
HALDIMAND COUNTY

Report LSS-16-2019 Unsolicited Offer from Egger, Former Rail Lands in Dunnville



For Consideration by Council in Committee on May 7, 2019

OBJECTIVE:

To provide details of an unsolicited offer to purchase vacant County-owned lands in Dunnville.

RECOMMENDATIONS:

1. THAT Report LSS-16-2019 Unsolicited Offer from Egger, Former Rail Lands in Dunnville be received;
2. AND THAT Memorandum LSS-M08-2019 Additional Information Related to Report LSS-16-2019 be received as information and remain confidential;
3. AND THAT staff proceed with the direction provided by Council in closed session for the property legally described as PIN # 38135-0076(LT) Part Lot 1, Indian Reserve, Canborough; Part Lot 2, Indian Reserve, Canborough; Part Lot 3, Indian Reserve, Canborough; Part 6 on HC212210, South East of Part 3 on 18R-1766; Haldimand County, in accordance with Option #____, as outlined in Memorandum LSS-M08-2019;
4. AND THAT the Mayor and Clerk be authorized to execute all necessary documents;
5. AND THAT a by-law be presented to authorize the sale, if applicable.

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:

An unsolicited offer to purchase vacant County-owned lands – once a railway – in Dunnville has been received. Closed session Memorandum LSS-M08-2019 provides an analysis of the options available to Council.

BACKGROUND:

Staff have received an unsolicited offer, including the applicable administration fee, from Roger Ernest Egger and Elizabeth Egger, to purchase vacant County-owned lands in Dunnville that were once a rail line. A location map of the subject property is shown as Attachment #1 and a copy of the offer is included as Attachment #2. The portion of the subject property that is applicable to the offer, has a total area of approximately 7.65 acres, is zoned Agricultural and Hazard Land, and is legally described as PIN # 38135-0076(LT) Part Lot 1, Indian Reserve, Canborough; Part Lot 2, Indian Reserve, Canborough;

Part Lot 3, Indian Reserve, Canborough; Part 6 on HC212210, South East of Part 3 on 18R-1766; Haldimand County.

If the sale is approved by Council, Mr. Egger has advised staff the he intends to stop motorized vehicles from using the lands, but would allow abutting property owners crossing/path access over the lands.

ANALYSIS:

In order to determine the feasibility of the sale of this property, staff contacted all County Divisions to determine if there is a municipal need for the lands, in whole or in part, or if there are certain restrictions or provisions that should be placed on the sale. Comments received indicated a need to retain the property for municipal purposes.

The following staff comments were received:

Community Development and Partnerships:

Community Development & Partnerships does not support the sale of property.

This land forms the western portion of a future trail out to Hwy #3 from downtown Dunnville based upon the Trails Master Plan.

The Trails Master Plan identifies this property from Robinson Rd to Hwy #3 as future trail development. This potential trail connects east to a current trail being developed on the old rail line from Robinson Road east to Cedar Street which will link the downtown area to Thompson Creek area. Thompson Creek property is being upgraded by the community in partnership with the County to encourage nature experience within the area.

This proposed trail from Robinson Rd to Hwy#3 when developed will provide cycling connections with 2 current cycling routes that join the County network of cycling routes.

By building this proposed trail from Robinson Rd to Hwy#3, it also extends the walking distance and enjoyment of nature further out into the countryside from downtown Dunnville.

Planning and Development:

The subject lands are designated 'Riverine Hazard Lands' in Haldimand County's Official Plan, and the subject lands have also been identified as a trail location within the Official Plan. The Official Plan generally directs development away from identified trail locations. To avoid the County having to enter into long-term access and maintenance agreements with a new property owner, the County may want to keep these lands within their holdings.

The majority of the subject lands are Zoned 'Hazard Land'. There is a small portion of 'Agricultural' zone near the west end. The Province and Haldimand County generally direct new development away from natural hazards.

Large portions of the subject lands, including the frontage, are regulated by GRCA; permission is required prior to development taking place.

Frontage of the subject land is completely constrained by Hazard Zoning and Designation; any future development would require GRCA and Planning approvals.

In reviewing the unsolicited offer, staff, in keeping with the County's past practice, notified all abutting property owners of the expression of interest received and the possible sale of the lands. Some of the abutting property owners are concerned that a sale of the lands would land lock their rear farms located north of the subject lands and do not support a sale. Mr. Egger has advised staff that he would allow abutting property owners crossing/path access over the lands should Council approve the sale. Council should be aware that the County does not have any legal authority to enforce this offer of use by

abutting owners should a sale be approved, and it would simply be a goodwill gesture on the part of the purchasers unless they wish to formalize and provide legal interest in the lands to those they wish to allow to use it.

Staff have reviewed the offer and have prepared confidential Memorandum LSS-M08-2019, which provides additional information regarding options for the disposal of this property, for discussion during the Closed Session of the Council in Committee meeting of May 7, 2019.

A recommendation declaring the property surplus will be required should Council decide to sell the subject lands.

FINANCIAL/LEGAL IMPLICATIONS:

The County will be responsible for its title searching costs, which are estimated at approximately \$200.

If the property is declared as surplus and sold, net revenue generated from the sale of the property would be placed in the Land Sales Reserve, in accordance with County Policy.

If sold, the property would generate property tax revenue and would no longer be the responsibility or liability of the County.

STAKEHOLDER IMPACTS:

Planning and Development and Community Development & Partnerships staff have provided information for this report.

REPORT IMPACTS:

Agreement: Yes

By-law: Yes

Budget Amendment: No

Policy: No

ATTACHMENTS:

1. Map of the Subject Lands
2. Unsolicited Offer from Egger