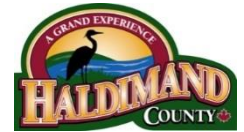

HALDIMAND COUNTY

Report LSS-08-2019 Road Closure and Conveyance of Part of Haldimand Road 17, Dunnville



For Consideration by Council in Committee on April 16, 2019

OBJECTIVE:

To authorize staff to proceed with a road closure and conveyance request for part of Haldimand Road 17, Dunnville.

RECOMMENDATIONS:

1. THAT Report LSS-08-2019 Road Closure and Conveyance of Part of Haldimand Road 17, Dunnville be received;
2. AND THAT the subject road allowance, as shown in yellow on Attachment #1 to LSS-08-2019 and legally described as Part of PIN # 38136-0094(LT), being Part of Lot 3, Dochstader Tract Canborough, S/T CB5240, Haldimand County, be closed and declared surplus to all County needs;
3. AND THAT the subject road allowance, as shown in yellow on Attachment #1 to LSS-08-2019 and legally described as Part of PIN # 38136-0094(LT), being Part of Lot 3, Dochstader Tract Canborough, S/T CB5240, Haldimand County, be sold to the abutting owner Audrey Ward Glenney for a purchase price of \$750 plus HST, plus costs of the closure and conveyance, and that easements be given for existing infrastructure;
4. AND THAT public notice of the proposed closure and conveyance be given;
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 from Audrey Ward Glenney to close and convey part of Haldimand Road 17 in Dunnville. Staff have determined that these lands are not required for municipal purposes and 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 Audrey Ward Glenney to close and purchase part of Haldimand Road 17 in Dunnville. The subject lands abut the northerly boundary of the lands currently

owned by the Applicant. The request to purchase these lands is made to increase the size of the lands owned by the Applicant in hopes to make the land more suitable for development. A location map of the subject lands is shown as Attachment #1.

ANALYSIS:

Audrey Ward Glenney owns the abutting property to the south of the subject lands and has approached the County to purchase the subject lands in order to increase the size of her property, which is currently listed for sale. The Applicant has provided the County with the non-refundable administration fee to start the road closure and conveyance process.

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 Services, Community Development & Partnerships, Economic Development & Tourism, Emergency Services, Engineering Services, Environmental Operations, Facilities, Parks, Cemeteries & Forestry Operations, Planning & Development, and Roads Operations.

Hydro One and Bell Canada advised they have infrastructure located in the vicinity of the subject lands and, if sold, will require easements if the survey evidence identifies the infrastructure is located within the boundaries of the subject lands.

The Planning & Development Division provided the following comments:

The abutting lands contain a hazardous slope which is identified in the Official Plan and Zoning By-law as 'Hazard Lands'. The hazardous slope will limit the location of development onsite even if a portion of the road allowance is sold to the property owner. Selling this portion of the right of way does not alleviate development concerns. Given the location of the hazardous slope onsite and the GRCA's requirement that development be located away from the slope, a planning application will likely be required to permit development closer to the road. Planning staff have not received a concept plan for development. However, planning staff have concerns about placing development closer to the road than is permitted as it can interfere with infrastructure (i.e. hydro lines / wires) and maintenance and operation of the roads (i.e. structures close to the road may become damaged if they are too close to the road). While adjacent development is closer to the road than is permitted this development is representative of an existing situation. County staff would not encourage future development to be located as close to the road. If the purpose of the road closure and conveyance is to make the lot more developable, the applicant should be aware that there are a number of items they need to work through and that the conveyance does not necessarily make the lot developable.

If this application is approved, a planning application will be required to permit the development and will involve significant technical analysis by various agencies including the GRCA, Hydro One, Roads Operations, etc. These items have not been investigated with respect to a specific development proposal.

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 property to the west is owned by Ugo Mio, who advised he has no issues with the proposed sale of the subject lands to the Applicant. No other abutting owners came forward with concerns.

When a request to purchase a road allowance is received by staff, prior to proceeding, the applicant is 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 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 2017 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 the value of the subject property, Council should keep in mind the following:

- If sold, the road allowance will merge with the abutting lands owned by the Applicant. The subject lands are zoned Agricultural and have very limited development potential;
- There is no reasonable expectation that anyone other than the abutting landowner would be interested in purchasing the subject lands;
- Sale of this property would align the road boundary making it flush with the abutting property boundaries;
- 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 is sold as is/where is and the purchaser will sign an Acknowledgement confirming this.

Staff have generated an estimated value of \$750 for this 0.10 acre parcel of land using the County's Vacant Land Values chart. The Applicant has been made aware of the suggested value and the requirement of Council approval. The Applicant is in agreement with the suggested value should Council approve the conveyance of the land to her.

For the above reasons, staff recommend closing this portion of road allowance, declaring the lands surplus and conveying the lands to Audrey Ward Glenney for \$750 on the condition that the property will be added to the abutting lands currently owned by her and that easements are given for existing infrastructure. The typical land transaction provisions will apply, including the "as is/where is" condition, and any necessary easements. The Applicant will also be responsible for all costs of the closure and conveyance, including survey and legal costs, advertising, appraisal fees and applicable taxes.

FINANCIAL/LEGAL IMPLICATIONS:

Staff recommend that the lands, totalling 0.10 acres, be sold to the abutting owner, for a purchase price of \$750, plus HST, and all 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.

STAKEHOLDER IMPACTS:

The Planning & Development Division have provided information for this report.

REPORT IMPACTS:

Agreement: No

By-law: Yes

Budget Amendment: No

Policy: No

ATTACHMENTS:

1. Map of the Subject Lands