

REGIONAL MUNICIPALITY OF OTTAWA CARLETON
 MUNICIPALITÉ RÉGIONALE D'OTTAWA CARLETON

REPORT
RAPPORT

Our File/N/Réf. 03 07-98-0119
 Your File/V/Réf.

DATE 28 January 1998

TO/DEST. Co-ordinator
 Corporate Services and Economic Development Committee

FROM/EXP. Co-ordinator
 Planning and Environment Committee

SUBJECT/OBJET **LAND ACQUISITION - NATURAL ENVIRONMENT AREA
 (MARLBOROUGH FOREST)
 OWNER: WALTER KOLOKOSKI**

COMMITTEE RECOMMENDATION

That Corporate Services and Economic Development Committee approve the acquisition of 200 acres, described as being Lot 14, Concession 5, former Township of Marlborough, now Township of Rideau from Walter Kolokoski as an addition to the Marlborough Forest for a consideration of \$53,360.00.

BACKGROUND

At its meeting of 27 January 1998, the Planning and Environment Committee considered the attached report from the Planning and Development Approvals Commissioner, dated 16 Dec 97, and approved the above-noted recommendation. An extract of the draft minute is also attached.

*Approved by
 Kim Johnston*

Attach.

REGIONAL MUNICIPALITY OF OTTAWA CARLETON
MUNICIPALITÉ RÉGIONALE D'OTTAWA CARLETON

REPORT
RAPPORT

Our File/N/Réf. 12 09-96-60101-017
Your File/V/Réf.

DATE 16 December 1997

TO/DEST. Co-ordinator,
 Planning and Environment Committee

FROM/EXP. Commissioner,
 Planning and Development Approvals Department

SUBJECT/OBJET **LAND ACQUISITION - NATURAL ENVIRONMENT AREA
(MARLBOROUGH FOREST)
OWNER: WALTER KOLOKOSKI**

DEPARTMENTAL RECOMMENDATIONS

That the Planning and Environment Committee approve the following action:

- 1. Recommend to the Corporate Services and Economic Development Committee the acquisition of 200 acres, described as being Lot 14, Concession 5, former Township of Marlborough, now Township of Rideau from Walter Kolokoski as an addition to the Marlborough Forest for a consideration of \$53,360.00;**
- 2. Planning and Development Approvals Department make application to the Ministry of Natural Resources to approve the addition of these lands to the Marlborough Forest Management Agreement;**
- 3. Upon receipt of approval of the Ministry of Natural Resources, the Marlborough Forest addition be brought to Council for confirmation and a by-law adding the land to the Management Agreement be submitted for adoption.**

BACKGROUND

Regional Council in its approval of the RMOC (1988) Official Plan, authorized the acquisition of certain properties designated as Natural Environment Area.

The subject property is described as being Lot 14, Concession 5, former Township of Marlborough now Township of Rideau and consists of approximately 200 acres, as shown on the attached sketch. The sketch includes other lands that the Region has previously acquired in this area. The property is zoned A2-General/Rural. The land consists of 30 % "Forest Reserve" and 70% "Classified Wetland" as designated by the Ministry of Natural Resources. The property fronts onto Roger Stevens Drive. There are no improvements on the property. The acquisition represents all of the vendor's holdings at this location.

The estimated market value of the property is \$52,700.00. This represents a unit price of \$264 per acre which is consistent with comparable land acquisitions in the forest. An agreement has been reached in the amount of \$53,360.00. This figure includes an amount of \$660.00 for legal fees.

CONSULTATION

In the 1960's, governments recognized that Marlborough Township was an area where forestry and recreation were major land uses. A program was launched to acquire lands to preserve them for recreation and conservation purposes. The Region inherited a Forest Management Agreement from the County of Carleton and through the years have drafted various long-range plans, with a broad range of public input, to meet the objectives and resolve any conflicts between different user groups. Through amendments to the Official Plan process, the public has been consulted by holding open public forums as well as having regular meetings with special interest groups.

EXPENDITURE JUSTIFICATION

The RMOC, in adopting its Official Plan, indicated that it was prepared to acquire land in a designated Natural Environment Area, if the land owner wished to sell. It further determined that in the event that an agreement could not be reached for the acquisition, the land owner could request that the property be acquired by expropriation in accordance with the provisions of the Ontario Expropriations Act.

