



REPORT
PLANNING/BUILDING/ENVIRONMENTAL
COMMITTEE

DATE: December 6, 2021

REPORT NO: PD-121-2021

SUBJECT: **Recommendation Report – 1989 Abingdon Road – Road Allowance**

CONTACT: Gerrit Boerema, Planner II
Brian Treble, Director of Planning & Building

OVERVIEW:

- The owner of 1989 Abingdon Road, located on the southeast corner of Concession 5 Road and Abingdon Road, recently completed a survey of their property and found that a portion of Abingdon Road and Concession 5 Road, and related Township drainage ditches are within the boundaries of their property.
- The owner has requested that the Township address this issue through the purchase of the lands necessary to get the road and ditch within the road allowance.
- Staff are seeking authorization to proceed with survey work followed by an appraisal (if required) to determine the value of the land.
- Once the survey and appraisal is completed staff would bring forward an additional report seeking authorization to purchase the additional land needed to accommodate the existing road and ditch. Staff estimate the area to be 50 square metres.
- Staff would also need to prepare a memorandum of understanding or undertaking with the owner to ensure that the Township and Owner can come to an agreed upon price for the land.
- This report has been prepared in consultation with Public Works.

RECOMMENDATION:

1. That, Report PD-121-2021, “Recommendation Report – 1989 Abingdon Road – Road Allowance”, dated December 6, 2021 be received; and,
2. That, Staff be authorized to prepare a memorandum of understanding, undertaking, or agreement, to be signed by the owner; and,
3. That, Staff be authorized to proceed with completing survey work to create a part on a reference plan for the subject lands; and

4. That, Staff be authorized to obtain an appraisal (if an appraisal is required); and,
5. That, Staff report back to Committee and Council once the survey and appraisal is completed.

ALIGNMENT TO STRATEGIC PLAN:

Theme #6

- Efficient, Fiscally Responsible Operations

BACKGROUND:

The owner of 1989 Abingdon Road recently applied for a minor variance and building permit for a new accessory building. As required by that process, the owner, Mr. Cheyne Nichols completed a survey of his property. The survey completed by Rasch and Hyde Surveyors, found in Attachment 1, shows that a portion of Abingdon Road and the roadside ditch is within Mr. Nichol's property.

Mr. Nichols has requested that Township staff look into the possibility of purchasing a portion of his property to capture the existing road and roadside ditch as Mr. Nichols does not want to be responsible for any Township infrastructure within his property.

Township Planning and Public Works staff agree that something needs to be done in this situation to address the issue of the road and ditch being within Mr. Nichol's property.

CURRENT SITUATION:

Through review of the topographic survey prepared by Rasch and Hyde Surveyors and provided to the Township by Mr. Cheyne Nichols, it appears that the Township would need a minimum 10 metre by 10 metre daylighting triangle at the southeast corner of Abingdon and Concession 5 Road being an area of approximately 50 square metres. The reason why this is needed is because the alignment of Abingdon Road is not straight and the curve in the road has resulted in a portion of the road and roadside ditch to be on Mr. Nichols property.

Public Works and Planning Staff are recommending that this daylighting corner be surveyed as a part on a reference plan, and appraised to determine its value.

FINANCIAL IMPLICATIONS:

The cost for the survey and appraisal and future land acquisition and legal costs would come from the roads operating budget. Staff have reached out to a survey company and the survey work is estimated at approximately \$2,000.

Staff are recommending that prior to the commencement of survey work, staff prepare an undertaking, memorandum of understanding or agreement with the owner to ensure that we have established a process to reach an agreeable price. If a price cannot be negotiated, an appraisal would be completed and the value of the appraisal would be used.

INTER-DEPARTMENTAL COMMENTS:

This report has been prepared in collaboration with the Township's Public Works, Finance and Clerks Departments.

CONCLUSION:

Township staff are proposing to complete a survey and appraisal for a small portion of land currently in private ownership but containing the Township's road allowance and roadside ditch. Staff would then report back to Committee and Council for approval prior to any land acquisition.

ATTACHMENTS:

1. Topographic survey – 1989 Abingdon Road

Prepared & Submitted by:

Approved by:



Gerrit Boerema
Planner II



Brian Treble
Director of Planning & Building



Bev Hendry
CAO

KNOWN AS CONCESSION 5 ROAD
(ROAD ALLOWANCE BETWEEN CON. 5 AND 6)

PLAN OF PURCHY SHOWING TOPOGRAPHICAL INFORMATION
AND SITE PLAN FOR NEW CONSTRUCTION

**PART LOT 15
CONCESSION 5**

GEOGRAPHIC TOWNSHIP OF CAISTOR
TOWNSHIP OF WEST LINCOLN
REGIONAL MUNICIPALITY OF NIAGARA

RASCH & HYDE LTD.
ONTARIO LAND SURVEYORS
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[illegible]

METRIC NOTE

DISTANCES AND ELEVATIONS SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

SURVEYOR'S CERTIFICATE

1. IFHS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, AND THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.

2. THIS SURVEY WAS COMPLETED ON THE 24TH DAY OF AUGUST 2020.

DATE _____ HAROLD D. HYDE
OUTDOOR AND SUBTERRANEAN

RASCH + HYDE LTD.

Ontario Land Surveyors

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(FAX 905-871-9748)

SCALE	1 : 250	FILE NAME :	20-225	DRWN. BY :	J.H.
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BEARING NOTE

BEARINGS ARE AS MONOMIC AND ARE REFERRED TO THE SOUTHERLY LIMIT OF CONCESSION 5 ROAD AS SHOWN ON P1 AND HAVING A BEARING OF N162°51'20"W

ELEVATION NOTE

ELEVATIONS ARE GEODETIC, DERIVED BY GPS OBSERVATIONS, REFERRED TO GEOTIFF SURVEY OF CANADA BENCHMARK 001975U193 (AKA 75U193), HAVING AN ELEVATION OF 209.563m (CGVD-1928:1978)

BENJAMIN BENJAMIN (AKA /501950195)
37 (CGVD-1928:1978)

LOCATION : HAMILTON WENTWORTH IRON PIPE WITH EGRESS CAP, ALONG WHITE CHURCH ROAD, AT INTERSECTION WITH WOODBURN ROAD. 421 M EAST OF CENTRE LINE OF ROAD TO

OF HYDRO POLE NO. 855, SLIGHTLY BELOW ROAD LEVEL.

ALL ELEVATION DISCREPANCIES TO BE REPORTED TO RASCH & HYDE LTD