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# HALDIMAND COUNTY

**Report LSS-17-2020 Proposed Donation of Property, Erie Street South, Part Lot 24, Concession 1, Walpole, now Selkirk**



**For Consideration by Council in Committee on October 27, 2020**

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## **OBJECTIVE:**

To accept the proposed donation of property on Erie Street South, being Part of Lot 24, Concession 1, Walpole, now Selkirk.

## **RECOMMENDATIONS:**

1. THAT Report LSS-17-2020 Proposed Donation of Property, Erie Street South, Part Lot 24, Concession 1, Walpole, now Selkirk be received;
2. AND THAT the acquisition of lands on Erie Street South in Selkirk, legally described as PIN # 38204-0497(LT), being Part of Lot 24, Concession 1, Walpole, designated as Part 2 on 18R-7310, Haldimand County, from Glenn Beaty and Shaunna Kaminsky for nominal consideration of \$1.00, be approved;
3. AND THAT the Mayor and Clerk be authorized to execute all necessary documents required to give effect to the intention herein.

**Prepared by:** Sandra Marsh, Property Coordinator

**Reviewed by:** Michelle Brandt, Supervisor, Risk Management & Legal Services

**Respectfully submitted:** Cathy Case, General Manager of Corporate & Social Services

**Approved:** Craig Manley, MCIP, RPP, Chief Administrative Officer

## **EXECUTIVE SUMMARY:**

The County is in receipt of a request to accept a land donation. The subject lands are on the west side of Erie Street South in Selkirk and abut the Waterfront Way 'Parkette' and associated trail. County ownership of this property could enable maximization of the trail by providing additional parking, enhanced pedestrian trail access as well as supporting additional amenities as approved by Council.

## **BACKGROUND:**

The County is in receipt of a proposal from Glenn Beaty and Shaunna Kaminsky to donate vacant lands, at the end of Erie Street South in Selkirk, to the County. The subject lands abut the southerly and westerly boundary of lands owned by the County, the easterly boundary of Hemlock Creek to where it meets Lake Erie. A location map of the subject property is shown as Attachment #1.

In return for the donation, if applicable, the County would issue an Official Donation Receipt to Mr. Beaty and Ms. Kaminsky for the applicable taxation year.

Previous attempts to purchase this property a few years ago by the Economic Development & Tourism division and the Community Development & Partnerships divisions were unsuccessful.

This property is adjacent to the Waterfront Way Trail and parking area. There is value in the County accepting this proposed land donation, as additional waterfront land from a tourism perspective as well as providing a benefit to Haldimand County residents. The land provides an opportunity to install some additional infrastructure enhancements possibly related to cycling, boating, etc. and will create an enhanced user experience for the public. Although this land may be impacted by flood plain regulations, despite these potential constraints, there is public value in acquiring the lands to augment public amenities in the area.

## **ANALYSIS:**

In early 2020, Glenn Beaty, one of the owners of the subject lands, contacted the County to see if there was any interest in the County obtaining ownership to the subject lands.

The County has improved and maintained the abutting County-owned lands as a parkette for many years and staff recommend obtaining ownership of the subject lands to enhance future use of this area which abuts Lake Erie. The parkette, known as Waterfront Way, is constructed on a section of the road allowance being Erie Street South, ending at Lake Erie.

Acceptance of this proposed land donation would allow for a larger public access area along Lake Erie and will allow public access to the eastern side of Hemlock Creek. County ownership of the subject lands could also provide additional parking and resting areas for the community.

In order to determine the feasibility of accepting the donation of the subject road, staff circulated a "Proposed Land Donation Inquiry Form" to all Haldimand County Divisions. As a result of the circulation, the following divisions provided comments:

### Finance:

The total 2020 municipal taxation for this property is approximately \$230. Accepting this proposed land donation would result in a corresponding decrease to taxation revenue.

At this time, it is unknown what other costs, if any, would be associated with the acceptance of this land donation, such as ongoing maintenance, etc. Based on the minor taxation implications, Finance does not have any issues with accepting this parcel, if there is a need identified.

