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# HALDIMAND COUNTY

## Report CS-SS-24-2018 County Sale To Shaw – Underwater Lot For Consideration by Council in Committee on August 28, 2018

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### OBJECTIVE:

To obtain authorization to sell a portion of County land, currently under the waters of Lake Erie, to the future abutting landowners at 3164 Lakeshore Road, Dunnville.

### RECOMMENDATIONS:

1. THAT Report CS-SS-24-2018 County Sale To Shaw – Underwater Lot be received;
2. AND THAT the land described as all of PIN # 38130-0190(LT) being Part of Lot 4, Concession 4 South of Dover Road, Dunn, as in HC165222; Haldimand County, be declared surplus to the needs of the municipality and sold to Gary John Shaw and Susan Dianne Shaw for \$1.00 plus conveyance costs;
3. AND THAT public notice of the proposed sale be given;
4. AND THAT a By-law be presented to authorize the sale;
5. AND THAT the Mayor and Clerk be authorized to execute all necessary documents.

**Prepared by:** Sandra Marsh, Property Coordinator

**Reviewed by:** Dana McLean, Supervisor, Risk Management & Legal Services

**Respectfully submitted:** Karen General, CPA, CGA, General Manager of Corporate Services

**Approved:** Donald G. Boyle, Chief Administrative Officer

### EXECUTIVE SUMMARY:

Staff are recommending that a small piece of County-owned property, currently under the waters of Lake Erie, be declared surplus and sold to the owners of 3164 Lakeshore Road, Dunnville, for \$1.00, plus conveyance costs. The subject property will be added to 3164 Lakeshore Road, Dunnville, currently owned by Gary John Shaw and Susan Dianne Shaw.

### BACKGROUND:

The owners of 3164 Lakeshore Road, Dunnville, (Gary John Shaw and Susan Dianne Shaw) have requested to purchase County property to add to their land. The County owned property they wish to purchase is two separate pieces of land – one being a closed section of Shoreline Trail/Old Lakeshore Road and another being a 0.09 acres underwater lot that abuts this section of closed road.

Previously, Report CS-SS-08-2016 was approved by Council providing criteria to allow for delegated authority to transfer closed portions of Old Lakeshore Road in Haldimand County for a nominal fee. This criteria has been met for the portion of the subject lands that is already a closed road and, therefore, the Manager of Support Services is able to authorize the conveyance of this section of Old

Lakeshore Road, with final approval being given via passing of a by-law. Once this conveyance is finalized, the Shaw's property at 3164 Lakeshore will merge with this portion of closed road, becoming one parcel of land. The remaining underwater parcel of land is not a former closed road and therefore is required to be declared surplus first, with subsequent authorization to transfer the land. The purpose of this report is to seek Council's authorization to transfer the underwater lot to the Shaw's so it may occur simultaneously with the transfer of the already closed portion of Old Lakeshore Road.

A map of the area identifying ownership and the proposed outcome is included as Attachment #1.

## **ANALYSIS:**

The owners of 3164 Lakeshore Road, Dunnville, have requested that the closed section of Shoreline Trail/Old Lakeshore Road be conveyed to them and added to the lands they currently own. It was discovered that there was also a parcel of land abutting this section of closed road that is owned by the County, which is under the waters of Lake Erie. This parcel should not be left landlocked. The Shaw's are interested in obtaining it and therefore staff recommends conveying it, along with the abutting closed section of Shoreline Trail/Old Lakeshore Road, and adding it to 3164 Lakeshore Road, Dunnville to merge as one parcel of land.

In order to ensure the subject parcel was not necessary for municipal purposes, staff circulated a Surplus Property Designation comment form. All comments received support the disposal of this property.

In accordance with the County's Vacant Land Values Chart, this property has a value of approximately \$450, given its small size and limited use. However, this value is mitigated by the land being under water. Accordingly, a nominal value for the purchase is recommended in order to be consistent with the County's approach to other lands underwater in this vicinity.

Staff recommend that we approach the transfer of this land as a condition to the request for the conveyance of the closed section of Shoreline Trail/Old Lakeshore Road. The applicants are in agreement to this approach. The proposed land transaction would give the owners of 3164 Lakeshore Road, Dunnville, legal ownership of the closed section of Shoreline Trail and the lands underwater, thereby creating one large parcel with the lands they currently own. All County Divisions support the disposal of the property and therefore, staff recommend that the subject lands be transferred to the owners of 3164 Lakeshore Road, Dunnville, for a nominal fee of \$1.00, plus certain costs of conveyance.

## **FINANCIAL/LEGAL IMPLICATIONS:**

All costs associated with the property transactions will be borne by the purchaser.

If sold, the property would no longer be the legal responsibility or liability of the County.

## **STAKEHOLDER IMPACTS:**

In order to ensure the subject parcel is not required to be retained for any reason, staff circulated a Surplus Property Designation comment form. All comments received support the disposal of this property as staff were unable to identify any reason to retain its ownership.

## **REPORT IMPACTS:**

Agreement: No

By-law: Yes

Budget Amendment: No

Policy: No

## **ATTACHMENTS:**

1. Map of the area