

DATE: September 9, 2024

REPORT NO: PD-37-2024

SUBJECT: Permanently Close, Convey, and Sell a Portion of Unopened Road Allowance adjacent to Lots 1 and 2 Concession 1, Southern Boundary (Attercliffe), former Township of Caistor

CONTACT: Brian Treble, Director of Planning and Building
Justin Paylove, Director of Legislative Services/Clerk

OVERVIEW:

- As a follow up to Recommendation Report PD-30-2022 (March 2022), Administration staff update Committee and Council as follows:
 - a) On March 21, 2022 report PD-30-2022 was approved to permit staff to start the process of selling a surplus road allowance.
 - b) The survey was completed by Roy Kirkup of J.D. Barnes in approximately 15 months and registered in the Land Registry Office on April 21st, 2023 as 30R-16111.
 - c) An appraisal is not required since the unopened road should have been conveyed to adjacent property owners as an alternative to opening Regional Road 63 through Attercliffe (given road).
 - d) Now that the survey work is complete and the interested property owners have paid the road closing fee and the required deposit, the conveyances of the closed and surplus road can occur with the costs of legal and surveying being covered by the application fee plus deposits.
 - e) Staff recommend that the by-laws be passed, first to close the road and subsequently to authorize conveyance in each case.

RECOMMENDATION:

1. That, Recommendation Report PD-37-2024, titled “Permanently Close, Convey, and Sell a Portion of Unopened Road Allowance adjacent to Lots 1 and 2 Concession 1, Southern Boundary (Attercliffe), former Township of Caistor”, dated September 9, 2024, be received; and,
2. That, staff be authorized to proceed to stop up, close and convey following the passage of the following by-laws:

- a. A by-law to declare the land as surplus to the needs of the Township of West Lincoln as found at Schedule 2;
- b. By-laws to stop up and close the unopened road allowance and that a by-law be passed to convey the following:
 - i. Part 1 to Benny and Alice Van Ravenswaay (Roll No. 260201000117300)
 - ii. Part 2 to Mackenzie Krick and Leonard Krick (Roll No. 260201000117200)
 - iii. Part 3 to David Jozsa (Roll No. 260201000117100)
 - iv. Part 4 to remain with the Township until the new property owner can be contacted and determine if there is interest in purchasing this portion of land (Roll No. 260201000117000)
 - v. Part 5 to Chantelle Ettinger (Roll No. 260201000116900)
 - vi. Part 6 to Wayne and Shari Spurgeon (Roll No. 260201000116800)
 - vii. Part 7 to Christopher Collins (Roll No. 260201000116500); and
3. That, legal counsel be directed to complete all conveyances to adjacent property owners except one (Part 4).

ALIGNMENT TO STRATEGIC PLAN:

- **CHAMPION** - strategic responsible growth

BACKGROUND:

The owner of one of the properties affected by the unopened boundary road (Benny VanRavenswaay) approached the Township to stop up and close the road allowance on many occasions in the past, owners have approached the municipality regarding closing a portion of unopened road allowance. In this case the road allowance is between Regional Road 63 and the southern boundary in Attercliffe, in the former Township of Caistor, now in the Township of West Lincoln. The applicants have requested that the portion of road allowance across their property be closed, however, this would land lock the rest of the road allowance, easterly to the Township Boundary in Attercliffe.

On December 16, 2021, Mr. Ian Attema, on behalf of Benny and Alice Van Ravenswaay, submitted an application to purchase the portion of the road allowance abutting their property between Regional Road 63 and the southern boundary in Attercliffe, former Township of Caistor, now in the Township of West Lincoln. (Map attached as Schedule "A").

CURRENT SITUATION:

Staff have circulated the application to affected agencies following the direction of Township Committee and Council as well as contacting all benefitting property owners.

On March 21, 2022 report PD-30-2022 was approved to permit staff to start the process of surveying and selling a surplus road allowance as per the following resolutions:

1. That Recommendation Report PD-30-2022, titled "Permanently Close and

Sell a Portion of Road Allowance Known Municipally as being Pt Lot 1 and 2, Concession 1, Southern Boundary of former Caistor Township adjacent to Haldimand County (Attercliffe), now in the Township of West Lincoln – Applicant Benny and Alice Van Ravenswaay”, dated March 21, 2022 be received and,

2. That, Planning staff be authorized to contact the affected property owners along the entire stretch of road allowance between Regional Road 63 and the eastern boundary in Attercliffe who would have the ability to benefit by gaining more lands as a result of this process; and,
3. That, staff be authorized to contact all required agencies as per the road closing and conveyance policy; and,
4. That, staff be authorized to obtain quotes for an appraisal of the entire stretch of road allowance affecting Pt Lot 1 and 2 Concession 1, former Township of Caistor, now in the Township of West Lincoln or in the alternative determine reasons why an appraisal is not necessary, and report back to a future committee and or Council meeting; and,
5. That, staff be authorized to obtain quotes for a legal survey for the subject lands, and report back to a future committee and or Council meeting; and,
6. That, staff be authorized to use the applicants initial deposit and administration fee as needed as per the road closing and conveyance policy, and that total costs shall be divided among all affected and benefitting properties such that full reimbursement to the Township of West Lincoln ultimately occurs; and
7. That, Report No. PD-30-22, be provided to the applicant and adjacent owner(s) in order to advise Mr. and Mrs. Van Ravenswaay and others of the larger road closing process that is most appropriate.

The survey was completed by Roy Kirkup of J.D. Barnes in approximately 15 months and registered in the Land Registry Office on April 21, 2023 as 30R-16111.

An appraisal was not required since the unopened road should have been conveyed to adjacent property owners as an alternative to opening Regional Road 63 through Attercliffe (given road), as per the Township of West Lincoln’s *Policy for Closing, Declaring Surplus and Selling a Highway or Portion Thereof* (POL-C-02-07).

Now that the survey work is complete and the interested property owners have paid the road closing fee and the required deposit, the conveyances of the closed, surplus road parts can occur with the costs of legal and surveying being covered by the application fee plus deposits.

Administration recommends that the by-laws be passed, first to close the road and subsequently to authorize conveyance in each case.

FINANCIAL IMPLICATIONS:

Legal and survey costs will be covered by the application fee and deposit. All parts will be

conveyed except for one Part (Part 4) which will be held by the Township until such time as conveyance to the adjacent property owner (following recent sale) can occur at a minimum cost of \$1500.

INTER-DEPARTMENTAL COMMENTS:

No additional agency comments were received. Senior Management has discussed this process and the liability that exists by maintaining ownership.

CONCLUSION:

That the process be completed and the road allowance be conveyed to the adjacent property owners as outlined in this report.

SCHEDULES:

1. Location Map
2. Registered Survey
3. Draft By-laws

Prepared & Submitted by:

Brian Treble
Director of Planning and Building

Justin Paylove
Interim Director of Legislative Services/Clerk

Approved by:

Truper McBride
Chief Administrative Officer