If the land donation were accepted, the County would follow the legislative requirements established by the CRA under the Federal Income Tax Act as a "Qualified Donee". This would include the determination of the fair market value at the time of transfer. Given the value of the land likely exceeds \$1,000; this requires a third party appraisal. The County would then issue an Official Donation Receipt for Income Tax purposes to the donor to be eligible for their respective tax return for the applicable taxation year.

### Facilities, Parks, Cemeteries & Forest Operations:

Parking availability and access during winter months and during storms may be problematic.

A feasibility study is currently underway for boat launches and this property was identified as a potential site. A consultant has been retained to identify the feasibility of this location and to provide pricing options for ramps, parking, amenities etc. Depending on consultant recommendations and Council direction, potential capital/operating costs could be associated with this property, however, cost associated with this property cannot be estimated without knowing the future use of the land with respect to maintenance of a potential launch and increased garbage collection from increased usage. The property as it stands now does not have any associated budget costs.

Facilities and Parks would like to obtain these lands for potential future use or to give the County more of a footprint on Lake Erie.

#### Planning & Development:

There may be a function / value for this property for the municipality. The lands could be utilized for future park and recreation enhancements that may be considered in this area.

#### Economic Development & Tourism:

The former Managers of Economic Development & Tourism Division (EDT) and Community Development & Partnership Division (CDP) spent a considerable amount of time going back and forth with the landowners trying to purchase this property a few years ago.

This property is adjacent to the Waterfront Way parking and trail. There is value in the County accepting this donation. Additional waterfront land from a Resident and Tourism perspective provides an opportunity to install some additional infrastructure enhancements possibly related to cycling, boating, etc. to create an enhanced user experience.

#### Community Development & Partnership:

Community Development & Partnerships is supportive of accepting the donation based on the following:

- At the time Waterfront Way 'Parkette' and the associated Trail were in development, EDT/CDP staff attempted to secure this property from the landowner to maximize the trail asset (e.g. potential parking, enhanced pedestrian trail access). Securing the property now would support some of the original planning; and,
- Currently, there is interest from the local Councillor(s) to consider installation of a boat ramp at the end of Erie Street, adjacent to the subject property. This is supported by a community petition to develop the area with a boat ramp and have it named after a long-time community volunteer who passed away recently. County ownership of this property would be advantageous to this type of recreational development.

Based on the above-noted comments, County ownership of this property would maximize the trail asset by providing additional parking and enhanced pedestrian trail access. It is in the County's best interest to take ownership of these lands for future municipal use

### **FINANCIAL/LEGAL IMPLICATIONS:**

The acquisition costs for the land are nominal and transfer costs are estimated at \$200, which would be accommodated within the approved 2020 Tax Supported Operating Budget for Real Estate Transactions. Taxation revenue would decrease by approximately \$230 annually if the County obtains ownership to the subject property and would result in a tax levy increase. The cost of the third party appraisal for donation receipt purposes is typically the responsibility of the donor; however as there is a significant community benefit to this specific property donation, if required, the cost of an appraisal will be paid for by the County which can be accommodated within approved budgets. Although this differs from past practice, under the unique circumstances of this particular land donation, in particular the fact that the County was prepared to purchase this land at market value in the recent past, it is reasonable for the County to pay the costs associated with the appraisal in turn for receiving the lands for \$1.00.

Depending on consultant recommendations and Council direction, potential capital and operating costs could be associated with this property. However, these costs cannot be estimated without knowing the future use of this property with respect to maintenance of a potential launch and increased garbage

collection from increased usage. Any future costs associated with this property would be reflected as a new initiative in the respective draft budget by the responsible division at such time that they are identified.

### **STAKEHOLDER IMPACTS:**

Staff from the Facilities, Parks, Cemeteries & Forest Operations Division, Economic Development & Tourism Division and the Community Development & Partnerships Division support the acquisition of the subject property from Glenn Beaty and Shaunna Kaminsky.

### **REPORT IMPACTS:**

Agreement: No

By-law: No

Budget Amendment: Yes

Policy: No

### **ATTACHMENTS:**

1. Map of the Subject Property