

**DATE:** June 29, 2020

**REPORT NO:** PD-083-2020

**SUBJECT:** **Recommendation Report**  
Road Allowance Transfer – Caistorville United Church (Church Street Road Allowance TP-26) known as Church Street, Caistorville

**CONTACT:** Brian Treble, Director of Planning and Building

**OVERVIEW:**

- **Caistorville United Church would like to sever the church property away from the cemetery property**
- **Adjacent property owners to Church Street have been contracted and have no objections about the need to include Church Street to allow the conveyance of the Church.**
- **In order to make the severance possible, the unopened Church Street road allowance from York Street, south to David Street is under consideration for closing. Previous staff report PD-170-19 started this road closing process and authorized the hiring of a surveyor to survey all parts of the required conveyance.**
- **Previous staff report PD-170-19 dated October 21, 2019 started the process by declaring Church Street (unopened) as surplus to the Township's needs and commissioning the hiring of a surveyor to complete the survey work.**
- **This work is now completed (see attachment 2) and the survey is currently being registered.**
- **This report is now written to authorize the individual conveyances.**

**RECOMMENDATION**

1. That, Report No. PD-083-2020, regarding "Road Allowance Transfer – Caistorville United Church (Church Street Road Allowance TP - 26) known as Church Street, Caistorville" dated June 29<sup>th</sup>, 2020, be RECEIVED; and,
2. That, the road allowance (shown on Attachment 2), former Township of Caistor, now the Township of West Lincoln, be and is hereby declared surplus and is approved for transfer as follows: (the "Property Owners") (Jeffrey Howard and Michelle Wedawin & Caistorville United Church)
  - i. Part 1 to Jeff Howard and Michelle Wedawin, same ownership as Lot 7 and easement in favour of Caistorville United Church

- ii. Part 2 to Caistorville United Church Pt Lot 8 and easement in favour of Jeffery Howard and Michelle Wedawin
- iii. Part 3 to Jeffery Howard and Michelle Wedawin, same ownership as Lot 1
- iv. Part 4 to Caistorville United Church
- v. Part 5 to Region of Niagara (road widening)

And subject to the following conditions:

- a) That, the lands be surveyed at the expense of the property owners; and,
  - b) That, a by-law be passed authorizing the transfer of the former Church Street Registered Plan TP-26, more specifically being Part 1 to 5, of reference Plan 30R-XXXXX (future legal description to be provided); to the Property Owners as outlined above; (see attachment 2),
  - c) That, the transfer of the Parts as outlined above to adjacent lands owned by the abutting property owner be conditional on the parcels being merged in title and that the Property Identification Numbers (PINS) for the affected lands be consolidated; and,
  - d) That, the Property Owners provide an undertaking that the PINS will be consolidated once the conveyances are completed, and provide satisfactory evidence of the consolidation to the Township; and,
  - e) That, all legal, administrative and any other associated costs be paid proportionally by the applicant/property owners
3. That, notwithstanding the provisions of Township By-law 95-31 and the “Policy for Closing, Declaring Surplus and Selling a Highway or Portion Thereof”, that the requirement for an appraisal and the requirement for public notice be and are hereby waived due to the fact all adjacent property owners are involved and the fact that the road allowance has been used privately for parking purposes and access for Mr. Howard and the Church for many year; and,
4. That, Mr. David Brenzil, of the Caistorville United Church, Mr. Lou Domjan of Binbrook Masons, and Mr. Jeff Howard and Michelle Wedawin be provided with a copy of Report No. PD-083-2020.

#### **ALIGNMENT TO STRATEGIC PLAN**

- **Theme**
  - **Efficient, Fiscally Responsible Operations**

## **CURRENT SITUATION**

The Caistorville United Church and cemetery are all under one ownership along with vacant land on the west side of the unopened Church Street road allowance, which is the subject of this report. The cemetery is surrounding the church with burial plots within approximately 4 to 6 feet of the church building.

The church is now closed and deemed to be surplus to the needs of the local congregation. As a result, there is a proposal in the works to sever the church to allow conveyance to a new group who would like to use the church building.

