

DATE: September 14, 2020

REPORT NO: PD-118-2020

SUBJECT: Recommendation Report - Church Street – Road Closing By-law

CONTACT: Brian Treble, Director of Planning and Building

OVERVIEW:

- On October 21st, 2019 and June 29th, 2020, staff reports PD-170-19 and PD-083-20 outlined the proposal to stop up, close and convey Church Street in Caistorville to neighbouring property owners.
- On June 26th, 2020, the survey was completed and provided a proper legal description of the portions of road allowance such that conveyance to adjacent property owners could occur, in accordance with the previous reports.
- It is now time to pass the actual road closing by-law which is attached to this report.

RECOMMENDATION:

1. That, report PD-118-2020, regarding “Recommendation Report, Church Street - Road Closing By-law”, dated September 14, 2020, BE RECEIVED; and,
2. That, a by-law be passed to stop up and close Church Street between York Road and David Street, Caistorville and now described as Parts 1-4 on 30R-15632.

ALIGNMENT TO STRATEGIC PLAN:

Theme #6

- **Efficient, Fiscally Responsible Operations**

BACKGROUND:

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.

CURRENT SITUATION:

Previous staff reports PD-170-19 and PD-083-20 relating to the closing and conveyance of Church Street, Caistorville, outlined all of the steps that had to be completed before the road could be stopped up, closed and conveyed.

All of that work is now completed. The survey has been registered as 30R-15632 and provides a proper legal description for the street.

An application for consent to sever from the church and merge it with the street and lands to the southwest on the west side of Church Street has now been submitted as B03/2020WL

Therefore, it is now appropriate to pass the attached by-law and to stop up and close Church Street such that conveyance to adjacent property owners can occur.

FINANCIAL IMPLICATIONS:

Township staff are currently in receipt of application fees and a standard security as required by the road closing process. With input from Township Legal Counsel, the additional deposit costs associated with the road closing will be collected before the conveyance actually happens. The actual additional value to be collected from each benefitting property owner is still not known at this time, but will result in no cost to the Township at the end of the process.

INTER-DEPARTMENTAL COMMENTS:

Not applicable to this report.

CONCLUSION:

Staff now recommend that the attached by-law be passed to stop up and close Church Street, Caistorville, and now more specifically described as Part 1-4 on 30R-15632.

ATTACHMENT:

1. Draft By-law & Survey – 30R-15632

Prepared & Submitted by:



Brian Treble, RPP, MCIP
Director of Planning and Building

Approved by:

Bev Hendry, CAO