

Town of Whitby

Staff Report

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Report Title: Acquisition of Land from MTO - South-West Corner of Baldwin Street and Winchester Road

Report to: Committee of the Whole

Date of meeting: May 27, 2024

Report Number: FS 23-24

Department(s) Responsible:

Financial Services Department
Legal and Enforcement Services

Submitted by:

Fuwing Wong, Commissioner, Financial Services/Treasurer

Francesco Santaguida, Commissioner, Legal and Enforcement Services/Town Solicitor

**Acknowledged by M. Gaskell,
Chief Administrative Officer**

For additional information, contact:

Fuwing Wong, ext 4314

Laura Scott, Real Estate Law Clerk, ext 2843

1. Recommendation:

1. That the land at the south-west corner of Baldwin Street and Winchester Road, legally described as Part of the North Half Lot 25, Concession 5 and Part of the Road Allowance between Lots 24 and 25, Concession 5, being Part 1, Plan 40R-31677 (P-1410-0164, P-1771-0110, P-5120-0354) being part of PIN 26573-0002 (LT), in the Town of Whitby, Regional Municipality of Durham as shown in Attachment 1 (the "Property") be acquired from the Minister of Transportation for the Province of Ontario ("MTO") subject to the conditions set forth in Financial Services Report FS 23-24;
2. That a 2024 capital project be established for the acquisition of the Property, in the amount as outlined in the confidential memo from the Commissioner, Financial Services/Treasurer dated Friday May, 24, 2024, funded from the Town Property Reserve Fund;

3. That the Clerk bring forward a by-law authorizing the acquisition of the Property from MTO to the May 27, 2024 Council Meeting substantially in the form included as Attachment 2 to Report FS 23-24;
4. That the requirement to obtain an appraisal in accordance with Town of Whitby Policy F-190 regarding the Acquisition, Sale or other Disposition of Land Policy be waived for the acquisition of the Property herein;
5. That Council hereby delegate authority to the Chief Administrative Officer and the Commissioner, Financial Services/Treasurer to undertake the necessary actions and execute an agreement of purchase and sale and all other necessary documents to give effect thereto, with such actions and agreements in a form satisfactory to the Commissioner, Legal and Enforcement Services/Town Solicitor, or designate; and,
6. That the Town continue to negotiate with Fieldgate Developments on the installation of a Town of Whitby gateway/entrance feature on the Property.

2. Highlights:

- The Ministry of Transportation Ontario (“**MTO**”) declared the Property (located on the South-West corner of Baldwin and Winchester) surplus;
- Town staff will continue to negotiate and finalize the acquisition of the Property from MTO;
- Staff recommend the purchase of the Property for the installation of a gateway feature into the new major commercial development in Brooklin.

3. Background:

With the planned development in the Brooklin area, Town of Whitby staff have been inquiring and in discussions with the MTO about an entrance/gateway feature on the Property. On April 24, 2024, the Town of Whitby received confirmation that the Property has been declared surplus to MTO’s requirements. The MTO letter also contained an appraisal value, which MTO noted was to be considered confidential, and sought the Town’s interest to acquire the land at the appraised value.

The Property, located on the south-west corner of Baldwin Street and Winchester Road, is approximately 1.82 acres and an ideal location for an entrance/gateway feature into the new major commercial development in Brooklin. The Baldwin Street and Winchester Road intersection is considered the southern gateway to the Village of Brooklin. The Town owns an entrance feature to the existing commercial plaza at the south-east intersection of Baldwin Street and Winchester Road (i.e., Freshco Plaza) and would like to plan for a gateway feature at the south-west corner of the new commercial development being constructed by Fieldgate Developments (i.e., Longo’s Plaza).

The Property is currently part of MTO’s right-of-way and is presently not zoned which is common for a road right-of-way.

4. Discussion:

Town staff recommend proceeding with the acquisition of the Property from MTO. Staff have also been in discussions with the adjacent property owner, Fieldgate Developments, on potentially Fieldgate constructing the entrance/gateway feature to their planned commercial plaza development, just to the south and west of the MTO property.

5. Financial Considerations:

The appraisal provided by MTO has been communicated to Council via Confidential Memo dated Friday May 24, 2024. Town Policy F-190 regarding the Acquisition, Sale or other Disposition of Land Policy requires that the Town obtain at least one (1) independent appraisal, completed by an accredited appraiser through the Appraisal Institute of Canada, or other such method of valuation as determined by the CAO. Staff believe that the MTO appraisal is reasonable and recommend that the requirement for the Town to obtain an appraisal be waived for the acquisition of the Property.

Subject to Council's approval, a new 2024 capital project will be established in the amount (including applicable closing costs) outlined in the confidential memo and funded from the Property Reserve Fund.

The current uncommitted balance of the Property Reserve Fund is approximately \$1.1 million after accounting for the funds allocated for the acquisition of land for the new Whitby fire station and recent commitment to purchase environmental compensation land (outlined in the May 13, 2024, Report FS 33-24).

6. Communication and Public Engagement:

N/A

7. Input from Departments/Sources:

This report incorporates comments from Legal Services, Planning and Development, and the Financial Services departments.

8. Strategic Priorities:

A future entrance feature on the Property will attract businesses to locate in the area and customers. Accordingly, this report supports Strategic Pillar 3: Whitby's Economy and Objective 3.2 – Attract and Retain Businesses and Industry of the Town's Community Strategic Plan.

9. Attachments:

Attachment 1 – Plan 40R-31677 outlining the Property as Part 1

Attachment 2 – Draft Land Acquisition By-law