

Section I – Items for Board of Directors Action

TO: Chair and Members of the Executive Committee
Friday, September 13, 2024 Meeting

FROM: Kathryn Lockyer, Director, Legislative and Property Services

RE: DISPOSITION TO THE CORPORATION OF THE CITY OF PICKERING (MARKSBURY ROAD)
Request from the Corporation of the City of Pickering for conveyance of Toronto and Region Conservation Authority-owned lands required for waterfront trail connectivity between West Shore Boulevard and Marksbury Road, City of Pickering, Regional Municipality of Durham, Frenchman’s Bay Watershed (CFN 71312)

KEY ISSUE

Receipt of a request from The Corporation of the City of Pickering, for conveyance of lands owned by Toronto and Region Conservation Authority (TRCA) located east of Marksbury Road, west of West Shore Boulevard, and north of Lake Ontario, municipally known as 503 Marksbury Road, City of Pickering, Frenchman’s Bay Watershed (CFN 71312).

RECOMMENDATION:

WHEREAS TRCA is in receipt of a request from The Corporation of the City of Pickering (City of Pickering) for the conveyance of TRCA-owned lands located east of Marksbury Road, west of West Shore Boulevard, and north of Lake Ontario, municipally known as 503 Marksbury Road, City of Pickering, Regional Municipality of Durham, required for waterfront trail connectivity, Frenchman's Bay watershed;

AND WHEREAS TRCA has entered a Memorandum of Understanding (MOU) dated August 21, 2021, with City of Pickering outlining the collaborative approach of constructing a future section of the waterfront trail which considered that up to 450 sqm of TRCA-owned lands may be required by City of Pickering to facilitate the future municipal infrastructure, providing waterfront trail connectivity as per the MOU;

Item 8.7

AND WHEREAS it is in the best interest of TRCA in furthering its objectives as set out in Section 20 of the Conservation Authorities Act to cooperate with City of Pickering in this instance;

THEREFORE LET IT BE RESOLVED THAT a parcel of TRCA-owned land containing 0.02 hectares (0.05 acres), more or less, of vacant land, to facilitate the future municipal infrastructure, providing waterfront trail connectivity, said land being Part 1 on Plan 40R-32455, in the City of Pickering, Regional Municipality of Durham, be conveyed to City of Pickering;

THAT consideration be the nominal sum of \$2.00 and all legal, survey and other costs to be paid by City of Pickering;

THAT City of Pickering is to fully indemnify TRCA via the Agreement of Purchase and Sale from any and all claims from injuries, damages or costs of any nature resulting in any way, either directly or indirectly, from this conveyance and that the indemnification clause shall survive upon the conveyance of land;

THAT should an archaeological investigation be required City of Pickering will proceed with any mitigation measures being carried out to the satisfaction of TRCA staff, at the expense of City of Pickering;

AND FURTHER THAT authorized TRCA officials be directed to take the necessary action to finalize the transaction, including obtaining any necessary approvals and the signing and execution of documents.

BACKGROUND

Acquisition of lands on the Lake Ontario waterfront for the purposes of erosion and hazard management, ecological connectivity and public use has been a priority of TRCA since its formation in 1957. Waterfront land acquisitions in Pickering started in 1965 with the land assembly that would become Petticoat Creek Conservation Area and included plans for acquiring lands around Frenchman's Bay and Rosebank areas of the Pickering. In 1970 TRCA was appointed by the Government of Ontario as the implementing agency for the waterfront plan within TRCA's jurisdiction, with the exception of the central waterfront area of Toronto, which accelerated planning and land acquisition activities in Pickering and other Lake Ontario municipalities within TRCA's watershed boundaries.

Item 8.7

Since the establishment in 1995 of the Waterfront Trail, a 350-kilometre, virtually continuous trail along the Lake Ontario shoreline, which connects hundreds of parks, historic and cultural sites, wildlife habitats and recreation areas from Stoney Creek to Trenton, TRCA has sought to acquire lands, as appropriate, along the Lake Ontario waterfront to close ownership gaps and formalize off-street connections in the current trail system in TRCA's jurisdiction. Within the West Shore Community of Pickering, in particular, a gap in the Waterfront Trail between Marksbury Road and West Shore Boulevard remained, which through this transaction will be closed, allowing for a contiguous dedicated Waterfront Trail from Petticoat Creek Conservation Area to the west spit of Frenchman's Bay.

