



REPORT

Council

Meeting Date: March 25, 2024

FROM: Legal Department

DATE: March 12, 2024

SUBJECT: Pedestrian Pathway to Athabasca Pond

LOCATION: Servicing Block to Athabasca Pond

WARD: Ward 7

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RECOMMENDATION:

That staff be authorized to hold back from the sale of Block 21 on Plan 20M-1185 the sidewalk and boulevard on the north end of the Block for purposes of retaining a pedestrian pathway to access Athabasca Pond.

KEY FACTS:

The following are key points for consideration with respect to this report:

- Council authorized staff to transfer the servicing block identified as Block 21 on Plan 20M-1185 to the adjacent developer to the South to incorporate the access driveway within their condominium development.
- Through the site plan process for the developer's lands, Urban Design staff identified a need to provide the public with an access route to Athabasca Pond to use the trail that surrounds the pond.
- The developer has agreed to exclude a portion of Block 21 from the sale so the Town can retain the sidewalk and boulevard to provide the public with an access route to the trail surrounding the pond.
- Staff are seeking authority to amend the terms of the sale agreement to retain the sidewalk and boulevard in Town ownership.

BACKGROUND:

On August 1, 2023, Council approved the sale of a Town servicing block, identified as Block 21 on Plan 20M-1185, to Daniels Emshih Oakvillage Corporation (the "**Developer**"). The Developer owns the adjacent development block to the South (the "**Developer's Lands**"). A copy of this staff report is included as Appendix B.

Block 21 will be used as an access driveway to the Developer's Lands, and it was never intended to be a public road maintained by the Town. The Town's interest in Block 21 as an access route to the pond can be secured through easements, so it was declared surplus. The Town entered into a sale agreement to sell Block 21 to the Developer, and that transaction is scheduled to close once site plan approval is granted for the Developer's Lands.

Through the site plan process for the Developer's Lands, Urban Design staff identified a need for a public access route within this development to allow the public to access the trail surrounding the Athabasca Storm Pond. The Developer has agreed to exclude the north sidewalk and boulevard shown on Appendix A (the "**Pathway Lands**") from the sale of Block 21, so the Town can ensure it remains open to the public as a pedestrian pathway.

The townhouse block to the north uses the sidewalk as a pedestrian access to the lots that front onto these lands. Under the subdivision agreement, the townhouse condominium is responsible for the grass cutting for the boulevard and the Town is responsible for the boulevard trees and sidewalk snow clearing and maintenance.

COMMENT/OPTIONS:

The sidewalk and boulevard do not provide any benefit to the development on the Developer's Lands, so they are agreeable to the Pathway Lands being retained by the Town for a pedestrian pathway. Retaining the Pathway Lands will secure a pedestrian pathway to Athabasca Pond from Postridge Drive. It will also avoid any disputes between the future condominium on the Developer's Lands and the townhouse condominium to the north, if the Town controls the pathway and can ensure it always remains open. Therefore, staff are recommending amending the sale agreement for Block 21 to retain the Pathway Lands under Town ownership.

CONSIDERATIONS:

(A) PUBLIC

The inclusion of this report in the Council agenda will provide public notification.

(B) FINANCIAL

The sale price for Block 21 will be reduced proportionately for the area of the Pathway Lands being removed from the sale. The sale price was determined using a market appraisal.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

The Parks and Open Space, Transportation and Engineering and Planning Departments were consulted in the preparation of this report.

(D) COUNCIL STRATEGIC PRIORITIES

This report addresses the corporate strategic goal to be the most livable town in Canada.

(E) CLIMATE CHANGE/ACTION

N/A

APPENDICES:

Appendix A: Location Map showing the Pathway Lands

Appendix B: Council Report authorizing the sale of Block 21

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