

DATE: November 9, 2021

REPORT NO: PD-125-2021

SUBJECT: Recommendation Report - Authorizing By-law to remove an Existing Site Plan from Title of Part Lot 16, Conc 8, owned by the Davis Family to Allow Conveyance of a Road Allowance to the Region

CONTACT: Brian Treble, Director of Planning & Building

OVERVIEW:

- On June 24th, 2020, Township Committee of Adjustment supported an application for consent (File No. B02/2020WL) to sever and merge a one acre parcel of land from the Davis Family farmland to be added to the title of the Niagara Pallet property owned by Top O' the Hill Farms.
- A condition of consent was the conveyance of the 0.4 hectares of land on the severed lands to the Region as a widening of Regional Road 20.
- A survey was completed on January 26th, 2021 and is found at Attachment 1 to this report. Part 1 of 30R15738 is to be conveyed to Niagara Pallets and merged on title and Part 2 of 30R15738 will be conveyed to the Region as a road widening.
- The Region will only accept ownership of the road widening property once it is free and clear of all encumbrances.
- Upon undertaking a title search, it was determined that a site plan was registered in 1989 on the Davis family farm lands as Instrument No. 587518.
- This site plan needs to be removed from the widening lands before the Region will accept the land. An authorizing by-law is recommended to be approved so that removal of the site plan agreement from the road widening lands can occur.

RECOMMENDATION:

1. That, Report PD-125-2021, regarding "Recommendation Report, Authorizing By-law to Remove Site Plan from Title of Part Lot 16, Conc 8, owned by the Davis Family to Allow Conveyance of a Road Allowance to the Region", dated November 9th, 2021, be RECEIVED; and,

2. That, a by-law be passed to authorize the Mayor and Clerk to sign all documents necessary for the removal of the existing site plan from Part 2 of 30R15738, the Regional road allowance lands, for road widening purposes, prior to transfer to the Region of Niagara.

ALIGNMENT TO STRATEGIC PLAN:

Theme ##3

- Strategic, Responsible Growth

BACKGROUND:

On June 9, 1989, a site plan was registered against Part of Lots 16 and 17 Concession 9 and Part Lot 16, Concession 8, Township of West Lincoln (former Township of South Grimsby). This site plan was registered to permit the construction of a farm help house on the dairy farm of the Davis Family. The site plan agreement only needs to be linked to the lands on the South side of Regional Road 20 (Concession 9) but the site plan agreement was registered against all lands including the farm lands on the north side of Regional Road 20 (Concession 8), including the lands now being conveyed to the Region for road widening purposes.

CURRENT SITUATION:

In February 2016, Niagara Pallets purchased the former Greenline Farm Equipment Dealership in order to accommodate the relocation of the Niagara Pallets operation.

In 2020, an application for consent was received in order to add additional lands to the existing Niagara Pallet property from the west side where the Davis Family owned additional farm land. The application drawing is found at attachment 2 to this report.

As part of the ongoing review, the Region requested a road widening along Regional Road 20 along the frontage of the severed parcel. The wording is found at attachment 3.

In order for the lands to be conveyed to the Region, they must be free and clear of all other interests. A site plan agreement from 1989 must be removed from the subject lands. This site plan authorized a farm help house on Concession 9, in the former Township of South Grimsby. This must be removed from the title of the Region's road widening lands.

An authorizing by-law is required in order to remove the agreement from the title of the road widening lands.

FINANCIAL IMPLICATIONS:

Not applicable to this report.

INTER-DEPARTMENTAL COMMENTS:

This report and the need for the removal of the site plan from the title to the lands being conveyed to the Region has been discussed with Andrew Maloney, lawyer with Sullivan Mahoney, who is acting for Niagara Pallets Inc.

CONCLUSION:

Staff recommend that an authorizing by-law be passed by Council to authorize the removal of the 1989 site plan agreement for a farm help house from title of the lands that are to be conveyed to the Region of Niagara for road widening purposes.

ATTACHMENTS:


1. Road widening survey
2. Consent application sketch
3. Conditions of Consent Approval (B02/2020WL)
4. Draft Authorizing By-law

Prepared & Submitted by:



Brian Treble
Director of Planning & Building

Approved by:



Bev Hendry
CAO