

**Subject: Purchase of Land - Plan 8520247, Block 2, Lot 23 –  
Hamlet of Conklin****APPROVALS:****Annette Antoniak**\_\_\_\_\_  
Director\_\_\_\_\_  
Chief Administrative Officer**Recommended Motion:**

THAT, in accordance with section 2.1 of the Land Acquisition Policy #ADM-250, Administration be directed to complete the purchase of the lands legally described as Plan 8520247, Block 2, Lot 23 containing 2.05 hectares (5.07 acres) more or less in the Hamlet of Conklin highlighted in red on Attachment 1 (Subject Area Map dated June 20, 2019) subject to the terms and conditions outlined in Attachment 2 (Summary Land Purchase - Terms and Conditions dated June 18, 2019).

**Summary:**

Council approval is required in order to authorize the purchase of the subject lands being Plan 8520247, Block 2, Lot 23. The owner, Tanis McCallum (Robillard) of Plan 8520247, Block 2, Lot 23 has requested the Municipality purchase back the property as claims she was sold an undevelopable lot.

**Background:**

The Municipality became the registered owner of Plan 8520247, Block 2, Lot 23 in the Hamlet of Conklin by Order of the Minister in 1995.

A Rural Lot Leasing program had been in effect in the region since the 1980's. The program was originally established and administered by the Province. Administration of the program was subsequently transferred to the former Improvement District and then assumed by the Municipality at the time of amalgamation in April of 1995.

The lease agreements used in the program were for a five-year period after which title to the leased lot could be granted to the leaseholder provided the lease had been fully paid out and taxes on the property were current.

A Lease with Option to purchase was issued to Yvonne McCallum in 2001 with a 5-year term expiring May 31, 2006 for \$113.57 per month. Land was transferred to Ms. Robillard per request from Yvonne McCallum in 2004 for \$6,814.26. The lease had several

conditions, one of which described the suitability of the land. This condition goes on to explain that the Municipality makes no warranty as to the suitability of the land for the intended use by the Lessee. This would require the Lessee to conduct all due diligence and determine if the property meets the required need.

In 2017, Land Administration met with Ms. Robillard regarding acquiring a temporary workspace agreement on her property regarding ongoing construction work of the Rural Infrastructure Rehab Program. Ms. Robillard advised that as her property was undevelopable, she was looking for the Municipality to purchase the property back at \$580,000.

Ms. Robillard claims that due to a waterbody running through the property that the property is undevelopable. A Waterbody Assessment Report provided by Basin Environmental in 2017 shows there is an unnamed registered creek ID 141078 running through the property making the lot unserviceable.

The Municipality received a formal request from Ms. Robillard January 2019 to purchase her lot for the municipal assessed value of \$116,500 or consider a land swap of a true business industrial lot. A circulation was conducted with internal Municipal Departments and no interest was received. A need was identified post circulation by Engineering for the Rural Water Sewer program as the subject lands may be negatively impacted by current overland drainage and storm water impoundment issues.

Should this land have been subdivided under the current *Municipal Government Act* requirements, it would qualify as Environmental Reserve (ER).

An appraisal was conducted by Colliers International in February 2019 putting the value of the property at \$51,000. The Municipal assessment value is \$116,500. The 2019 property taxes are \$1,947.88 due June 28, 2019.

**Budget/Financial Implication:**

In order to facilitate the purchase of Plan 8520247, Block 2, Lot 23, the Municipality shall be required to allocate funds from the Land Acquisition Budget.

**Rationale for Recommendation:**

Approving the purchase will resolve any potential nuisance or trespass claim arising from a drainage issue that may have or may be created from the Rural Infrastructure Rehab project.

Land has environmental constraints where it may be difficult to construct or develop anything.

**Strategic Priorities:**

Responsible Government

**Attachments:**

**1. Subject Area Map**

**2. Summary Land Purchase - Terms and Conditions**