

**Town of Oakville
Memorandum**

To: Mayor and Members of Council

From: Realty Services, Legal Department

Date: July 17, 2012

Subject: **Authorization for Carterra to include Town-owned lands in their application for subdivision approval**

This memo is to advise Council that staff have given authorization to Carterra Private Equities Inc. to include the lands known as Joshua's Creek Arena, at 1663 North Service Road East, within their application for approval of a draft plan of subdivision.

This permission is required to permit Council to consider a development application which incorporates a portion of the site (as illustrated on the attached sketch). The *Planning Act*, requires the consent of all owners to an application. The consent on behalf of the Town is expressly without prejudice to the decision of Council under the *Planning Act*, with respect to the application and any decision with respect to the disposition of the lands. This qualification will be noted on all relevant documents.

Although the application only applies to a portion of the town lands, the authorization applies to the entire site since there is currently no legal description of the smaller parcel.

This approach allows the public to receive notice with respect to the actual development which is proposed for Council's consideration. It also maintains Council's neutrality in making the final decisions with respect to all matters.

Further, it is noted that within Clause 4A (b) of By-law number 2010-104, a by-law to establish procedures respecting the disposition surplus real property, there is no requirement to declare this land surplus as it is part of a lot and is to be conveyed to the owners abutting. Should the development application and disposition of land be approved, a land swap for a portion of the Carterra lands is proposed.