



The Regional Municipality of Durham
To: The Works Committee
From: Commissioner of Works
Report: 2007-LT-09
Date: November 7, 2007

SUBJECT:

Land Transaction – Part of Lot 6, Concession 13, in the Township of Brock

RECOMMENDATIONS:

THAT subject to the approval of the Finance and Administration Committee (recommendation c), the Works Committee recommends to Regional Council that:

- a) The following land purchase agreement be approved:

<u>Owner</u>	<u>Nature of Settlement</u>	<u>Land</u>	<u>Amount</u>
Nancy Lynn Draper & Kenneth William Draper	Offer to Sell	Part of Lot 6, Concession 13, Township of Brock (102 acres)	\$918,000

- b) Additional costs estimated to be \$55,000 for legal, appraisal, land transfer tax and closing fees be approved as part of the settlement;
- c) Pre-budget approval of \$973,000 be financed within the 2008 Solid Waste Management Capital Budget; and
- d) The Regional Chair and Clerk be authorized to execute all documents associated with the agreement.
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REPORT:

Attachment No. 1: Location Map – 580 Concession Road 14, Township of Brock

1. BACKGROUND

On October 13, 2006, the Ministry of the Environment (MOE) issued a Provincial Officer's Order (Order) requiring the Regional Municipality of Durham (Region) to develop a Remedial Action Plan (RAP) and Site Operations Report (SOR) to address off-site occurrences of leachate to the north of the Brock Township

Landfill. The Region retained Conestoga Rovers & Associates to review the site and prepare the necessary submissions as required by the Order.

The need for acquiring the property was addressed in the Region's submission of the RAP and SOR submitted to the MOE on January 31, 2007, and March 30, 2007, respectively. Assuming responsibility and ownership of the impacted land and suitable buffer area would allow the Region to implement the necessary remedial works to address off-site leachate migration. This parcel of land will also encompass any current and future monitoring and serve as a long term buffer land to ensure continued accessibility and operation of the landfill in an environmentally responsible manner.

The Region has been involved in ongoing negotiations with the property owner and their solicitor. The appraisal undertaken on behalf of the Region estimates the market value of the farm to be \$485,000 as of January 22, 2007.

The solicitor for the property owner has advised that the Draper family, if forced to relocate, would seek an equivalent property to allow them to maintain their existing way of life and future plans. The reinstatement principle is articulated in Section 15 and Sub-section 14(2) of the *Expropriations Act*.

By acquiring the farm in its entirety, in an expeditious manner, the Regional Municipality of Durham would save significant legal and appraisal fees as well the cost of expropriating the land required. An amicable resolution to this potentially contentious matter is in the best interest of the Regional Municipality of Durham, and Regional staff believes that recommended acquisition will achieve the desired outcome.

It is acknowledged that the offer for the land in question is significantly in excess of the appraised value. It is also noted that the Region does require the buffer to the north and there is an associated advantage to owning the land and thereby relieving any possible issues with respect to a neighbour immediately north of our site. Further, should Committee support the current offer the cost may be mitigated, in part, by a future sale of the surplus property. In any event, staff feels the offer must be presented to Committee for their consideration.

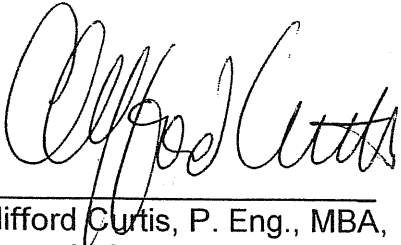
As part of the Offer to Sell, the Region has agreed to lease the property to the owners for a period up to two (2) years after the closing date for a nominal rent of \$1.00 annually. The owners accept full liability and responsibility for expenses related to this property until the lease is terminated. The lease can be terminated by either party with sixty (60) days notice. This notice requirement will allow the Region to implement, when required, the necessary remedial works in accordance with the Region's schedule.

2. FINANCIAL IMPLICATIONS

It is recommended that the financing for this land transaction, in the amount of \$973,000, be provided by pre-budget approval within the 2008 Solid Waste Management Capital Budget.

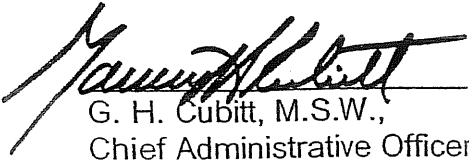
This report has been reviewed by the Regional Solicitor who concurs with the recommendations contained herein.

