectfully submitted,

Original signed by:

Ramesh Jagannathan, MBA, M.Eng., P.Eng., PTOE
Commissioner of Works

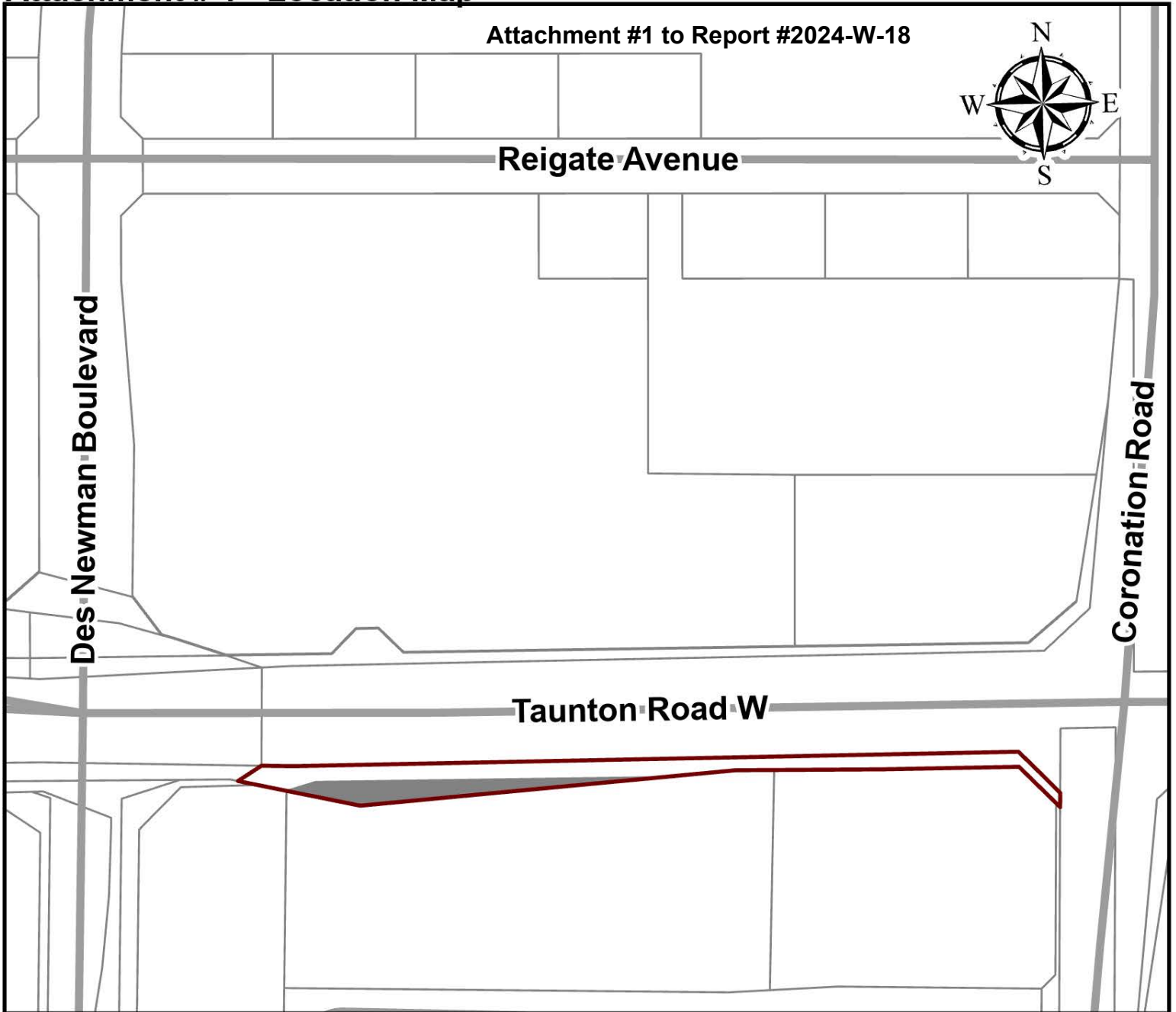
Recommended for Presentation to Committee

**Original signed by Nancy Taylor,
Commissioner of Finance for**

Elaine C. Baxter-Trahair
Chief Administrative Officer

Attachment # 1 - Location Map

Attachment #1 to Report #2024-W-18



Location Map PIN # 265483570 Town of Whitby

-  Ownership Parcels
-  Ownership PIN # 265483570
-  Lands Surplus to Region Requirement



GIS Data: Produced by Durham Region, 2024.
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By-law Number 2024-***

of The Regional Municipality of Durham

Being a by-law to stop up and close as a public highway and to convey, that portion of lands adjacent to Taunton Road West and east of Des Newman Boulevard in the Town of Whitby legally described as Part 1 on Plan 40R-32580 in the Town of Whitby, Regional Municipality of Durham, identified as Part of PIN 26548-3570 (the "Lands").

Whereas the Lands were formerly acquired to be part of the Taunton Road (Regional Road 4) right of way.

And whereas it is desirable to stop up and close the Lands and Regional staff register this by-law at the land registry office pursuant to s. 34(1) of the Municipal Act, R.S.O., 2001.

Now therefore, the Council of The Regional Municipality of Durham hereby enacts as follows:

1. That portion of lands adjacent to Taunton Road West and east of Des Newman Boulevard in the Town of Whitby legally described as Part 1 on Plan 40R-32580 in the Town of Whitby, Regional Municipality of Durham, identified as Part of PIN 26548-3570, is hereby stopped up and closed.
2. The Lands are authorized to be conveyed to Lazy Dolphin Developments Inc. at market value.
3. The Regional Chair and Clerk are hereby authorized to execute all documents associated with this closure and conveyance which has been approved by the Regional Solicitor for the Lands provided for in Sections 1 of this by-law.

This Bylaw Read and Passed on the XX day of XXXXX, 2024.

J. Henry, Regional Chair and CEO

A. Harras, Regional Clerk