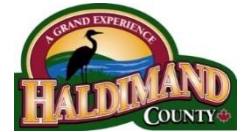

HALDIMAND COUNTY

Report CS-SS-30-2018 Road Closure and Conveyance of Part of Winniett Street, Caledonia



For Consideration by Council in Committee on October 30, 2018

OBJECTIVE:

To declare part of Winniett Street in Caledonia as surplus to the County's needs and authorize staff to proceed with the road closure and conveyance process.

RECOMMENDATIONS:

1. THAT Report CS-SS-30-2018 Road Closure and Conveyance of Part of Winniett Street, Caledonia be received;
2. AND THAT Part of PIN # 38155-0100(LT), being Part of Winniett Street, Plan 51, Haldimand County, shown in yellow on Attachment #1, be stopped up, closed and declared surplus to all County needs;
3. AND THAT Part of PIN # 38155-0100(LT), being Part of Winniett Street, Plan 51, Haldimand County, shown in yellow on Attachment #1, be sold to the abutting property owners, Gary Stephen Beemer and Cheryl Lynn Beemer, for the purchase price of \$4,000, plus HST, and all costs of closure and conveyance, conditional on the property merging with the existing lands owned by the Beemers;
4. AND THAT public notice of the proposed closure and conveyance be published for one week in the local newspaper;
5. AND THAT a By-law be passed to authorize the closure and conveyance;
6. 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:

The County has received a request to close and convey part of the unopened road allowance on Winniett Street, in Caledonia. Staff have determined that this portion of the road allowance can be deemed surplus to the County's needs and divested in accordance with the established process for road closures and conveyances.

BACKGROUND:

The County is in receipt of a request from Gary Stephen Beemer and Cheryl Lynn Beemer to purchase part of the unopened road allowance on Winniett Street in Caledonia. The subject land, totaling approximately 0.30 acres, abuts the northerly boundary of the lands currently owned by the Beemers,

which is municipally known as 530 Caithness Street, Caledonia. A location map of the subject property is shown as Attachment #1, with the subject lands marked in yellow.

ANALYSIS:

In order to determine the feasibility of closure of the subject road, staff circulated a “Road Closure Inquiry Form” to Hydro One, Union Gas, Bell Canada, Rogers Cable, Grand River Conservation Authority and the following Haldimand County Divisions: Building Controls & By-Law Enforcement, Community Development & Partnerships, Economic Development & Tourism, Emergency Services, Engineering Services, Environmental Services, Facilities & Parks Operations, Planning & Development, and Roads Operations. All comments received supported the closure with no easement requirements.

In reviewing the road closure request, staff, in keeping with the County’s past practice, notified all abutting property owners of the expression of interest received, and the possible closure and conveyance. The abutting landowner to the east (#572 on the map), Judy Laszlo, expressed concerns with the conveyance as she felt access to her lands would be restricted. The Laszlo lands lying east of the subject property have legal access from Seneca Street, King William Street and Caithness Street and therefore the closure and conveyance of the subject lands would not deny access to the Laszlo property. No other abutting property owners expressed any concerns with this road closure request, however, it appears as though the abutting landowner to the west (#522 Caithness Street East) may be encroaching onto part of the road allowance being retained by the County. Staff will follow up as this encroachment will need to be addressed by removal of the encroachment, entering into a formal encroachment agreement or through a separate road closure and conveyance request.

When a request to purchase a road allowance is received by staff, prior to proceeding, the applicants are advised that the land, if deemed surplus, will be sold for no less than the appraised value, plus all costs of closure and conveyance. The purpose of the appraisal is to estimate the market value of the subject property based on the most probable “best use” at the time. The applicants will be required to bear all other costs of the closure including, but not limited to, applicable taxes, advertising, appraisal fees, legal and survey costs.

The County’s past practice is to require the applicants to pay for a certified appraisal to determine the value of the property. The cost to the applicants of obtaining a certified appraisal is significant at approximately \$2,000 to \$2,500. Where it is expected that the sale of the lands would result in competing interests, it is advisable to obtain a certified appraisal. However, in situations where the only party interested in acquiring the land would be the abutting land owners, staff feel that the County’s Vacant Land Values Chart is a reasonable alternative to determine the estimated value. If the applicant does not agree with the tool-generated value, they have the option of obtaining an independent certified appraisal at their own cost for Council’s consideration.

When taking into consideration use of the Vacant Land Values Chart for this property, Council should keep in mind the following:

- If sold, the road allowance will merge with the abutting lands owned by the applicants;
- Part of the unopened road allowance is designated “Floodway” and “Slope”, making this land unsuitable for an open road in its current condition and undesirable to anyone but an abutting owner;
- Part of the lands are zoned “HL” Hazard Lands and have minimal development potential;
- A very small portion of the lands are zoned “R1” Residential and would have limited development potential, if any;

- If the subject lands were to remain part of the entire unopened road allowance, the lands could possibly have some development potential. Staff from the Planning Division have advised, however, that Planning approvals, upgrades to roads, extensions to services, confirmation that a septic system can be accommodated and GRCA approvals would all be required before development could be considered;
- This portion of land is not constructed as a road and does not provide legal access to any abutting properties;
- Sale of this property would eliminate the County's risk and liability associated with use of this portion of the road allowance;
- All County property will be sold as is/where is and the purchasers will sign an Acknowledgement confirming this.

In the absence of an appraisal, staff have calculated a value of \$4,000 for this land, based on the above limitations. The applicants are in agreement with the suggested value should Council approve the conveyance of the land to them.

For the reasons outlined above, staff recommend closing this unopened road allowance, declaring the lands surplus and conveying the property to the abutting landowners, conditional on the property merging with the existing lands owned by the Beemers and that they absorb all of the costs of the closure and conveyance.

FINANCIAL/LEGAL IMPLICATIONS:

Staff recommend that the property, totalling 0.30 acres, be sold to the abutting owners, Gary Stephen Beemer and Cheryl Lynn Beemer, for a purchase price of \$4,000, plus HST, and all routine costs of closure and conveyance. The net proceeds of the sale will be contributed to the Land Sales Reserve in accordance with County Policy.

In accordance with the County's Notification Policy, a proposed road closure and conveyance is to be advertised in the local newspaper prior to consideration of a By-law.

The closure and conveyance of this unopened portion of Winnieth Street will remove unnecessary lands, and the associated liability, from the County property inventory.

STAKEHOLDER IMPACTS:

Planning staff have provided information for this Report.

REPORT IMPACTS:

Agreement: No

By-law: Yes

Budget Amendment: No

Policy: No

ATTACHMENTS:

1. Map of the Subject Land