This is complicated because the cemetery is so close that the land area available for severance with the church building is too small to meet land use planning requirements. Further, it appears that the septic holding tank for the church may be on the unopened Church Street road allowance. This allowance has also been used for parking to the west of the church building. The street also looks like it has historically been used as access to accessory buildings on the lands to the west of the unopened road allowance which are owned by Jeff Howard and Michelle Wedawin.

The closing of the road allowance along with the proper conveyance and merger of some of the lands with the church building makes a severance of the church building that much more feasible.

The closure of the road is the first step in determining if the severance and sale of the church building is possible.

## **FINANCIAL IMPLICATIONS**

The cost of the planned activities outlined in this report will be charged proportionately to the adjacent property owners (surveying and legal costs).

## **INTER-DEPARTMENTAL COMMENTS**

Previous report PD-170-19 was reviewed by the CAO, the Clerk and the Director of Public Works and recent discussions have occurred with the Roads Manager.

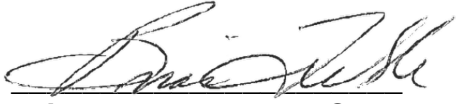
## **CONCLUSION**

This report proposes that staff be authorized to proceed as outlined in the recommendation section of this report to convey the Church Street road allowance lands to adjacent property owners.

## **ATTACHMENTS**

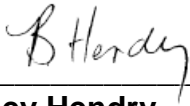
1. Location Map
2. Survey
3. Proposed Conveyance Plan
4. Draft By-law

**Prepared by:**



**Brian Treble, RPP, MCIP**  
Director of Planning and Building

**Approved by:**



**Bev Hendry**  
CAO

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## Attachment 1 - Location Map

Church Street Road Allowance

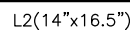
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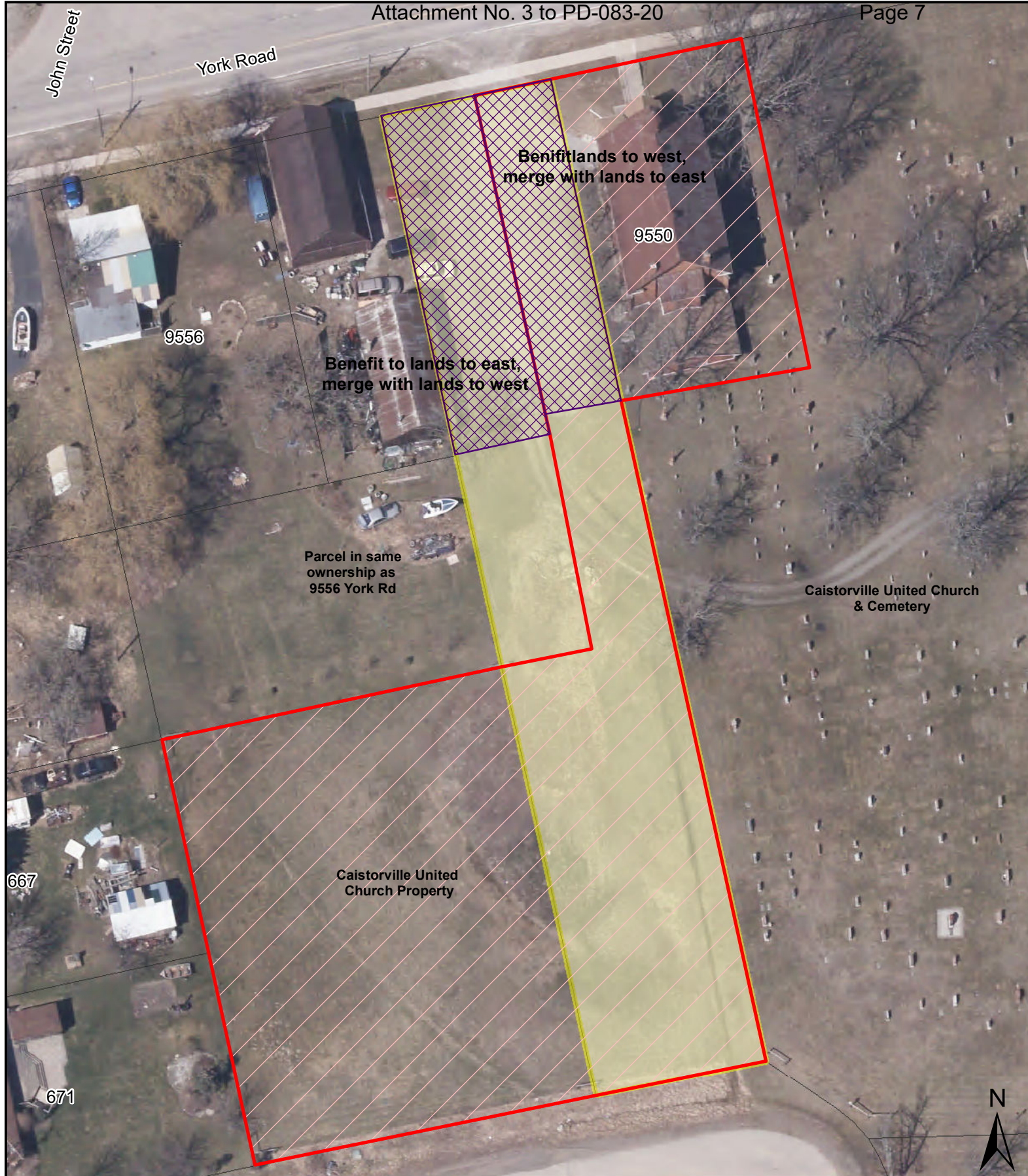
**West Lincoln**  
Your Future Naturally