Should Council not agree to proceed with the acquisition of this property at this time, the land owner could apply to the Ontario Municipal Board for adjudication. It is anticipated that the cost to proceed on that basis would far exceed the negotiated settlement.

FINANCIAL STATEMENT

Approved Budget to Date	\$ 9,526,000.00
Total Paid & Committed	\$ 7,224,701.48
Balance Available	\$ 2,301,298.52
THIS REQUEST	<u>(53,360.00)</u>
Balance Remaining	\$ 2,247,938.52

Funds were provided in the 1997 Capital Budget Account No. 912-62901, Environmental Resources Areas, Acquisition Program (pages 46-47).

Only property that is included in the acquisition area, as defined by the RMOC 1988 Official Plan, has been included in this recommendation.

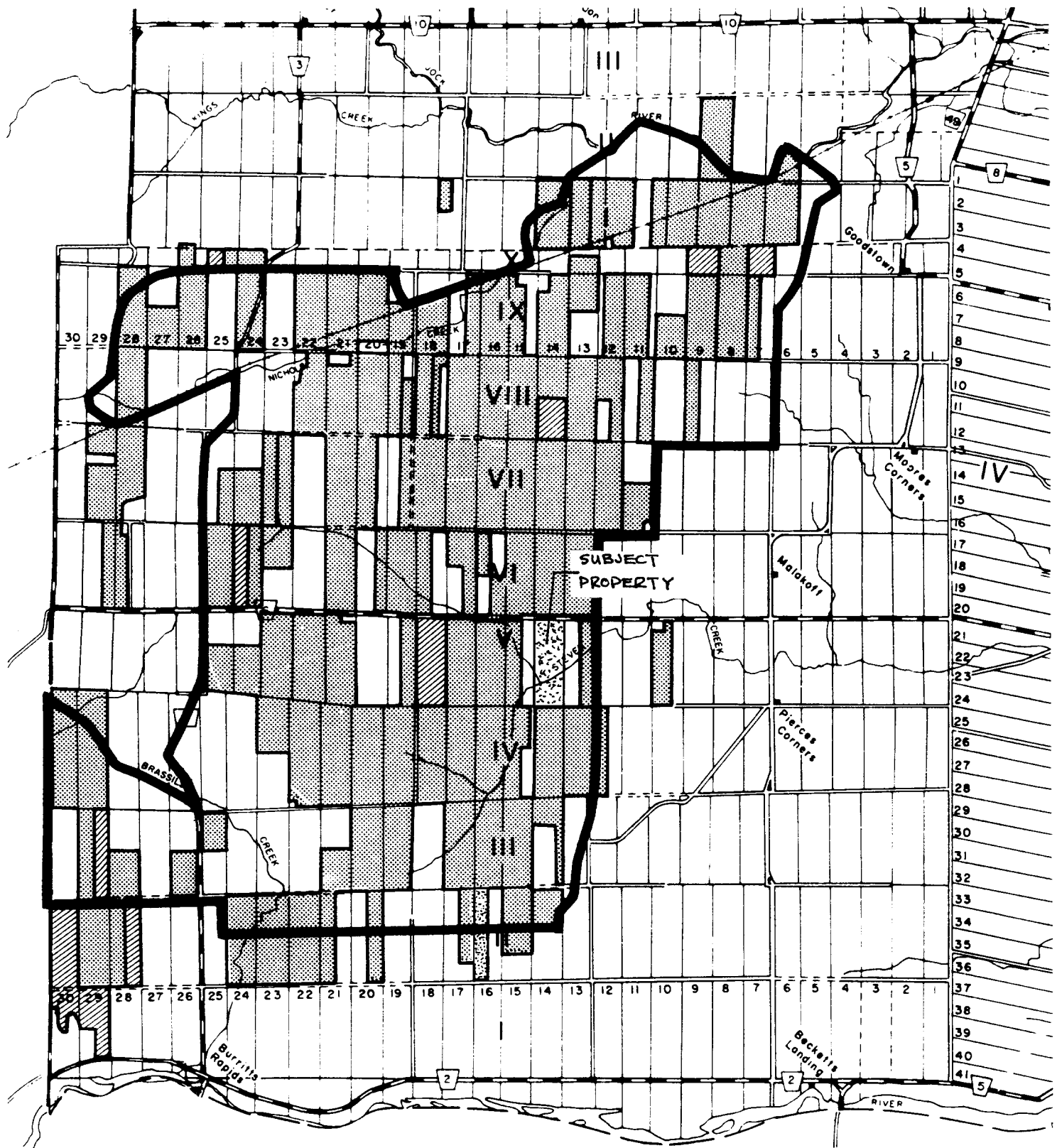
Negotiations with the owner have resulted in an agreement being reached in the amount of \$53,360.00 and the acquisition is hereby recommended for this amount.

