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# HALDIMAND COUNTY

## Report CS-SS-28-2018 Reopening of a Portion of Norton Street, Cayuga For Consideration by Council in Committee on October 30, 2018

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### OBJECTIVE:

To obtain authorization to reopen a travelled section of Johnson Street, legally described as a portion of Norton Street, Cayuga, in order to provide access to a private residence.

### RECOMMENDATIONS:

1. THAT Report CS-SS-28-2018 Reopening of a Portion of Norton Street, Cayuga, be received;
2. AND THAT, for the reasons outlined in Report CS-SS-28-2018, the land described as PIN # 38232-0245 (LT), being Part of Norton Street, Village of Cayuga, east of Grand River, being Part 1 on 18R-6565, Haldimand County, be dedicated as a public highway;
3. AND THAT a By-law be presented to authorize the reopening of the subject lands as a public highway in order to provide access to a private residence at the south end of Johnson Street, Cayuga;
4. 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 recommend that a travelled section of closed road, at the intersection of Norton and Johnson Streets, in Cayuga, be reopened and dedicated as a public highway as it appears the road was unknowingly closed 115 years ago. The subject lands are maintained by the County as an open road and provide access to a private residence at the south end of Johnson Street, in Cayuga.

### BACKGROUND:

The subject lands are legally described as PIN # 38232-0245 (LT) being Part of Norton Street, Village of Cayuga east of Grand River, being Part 1 on 18R-6565, Haldimand County (identified in yellow on Attachment #1). The lands provide access to a private residence at the south end of Johnson Street.

In 2008, Haldimand County By-law 944/08 authorized the closure and sale of several unopened roads in this area of Cayuga, all of which were subsequently conveyed to a private owner for development purposes. The lands at the intersection of Norton and Johnson Streets functioned as an open and traveled road so were intentionally not included in the 2008 bylaw in order that it would remain open to the public. Presumably, it was unknown at that time that the road had previously been closed by a 1903 bylaw from a predecessor municipality.

## **ANALYSIS:**

It was recently discovered that a travelled section of the road allowance at the intersection of Norton and Johnson Streets, in Cayuga, was closed in 1903 by The Municipal Corporation of the Village of Cayuga through By-law 242, which By-law was confirmed by The Corporation of Haldimand County By-law 1305/12. The portion of Norton/Johnson Street that is closed is outlined in yellow on Attachment #1.

Although the subject land is legally defined as a closed road, it is currently maintained by the municipality as a publically-owned and travelled road. These lands also provide access and egress to a private dwelling at the south end of Johnson Street which otherwise would be landlocked given the 2008 closure and conveyance of the former road allowance identified as Mohawk Street East on Attachment #1. A legal reopening of this road allowance with the definition of a public highway is required to correct what appears to have been an oversight. A road dedication bylaw will be presented at a subsequent Council meeting to formalize this process.

## **FINANCIAL/LEGAL IMPLICATIONS:**

The County will incur costs for title searches and registrations. These costs are estimated at \$250.

## **STAKEHOLDER IMPACTS:**

The Engineering Division has provided information for this report and supports the legal reopening of the road.

## **REPORT IMPACTS:**

Agreement: No

By-law: Yes

Budget Amendment: No

Policy: No

## **ATTACHMENTS:**

1. Map of the Subject Property