This report has been reviewed by the Finance Department and the Commissioner of Finance concurs with the financial recommendation.



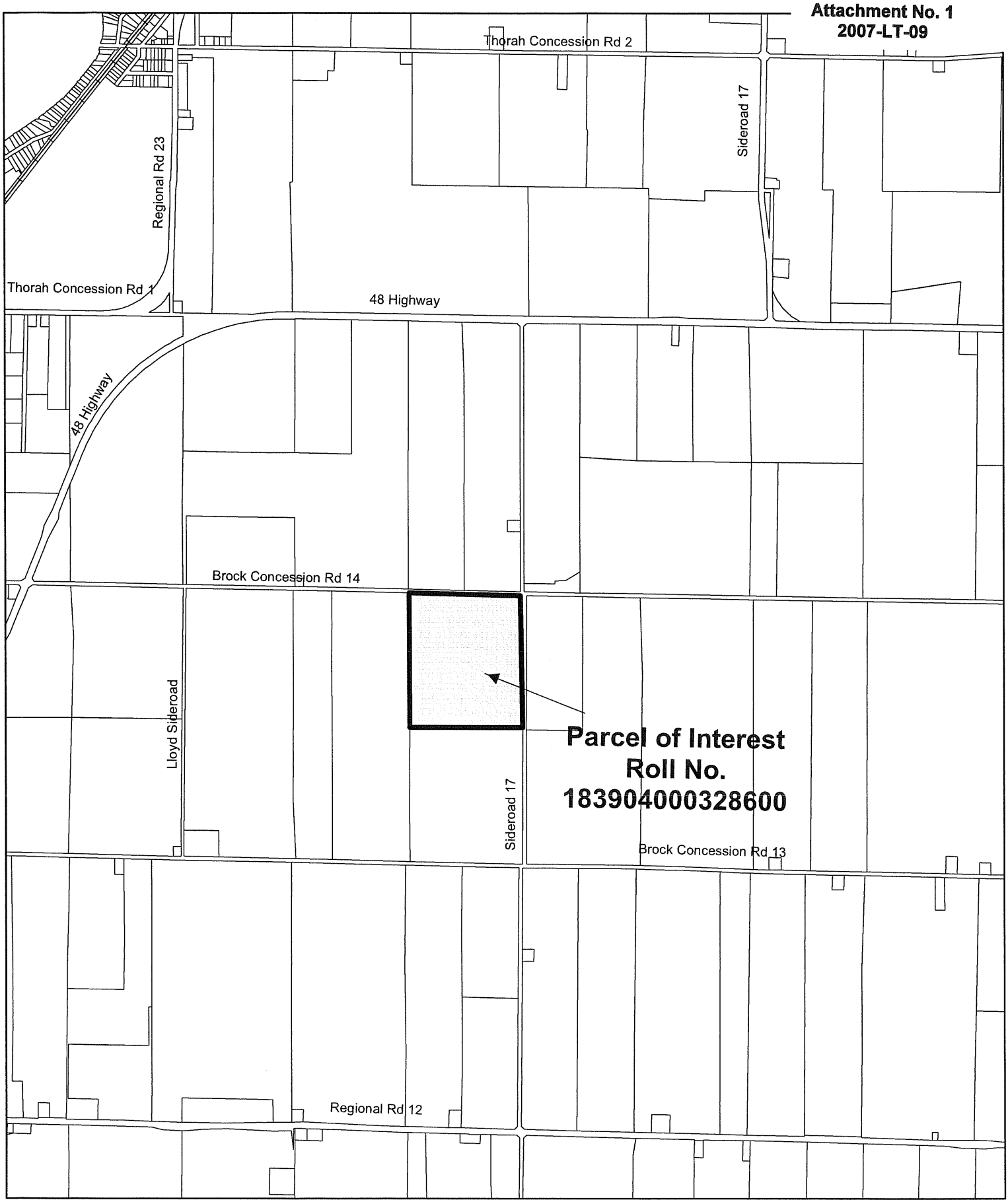
Clifford Curtis, P. Eng., MBA,
Commissioner of Works

Recommended for Presentation to Committee



G. H. Cubitt, M.S.W.,
Chief Administrative Officer

RE2/ms/mp



Parcel of Interest
Roll No.
183904000328600



The Regional Municipality of Durham
Works Department
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Land Requirement
580 Concession Road 14, Part Lot 6, Concession 13
Township of Brock

