

**DATE:** February 12, 2024

**REPORT NO:** PD-10-2024

**SUBJECT:** **Confirmation of Road Closing between lots 33 and 34  
Concession 6, Gainsborough Ward, Township of West Lincoln**

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

**OVERVIEW:**

- Staff have been approached for a copy of a road closing by-law for the road allowance between lots 33 and 34 CONC 6, Gainsborough Ward, Township of West Lincoln.
- Staff had been unable to find such a by-law and have been informed that Mr. Salter Hayden confirmed that no by-law existed in a 1989 letter.
- This allowance appears to have been closed in lieu of a given road now known as Port Davidson Road between lots 32 and 33 CONC 6 former Gainsborough Ward, Township of West Lincoln.
- Staff have been provided with a deed from December 26, 1901 as signed by the Reeve (Windle Johnson) and Clerk (Samuel Kennedy) of the day conveying the road allowance from Sixteen Road north to North Creek to Nathaniel P. Henning (physician) of Smithville. This deed can be found as Schedule 1 to this report.
- Currently, the property owner who currently includes the road allowance in their deed is refinancing and has been requested by the bank to provide the by-law for the closed road.
- Staff propose that the Road Closing procedure (POL-C-02-07) be waived in this instance, and that a confirming by-law be passed to confirm the previous conveyance in 1901 of a closed road allowance.

**RECOMMENDATION:**

1. That, Report PD-10-2024, regarding “Confirmation of Road Closing between lots 33 and 34 Concession 6, Gainsborough Ward, Township of West Lincoln”, dated February 12<sup>th</sup>, 2024 be RECEIVED and;
2. That, a By-law be passed, such as the draft by-law found at Schedule 2 to this report, to confirm the closing of the road allowance between lots 33 and 34

- Concession 6, former Township of Gainsborough and now described as Parts 5, 6, and 7 RP 30R-6275 on a survey dated February 22, 1990; and,
3. That, staff be instructed to approach the other three affected property owners to the north to confirm closing of the road allowance adjacent to or on their lands as well; and,
  4. That, costs of registration of the confirming by-law be borne by the Township of West Lincoln.

## **ALIGNMENT TO STRATEGIC PLAN:**

### **Theme**

- **CHAMPION** - strategic and responsible growth

## **BACKGROUND:**

A survey completed by Ashenhurst Nouwens Ltd in 1990 notes that the unopened road allowance between lots 33 and 34 CONC 6, Gainsborough ward, was conveyed by Instrument No. 6429 in 1902. A further notation on the survey confirms that the road allowance was closed by Municipal Act RSO 1970 CH 284 S463 in lieu of given road off the easterly side of Lot 33. This is Port Davidson Road, which appears to have been conveyed to the Township originally by Instrument No. 6378 (1902) in 1902.

## **CURRENT SITUATION:**

Staff have been approached for a copy of a road closing by-law for the road allowance between lots 33 and 34 CONC 6, Gainsborough Ward, Township of West Lincoln. Staff have been unable to find such a by-law but then were subsequently informed that Mr. Salter Hayden had confirmed that no by-law existed in a 1989 letter.

This allowance appears to have been closed in lieu of a given road now known as Port Davidson Road between lots 32 and 33 CONC 6 former Gainsborough ward, Township of West Lincoln.

Staff are in receipt of a deed from December 26, 1901 as signed by the Reeve (Windle Johnson) and Clerk (Samuel Kennedy) of the day conveying the road allowance from Sixteen Road north to North Creek to Nathaniel P. Henning (physician) of Smithville. This deed can be found as Schedule 1 to this report.

Currently, the property owner who includes the road allowance in their deed is refinancing and has been requested to provide the by-law closing the road to the bank.

Staff propose that the Road Closing procedure (POL-C-02-07) be waived in this instance and that a confirming by-law be passed to confirm the previous conveyance in 1901 of a closed road allowance.

## **FINANCIAL IMPLICATIONS:**

There is no significant cost as survey work was completed in 1990 to describe this part of the road allowance. The only cost will be \$200-\$300 to register the new confirming road closing by-law on title.

**INTER-DEPARTMENTAL COMMENTS:**

Not applicable to this report.

The north end of this road allowance is under one of the school buildings on Townline Road as the proposed allowance would align with Wade Road. Closing of the road at Townline Road appears to be certain. Therefore, closing the entire stretch from Sixteen Road to Townline Road is straight forward and should cause no concern nor issues.

**CONCLUSION:**

Staff recommend the passage of a confirmation by-law to confirm that the road was properly closed prior to conveyance in 1902 as illustrated by Schedule 1 to this report. Further staff recommend that the sale of Road Closing procedure (POL-C-02-07) be waived.

**SCHEDULES:**

1. Deed from December 26, 1901
2. Survey
3. Draft Road Closing By-law

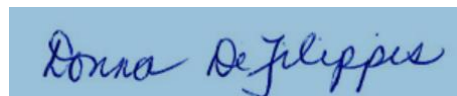
**Prepared & Submitted by:**



---

**Brian Treble**  
**Director of Planning & Building**

**Approved by:**



---

**Donna DeFilippis**  
**Interim CAO**