*Approved by
N. Tunnacliffe, MCIP, RPP*



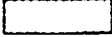
Funds were provided in the 1997 Capital Budget Account No. 912-62901, Environmental Resources Areas, Acquisition Program (pages 46-47).

*Approved by C. Colaiacovo
on behalf of the Finance Commissioner*

LJN/
Attach. (1)



OTTAWA-CARLETON
MARLBOROUGH FOREST
 RIDEAU TWP. (MARLBOROUGH WARD)

- ACQUISITION AREA
-  PROPOSED ACQUISITION
-  LANDS ACQUIRED BY RMOC
-  PROVINCIAALLY OWNED LANDS

LAND ACQUISITION - NATURAL ENVIRONMENT AREA
(MARLBOROUGH FOREST)
OWNER: WALTER KOLOKOSKI

- Planning and Development Approvals Commissioner's report dated 16 Dec 97

Councillor Stewart requested clarification of the policy rationale behind the statement on page 2 of the agenda: "Should Council not agree to proceed with the acquisition of this property at this time, the land owner could apply to the Ontario Municipal Board for adjudication."

Nick Tunnacliffe, Commissioner, Planning and Development Approvals Department (PDA), explained there is a policy in place to buy land that states, in the event of a disagreement, the disagreement would be settled by the Ontario Municipal Board (OMB). Mr. Tunnacliffe advised that Council agreed to include this as part of the amendment including this policy in the Official Plan many years ago.

Responding to a question from Councillor Stewart, Les Nalezinski, Property Officer, Property Acquisitions Branch, Property Services Division, PDA, explained that if both parties failed to come to a mutually satisfactory settlement within 60 days, the Region was obligated to expropriate the properties, a costly process necessitating that the matter be taken to the OMB.

Mr. Tunnacliffe clarified that this policy applied to Natural Environment Area "A" lands, of which the Marlborough Forest is the prime area. Chair Hunter added that the 1978 Regional Official Plan's (ROP) designation of Natural Environment Area lands was very contentious. The designation applied to 12 or 15 other parcels of land in addition to the Marlborough Forest. Landowners contended the Region should not be allowed to downzone, or lower the designation on their lands, without compensation, a matter which was taken to the OMB. The OMB agreed with this view, and decided that if the Region designated lands as Natural Environment Area, it had to be prepared to buy the lands if the property owner wanted to sell. As a result of this decision, Council re-examined the policy in the early 1980's, and was forced to remove certain lands from the Natural Environment Area designation as the Region could not afford to purchase all lands within the designated area. The remaining lands were those such as the Marlborough Forest. The Committee Chair stated the cost of the lands has been consistent over time at about \$200.00-300.00 per acre.

Mr. Tunnacliffe explained the funding comes from the Natural Environment Area Land Acquisition Program, a capital program which Council contributes a certain amount of money each year which goes to purchase these, and identified riverfront lands.

Councillor Stewart stated her concern was because the Region was obligated to buy these lands as they became available, opportunities might be missed to purchase lands in areas under higher development pressure, because funding was being reserved under the terms of this policy. Chair Hunter indicated that there is capital authority available and it would be debentured if necessary.

Councillor Bellemare inquired if in most cases the owner approaches the Region to sell their property and does the Region ever approach the owner. Mr. Tunnacliffe indicated when the policy first went into effect we wrote to each landowner, however, now it is done as landowners approach the Region.

Councillor Bellemare requested a recent estimate of how many properties would have to be purchased and the cost. Mr. Tunnacliffe remarked that at their last meeting, the Committee requested the Department to prepare a report on this for the budget and staff are now working on it.

That the Planning and Environment Committee approve the following action:

- 1. Recommend to the Corporate Services and Economic Development Committee the acquisition of 200 acres, described as being Lot 14, Concession 5, former Township of Marlborough, now Township of Rideau from Walter Kolokoski as an addition to the Marlborough Forest for a consideration of \$53,360.00;**
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CARRIED