At Board of Directors Meeting, held on June 25, 2021, Resolution #RES.#A132/21 was approved as follows:

“WHEREAS TRCA has undertaken acquisitions to create contiguous land holdings along the lakefront in the City of Pickering for the establishment of the Pickering Waterfront Trail;

AND WHEREAS recent erosion of TRCA property that provides access to 501 Marksbury Road has provided the opportunity to discuss acquisition of 501 Marksbury Road and 520 West Shore Boulevard by the City of Pickering to complete the trail construction and local erosion works within the immediate area;

AND WHEREAS the disposition of two surplus non-environmentally sensitive TRCA properties east of Frenchman's Bay provide the revenue to contribute to the potential acquisition of 501 Marksbury Road and 520 West Shore Boulevard by the City of Pickering;

AND WHEREAS the City of Pickering has the ability to facilitate lot creation in keeping with their Official Plan and taking into account Zoning By-law requirements;

AND WHEREAS the City of Pickering and TRCA desire to establish a working relationship, through the execution of a non-binding MOU, in order facilitate the completion of this project;

THEREFORE, LET IT BE RESOLVED THAT TRCA approve the MOU in principle, subject to execution once Ministerial approval of the project has been obtained from the Ministry of the Environment, Conservation and Parks;

THAT following Ministerial approval, the final MOU for execution may

Item 8.7

incorporate such further minor amendments as required and agreed to by the Chief Executive Officer and or City Manager of Pickering;

THAT TRCA declares that the acquisitions of the remainder of 501 Marksbury Road and 520 West Shore Boulevard provide ecological, erosion, and trail connection pursuant to the Greenspace Acquisition Project 2021-2030;

AND FURTHER THAT authorized TRCA officials be directed to take the necessary action to finalize the transaction, including obtaining any necessary approvals and the signing and execution of documents.”

With the Lake Ontario shoreline continuing to erode the waterfront in this area, City of Pickering proposed that they acquire the private residential lots (501 Marksbury Road and 520 West Shore Boulevard) which have been completed. The City of Pickering has demolished the homes, creating the space required for natural erosion or shoreline mitigation as well as providing the waterfront trail connectivity between Marksbury Road and West Shore Boulevard.

The next phase of the MOU requires the recommended conveyance of TRCA-owned land to the City of Pickering. The City of Pickering will create a new parcel that will be placed on the open market to support municipal infrastructure and have completed their due diligence to formally request the conveyance of TRCA-owned lands. This conveyance will generate funds to offset the acquisition of the private residences required to provide the waterfront connectivity and shoreline hazard mitigation.

Once the new lot has been created by the City of Pickering, it will transfer the remaining remnants of 520 West Shore Boulevard and 501 Marksbury Road to TRCA. This will give TRCA complete and contiguous ownership of the Lake Ontario waterfront in this area. The acquisition of the remnant lands does fulfill several mandates legislated by the Province, such as acquiring hazardous erosion prone lands and ownership of flood and erosion prone lands.

The above-mentioned transfer of lands are in compliance with the approved MOU.

RATIONALE

This proposed project has many potential benefits for TRCA, City of Pickering, the Province and stakeholders including Great Lakes Waterfront Trail, who have been advocating for completion of the trail and restoration of

Item 8.7

the shoreline. The first benefit is the removal of the immediate roadway access concerns for 501 from erosion threats. The second public benefit is the continuation of the Pickering Waterfront Trail and open access to the public. Finally, TRCA may provide future erosion mitigation along the waterfront, protecting municipal road and utility infrastructure along with private and public property interests.

Relationship to TRCA's 2023-2034 Strategic Plan

This report supports the following Pillars and Outcomes set forth in TRCA's 2023-2034 Strategic Plan:

Pillar 1 Environmental Protection and Hazard Management:

1.4 Balance development and growth to protect the natural environment ensuring safe sustainable development

Pillar 2 Knowledge Economy:

2.2 Collaboration to advance a green transition

Pillar 3 Community Prosperity:

3.1 Connect communities to nature and greenspace

FINANCIAL DETAILS

It is envisioned that this project will not require additional funding sources. If a shortfall does occur through disposition and revenue generation outlined in the MOU, TRCA shall be required to fund 50% of the potential shortfall.

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Date: July 26, 2024

Attachments: 4

Attachment 1: Site Plan - 503 Marksbury Road, City of Pickering

Attachment 2: Orthophoto - 503 Marksbury Road, City of Pickering

Attachment 3: Site Plan - 503 Marksbury Road, City of Pickering – Zoomed Out

Attachment 4: Orthophoto - 503 Marksbury Road, City of Pickering – Zoomed Out