### Legend

- Church Street Road Allowance
- Caistorville Church Property










## Attachment 1 - Location Map

Church Street Road Allowance

0 5 10 20 Meters

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### Legend

-  Easements
-  Caistorville Church Property
-  Church Street Road Allowance



**THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN****BY-LAW NO. 2020-XX**

**A BY-LAW TO AUTHORIZE THE CONVEYANCE OF THE MUNICIPAL ROAD ALLOWANCE, KNOWN AS CHURCH STREET ON SURVEY TP-26, CAISTORVILLE, TOWNSHIP OF WEST LINCOLN, IN THE REGIONAL MUNICIPALITY OF NIAGARA AND BEING PARTS 1 TO 5 ON REFERENCE PLAN 30R-XXXXX.**

**WHEREAS** Sections 8 and 11 of the Municipal Act, 2001, S.O. 2001, Chapter 25, as amended, permit a municipality to pass by-laws in accordance with the Act;

**AND WHEREAS** staff report PD-170-19 dated October 21, 2019 declared Church Street (unopened road allowance), Caistorville surplus to the Township's needs;

**AND WHEREAS** extensive consultation has occurred between the Township of West Lincoln and representatives of all adjacent property owners;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN ENACTS AS FOLLOWS:**

1. That the unopened road allowance, known as Church Street, Plan TP-26, Caistorville, Township of West Lincoln, Regional Municipality of Niagara, designated as Part 1 to Part 5 on Reference Plan 30R-XXXXX, be conveyed to the owners of the abutting and/or adjacent lands as follows:
  - a) Part 1 – Jeffery Howard and Michelle Wedawin
  - b) Part 2 – Caistorville United Church
  - c) Part 3 – Jeffery Howard and Michelle Wedawin
  - d) Part 4 – Caistorville United Church
  - e) Part 5 – Region of Niagara

and that the lands be merged by a consolidation of PINS in all instances.

2. The Mayor and the Clerk of The Corporation of the Township of West Lincoln are hereby authorized to sign or execute such deeds or other documents as may be necessary to affect such conveyances.

**READ A FIRST, SECOND AND THIRD  
TIME AND FINALLY PASSED THIS  
29<sup>th</sup> DAY OF JUNE, 2020.**

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**MAYOR DAVE BYLSMA**

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**JOANNE SCIME, CLERK**