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# HALDIMAND COUNTY

## Memorandum LSS-M13-2019 Additional Information Related to LSS-23-2019 Road Closure and Conveyance of Part of Haldimand-Dunnville Townline Road, Dunnville



**For Consideration by Council on September 23, 2019**

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**To:** Mayor Hewitt and Members of Council

**From:** Sandra Marsh, Property Coordinator

Included in the open session agenda of the Council in Committee meeting of September 17, 2019, was Report LSS-23-2019 Road Closure and Conveyance of Part of Haldimand-Dunnville Townline Road, Dunnville. This report dealt with a road closure and conveyance request for a portion of road allowance along Lake Erie in order to install erosion control measures.

At the Council in Committee meeting of September 17, 2019, this matter was deferred to the September 23, 2019 Council meeting to allow additional information to be collected. This memorandum is to provide Council with additional information related to the matter.

The original request from the Applicants, William Edgar Champion and Elizabeth Sharon-Ann Champion was for a "letter" from the County to permit construction of the new metal break wall along Lake Erie. Upon viewing the property, it was discovered that an existing sidewalk, stairs and break wall encroach onto the County's road allowance. Closure and sale of the encroachment area would address the existing encroachments and allow the Champions to obtain ownership of the lands on which the new break wall would be constructed. The Champions paid the non-refundable administration fee and all County divisions supported the closure and sale of this small portion of road allowance on the condition the lands merge with the adjacent land owned by the Champions.

The County's past practice for road closure requests relating to erosion, is to sell just enough of the road allowance lands along the lake for the installation and maintenance of erosion control measures in order to retain public lands leading to the lake for public use. Or, if the existing erosion has physically washed away most of the road allowance, the entire parcel of road allowance can be sold to the abutting owner.

The road allowance in this area is quite long compared to other areas along the lake (being approximately 407 feet long by 66 feet wide) and the Champions only require a small portion of land along the lake in order to perform the erosion control works, not the entire road allowance. At the Council in Committee meeting of September 17, 2019, Council deferred the matter and directed staff to investigate if closure and sale of a larger portion of the road allowance would be feasible in order to effect uniform property boundary lines.

Following the Council in Committee meeting of September 17, 2019, staff met with the Champions to see if they would be interested in purchasing a larger portion of the road allowance to create a more uniform easterly boundary of their property, rather than just purchasing a small portion at the lake. The Champions indicated they would be interested in purchasing the lands, but only at a reduced purchase price, not fair market value. The Champions already own a large property and the additional lands are not necessary for the construction of the new break wall.

Staff have reviewed the matter and determined that closure and sale of a larger portion of the road allowance is not practical due the challenges related to its disposal, which are outlined below:

- The constructed road appears to be located in the centre of this road allowance, sale of only a portion of the constructed road is not practical as it may not leave enough room for vehicular access to the Champion's property;
- There are drainage ditches on both sides of the constructed road surface and dense trees on the most easterly boundary. If a portion of the road allowance is sold, access to the remaining County-owned road may only be through the ditch and dense treed area, which is not practical for access or maintenance purposes. In other words selling only a portion of the lot results in the balance of the property not being useful for public access to the lake;
- Closure and sale of a larger portion of the road allowance will result in the County owning a strip of land down to the lake which is approximately 33 feet wide, which may not be enough room for a proper vehicle 'turn-around';
- Additional survey work would be required in order to identify the larger portion of the road allowance resulting in additional costs to the Champions;
- Closure and sale of a larger portion of the road allowance may result in only a pathway that leads to the lake, however, access to the lake is restricted due to the elevation of the land in this area;
- The County would still be responsible for maintenance of the remaining road allowance, access to which may not be practical if the road width is reduced.

While it may be possible in the future to dispose of the entire road allowance through a different process, given the challenges outlined in this Memorandum and the Applicants' desire to obtain only the portion necessary to carry out the works, staff propose proceeding with the original request to close and convey only the portion of the road allowance, which is currently being encroached upon and to permit the shoreline erosion control measures to proceed. Staff will consult with both abutting owners of the road allowance to determine if there is any interest in acquiring the remaining lands. Staff request that Council consider the original recommendations outlined in Report LSS-23-2019 as presented.

Historically, this section of road allowance has not been maintained in the winter due to its seasonal nature. A further review of this location will be undertaken to ensure maintenance of this section of road allowance is maintained pursuant to the Minimum Maintenance Standards in accordance with Public Works' practices.

Garbage collection will continue to take place along Lakeshore Road and will not be affected by the proposed closure and sale.