
TO: GENERAL COMMITTEE

SUBJECT: OPTION TO PURCHASE BLOCK 203, PLAN 51M-771 FOR PARKLAND PROPERTY

PREPARED BY AND KEY CONTACT: R. CARLSON, LAWYER EXT 4410 *R.C.*

SUBMITTED BY: I. PETERS, DIRECTOR OF LEGAL SERVICES *I. Peters*

GENERAL MANAGER APPROVAL: E. ARCHER, CMA, GENERAL MANGER OF CORPORATE SERVICES *E. Archer*

CHIEF ADMINISTRATIVE OFFICER APPROVAL: C.LADD, CHIEF ADMINISTRATIVE OFFICER

RECOMMENDED MOTION

1. In response to the Superior Court's interpretation of the City's rights set out in the Residential Subdivider's Agreement registered as Instrument # SC219250, that the City elect not to exercise its option to purchase Block 203, Plan 51M-771 shown on Appendix "A" for parkland purposes from 1291264 Ontario Limited.

PURPOSE & BACKGROUND

2. Council resolution 12-G-121 dated as at May 14, 2012 provided; "that the City of Barrie waive its right of first refusal to purchase Block 203, Plan 51M-771 for parkland purposes from 1291264 Ontario Limited as set out in the Residential Subdivider's Agreement registered as Instrument #SC219250 on the condition that only single detached residential homes will be developed on the subject site should a change in zoning be pursued".
3. The property owner chose not to accept the City's condition and instead brought an application to the Superior Court for an interpretation of the right conferred in the Subdivider's Agreement.
4. The application was heard on January 30, 2013 and a decision was issued by Justice Eberhard on February 4, 2013. The decision is a matter of public record. Justice Eberhard found that the agreement conferred upon Barrie an option to purchase the property for parkland. Justice Eberhard found that the agreement did not confer a right of first refusal upon Barrie, which would have allowed it to match a third party offer subsequently made. Justice Eberhard further decided that her declaration created a new circumstance that the City should have the opportunity to consider and that the City should have 30 days to exercise or waive its option without further conditions.

ANALYSIS

5. The Parks, Planning and Development Branch analyzed their needs for additional recreational lands, focusing on soccer and baseball requirements. It was noted that participant numbers for soccer have decreased by 800 participants since 2010. Based on the preliminary findings from the update on the Parks and Recreation Master Plan to include the annexation lands, it is projected that new baseball diamond facilities are not required until after 2019.

6. The estimated purchase price of the land would be approximately \$1.5 million - \$2 million.
7. Infrastructure costs for the implementation of any type of sports field have to be taken into consideration in the potential purchase price of the land parcel. Preliminary facility layouts suggest that either 1 baseball diamond, 1 soccer field or multiple tennis courts could be accommodated within Block 203. The Parks and Recreation Master Plan estimates the Capital costs for each facility as being \$400,000/baseball field, \$400,000/senior irrigated soccer field and \$75,000/tennis court (assuming a 4 court facility at \$300,000). When combined with other infrastructure requirements such as on-site parking, site servicing, potential reconfiguration of the existing Batteaux Park facilities, hard & soft landscape and park amenities such as furniture and signage, the estimated cost for park improvements could potentially exceed \$1 million.

ENVIRONMENTAL MATTERS

8. There are no environmental matters related to the recommendation.

ALTERNATIVES

9. There is one alternative available for consideration by General Committee:

Alternative #1

General Committee could decide to purchase the property for parkland purposes.

This alternative is not recommended as the land purchase alone would effectively deplete the existing cash-in-lieu reserves and the infrastructure costs would have to be proposed for consideration in the next Capital Business Plan cycle.

With the existing cash-in lieu of parkland reserve fund of approximately \$2.1 million, the purchase cost alone would significantly decrease the ability of the City to purchase lands in other areas, such as the annexation lands, where larger land parcels would provide better distribution of parkland to the City as a whole.

FINANCIAL

10. Costs associated with the hearing have been funded by approved funds included in the 2013 Business Plan.
11. Exercising Alternative #1 would require approximately \$1 million in additional funding from the City.

LINKAGE TO 2010-2014 COUNCIL STRATEGIC PLAN

12. The recommendation(s) included in this Staff Report support the following goals identified in the 2010-2014 City Council Strategic Plan:

- Strengthen Barrie's Financial Condition

APPENDIX "A"

Reference Plan 51M-771

