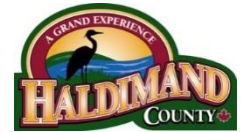

HALDIMAND COUNTY

Report LSS-06-2019 Road Closure and Conveyance of Part of Moray Street,
Caledonia



For Consideration by Council in Committee on April 16, 2019

OBJECTIVE:

To declare part of Moray 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 LSS-06-2019 Road Closure and Conveyance of Part of Moray Street, Caledonia be received;
2. AND THAT PIN # 38174-0077(LT), being Part of Moray Street, Plan of the Town of Caledonia, designated as Part 2 on 18R-4406; Haldimand County, be stopped up, closed and declared surplus to all County needs;
3. AND THAT PIN # 38174-0077(LT), being Part of Moray Street, Plan of the Town of Caledonia, designated as Part 2 on 18R-4406; Haldimand County, be sold to the abutting property owner, Marcia Joanne Sault, for the purchase price of \$4,650.00 plus HST, and all costs of closure and conveyance, conditional on the property merging with the existing lands owned by Ms. Sault;
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: Cathy Case, General Manager of Corporate & Social 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 known as Moray 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.

Staff are seeking Council's approval to sell the subject property to the abutting landowner, Marcia Joanne Sault, in order to remove an unnecessary road allowance from the public property inventory.

BACKGROUND:

The County is in receipt of a request from Marcia Joanne Sault to purchase part of the unopened road allowance, being Part of Moray Street in Caledonia. The subject land, totaling approximately 0.31 acres, lies between the waters of the Grand River and the southerly boundary of the lands currently owned by the Applicant, which is municipally known as 397 Caithness Street East, Caledonia. A location map of the subject property is shown as Attachment #1, with the subject lands marked in yellow.

Unopened road allowances, if approved to be sold, need to be formally closed by bylaw before they can be conveyed or sold.

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 & Municipal Enforcement, Community Development & Partnerships, Economic Development & Tourism, Emergency Services, Engineering Services, Environmental Operations, Facilities, Parks, Cemeteries & Forestry 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. No abutting owners objected to the 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 applicant to pay for a certified appraisal to determine the value of the property. The cost to the applicant 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 owner, 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 applicant;
- This unopened road allowance is designated "Floodway", making this land unsuitable for an open road in its current condition and undesirable to anyone but an abutting owner;
- The lands are zoned "HL" Hazard Lands and have minimal development potential and are completely regulated by the Grand River Conservation Authority;
- 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 purchaser will sign an Acknowledgement confirming this.

In the absence of an appraisal, staff have calculated a value of \$4,650 for this land, based on the above limitations. The applicant is in agreement with the suggested value should Council approve the conveyance of the land to her.

For the reasons outlined above, staff recommend closing this unopened road allowance, declaring the lands surplus and conveying the property to the abutting landowner, conditional on the property merging with the existing lands owned by Ms. Sault. All costs of the closure and conveyance will be borne by the purchaser.

FINANCIAL/LEGAL IMPLICATIONS:

Staff recommend that the property, totalling 0.31 acres, be sold to the abutting owner, Marcia Joanne Sault, for a purchase price of \$4,650, 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 Moray Street will remove unnecessary lands, and the associated liability from the County property inventory.

STAKEHOLDER IMPACTS:

Not applicable.

REPORT IMPACTS:

Agreement: No

By-law: Yes

Budget Amendment: No

Policy: No

ATTACHMENTS:

1. Map of the Subject Property