

DATE OF MEETING AUGUST 13, 2018

AUTHORED BY NANCY SKEELS, PROPERTY AGENT, REAL ESTATE

**SUBJECT PROPERTY DISPOSITION – LOT 7 ENCROACHMENT AREA  
ADJACENT TO 4134 WELLESLEY AVENUE**

## **OVERVIEW**

### **Purpose of Report**

To obtain Council approval for the sale of City-owned land, Lot 7 Encroachment Area adjacent to 4134 Wellesley Avenue.

### **Recommendation**

That Council:

1. approve the disposition of City-owned property, Lot 7 Encroachment Area located adjacent to 4134 Wellesley Avenue, to Katie Hommy and Allen Armstrong for the sum of \$23,000 plus costs; and
2. direct the Mayor and the Corporate Officer to execute the necessary documents to effect the transaction.

## **BACKGROUND**

At the 2018-JAN-15 “In Camera” Council meeting, Council confirmed direction to dispose of the encroachment areas adjacent to the Loudon Walkway to the property owners on Wellesley Avenue and Victoria Avenue, subject to individual appraisals and negotiations with each property owner.

At the 2018-MAR-05 “In Camera” Council meeting, approval in principle was provided to dispose of a parcel of land, known as the Lot 7 Encroachment Area (“Lot 7”), 76 sq. m. (818 sq. ft.) of land fronting Lake Road (Loudon Walkway) to the owners of 4134 Wellesley Avenue (the “Property”). The Property ownership has changed since that meeting. The current owners, Katie Hommy and Allen Armstrong (the “Owners”), wish to rectify the house and outdoor patio encroachment by purchasing Lot 7 (Attachments A and B). The Owners are asking that Council accept the previous owners’ submitted offer of \$23,000 plus costs to purchase Lot 7. Costs are estimated at \$8,000. This will equate to a total acquisition cost of \$37.89 p/sq. ft.

The surveying work is now complete and the notice of disposition has been published in the newspaper. Staff have reviewed the application against all City standards and have ascertained Lot 7 to be surplus to City requirements.

If approval is received, Lot 7 will be consolidated with the Owner’s Property. A ten-meter section from the boundary of Long Lake and the Property line will be retained as buffer area to the lake as dedicated park.

## OPTIONS

### A. That Council:

1. approve the disposition of City-owned property, Lot 7 Encroachment Area located adjacent to 4134 Wellesley Avenue, to Katie Hommy and Allen Armstrong for the sum of \$23,000 plus costs; and,
2. direct the Mayor and the Corporate Officer to execute the necessary documents to effect the transaction.
  - **Budget Implication:** The encroachment area has an appraised market value of \$22,000. The Owners have submitted an offer of \$23,000. The Owners will also be responsible for all legal and surveying costs, and costs to publish the required notices and taxes. Costs are estimated at \$8,000. This will equate to a total acquisition cost of \$37.89 p/sq. ft. The funds from the disposition of the lands will go back into the Property Reserve Fund and can be used to support other Council property acquisitions.
  - **Legal Implication:** The City solicitor will prepare the Offer to Purchase.
  - **Policy Implication:** Staff have published a Notice of Disposition as required under Section 26 and 94 of the *Community Charter*.
  - **Engagement Implication:** The owners along Lake Road between Victoria Avenue and Wellesley Avenue have been consulted and Staff have met with the Wellington Neighbourhood Association. Fortis, Telus, Shaw, BC Hydro and the Ministry of Transportation are unaffected by this application. Staff have reviewed the application against all City standards and have ascertained Lot 7 to be surplus to City requirements.
  - **Political Implication:** Providing approval to the property disposition would be consistent with Council's past decisions.

### B. That Council not approve the disposition of City-owned property, Lot 7 Encroachment Area located adjacent to 4134 Wellesley Avenue, to Katie Hommy and Allen Armstrong.

- **Budget Implication:** The City will not benefit from the \$23,000 in property disposition. The City will continue to collect \$25.00 from the annual encroachment fees paid by the Owners.
- **Legal Implication:** The Owners will be required to maintain liability insurance and enter into an annual encroachment agreement with the City.
- **Engagement Implication:** If Council chooses to not dispose of Lot 7, Staff would convey this message to the Owners.
- **Political Implication:** In 2011, Council provided approval to dispose of a portion of Lake Road to the owner of 4044 Apsley Avenue through the road closure and property disposition process to rectify an encroachment issue on this property. Not providing approval to the property disposition would be inconsistent with Council's past decisions.

## SUMMARY POINTS

- At the 2018-JAN-15 "In Camera" Council meeting, Council confirmed direction to dispose of the encroachment areas adjacent to the Loudon Walkway to the property

owners on Wellesley and Victoria Avenue, subject to individual appraisals and negotiations with each property owner.

- At the 2018-MAR-05 “In Camera” Council meeting, approval in principle was provided to dispose of 76 sq. m. (818 sq. ft.) of land now known as Lot 7 to the owners of 4134 Wellesley Avenue (the “Property”). The Property ownership has changed since that meeting. The current owners, Katie Hommy and Allen Armstrong, wish to rectify the house and outdoor patio encroachment by purchasing Lot 7. The Owners are asking that Council accept the previous owners’ submitted offer of \$23,000 plus costs to purchase Lot 7. Costs are estimated at \$8,000. This will equate to a total acquisition cost of \$37.89 p/sq. ft.
- The surveying work is now complete and the notice of disposition has been published in the newspaper. Staff have reviewed the application against all City standards and have ascertained Lot 7 to be surplus to City requirements.
- If approval is received, Lot 7 will be consolidated with the Owner’s Property. A ten-meter section from the boundary of Long Lake and the Property line will be retained as a park buffer area to the lake.

## **ATTACHMENTS**

ATTACHMENT A: Location Plan

ATTACHMENT B: Aerial Photo |

### **Submitted by:**

Bill Corsan  
Deputy Director, Community Development |

### **Concurrence by:**

Dale Lindsay  
Director, Community Development |