
HALDIMAND COUNTY

Report LSS-11-2020 Unsolicited Offer - Part of Victoria Street, Cayuga For Consideration by Council in Committee on September 15, 2020



OBJECTIVE:

To provide details of an unsolicited offer to purchase vacant County owned property described as Part of Victoria Street, Cayuga.

RECOMMENDATIONS:

1. THAT Report LSS-11-2020 Unsolicited Offer - Part of Victoria Street, Cayuga be received;
2. AND THAT Memorandum LSS-M03-2020 Additional Information Related to Report LSS-11-2020 be received as information and remain confidential;
3. AND THAT the property legally described as PIN # 38232-0217(LT), being Victoria Street, Village of Cayuga east of Grand River between Snow Street and Monture Street; Haldimand County, be declared surplus to the needs of the municipality;
4. AND THAT staff be authorized to negotiate the sale of the property legally described as PIN # 38232-0217(LT), being Victoria Street, Village of Cayuga east of Grand River between Snow Street and Monture Street; Haldimand County, to Robert William Nichols and Barbara Birgitt Nichols, in accordance with the parameters outlined in Option ____ of Memorandum LSS-M03-2020;
5. AND THAT public notice of the pending sale be published in the local newspaper;
6. AND THAT the Mayor and Clerk be authorized to execute all necessary documents.

Prepared by: Sandra Marsh, Property Coordinator

Reviewed by: Michelle Brandt, Supervisor, Risk Management & Legal Services

Respectfully submitted: Cathy Case, General Manager of Corporate & Social Services

Approved: Craig Manley, MCIP, RPP, Chief Administrative Officer

EXECUTIVE SUMMARY:

An unsolicited offer to purchase County owned lands, being a portion of Victoria Street in Cayuga, has been received. Closed session Memorandum LSS-M03-2020 provides an analysis of the options available to Council.

BACKGROUND:

Staff have received an Unsolicited Offer to Purchase vacant County owned land located in Cayuga, being part of Victoria Street. The Offer of \$3,692 (inclusive of applicable taxes) was made by Robert William Nichols and Barbara Birgitt Nichols (Nichols), who have advised that they intend to add the lands to their abutting property if the purchase is approved by Council. The subject property is legally described as PIN # 38232-0217(LT), being Victoria Street, Village of Cayuga east of Grand River

between Snow Street and Monture Street; Haldimand County, and is outlined on the map shown as Attachment #1 to this report.

The subject property has a total area of approximately 0.56 acres.

Staff have confirmed that the Nichols' driveway was constructed on the subject lands during the construction phase of their home in 2012, which was approved by an entrance permit issued by the County. The Nichols were not the registered owners at the time the home was constructed and have recently purchased the property municipally known as 61 Monture Street North, Cayuga. A minor variance was also granted for the construction of the home, with a condition imposed by the Committee of Adjustment that an encroachment agreement be entered into with the County, in order to allow the driveway to be constructed on County land. There are no current records on file at the County or registered on title evidencing that an encroachment agreement was ever executed. There does not appear to have been any request or requirement at the time, for the owner to purchase the County lands rather than enter an encroachment agreement. The proposed land acquisition will rectify the need for the agreement as the property owner would have title to the lands on which the driveway is located.

By-law 242 which was passed in 1903 by the former Municipal Corporation of the Village of Cayuga was originally intended to stop up, close and convey forty-four (44) streets or parts of streets in Cayuga that were in possession of and being occupied by adjoining landowners and the intent of the bylaw was subsequently confirmed by Haldimand County Bylaw 1305/12. Through these bylaws, authorization to close and transfer these and other lands to adjoining property owners was established but they did not declare the subject property as surplus, which is necessary and will be achieved through this report, should Council support the recommendations.

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, either in whole or in part, or if there are certain restrictions or provisions that should be placed on a proposed sale. All comments received supported the sale and staff concur that the property does not serve any municipal purpose. As such, staff recommend that it now be declared surplus to the needs of the municipality in order to facilitate a sale.

The following are the comments of the Planning and Development Division.

The Haldimand County Official Plan designates the subject property as 'Residential' with Site-Specific Provision HCOP-22 allowing for the residential development on private servicing, including the following criteria:

- 1. Site conditions are suitable for the long-term provision of such services and where it can be demonstrated that installation of a private on-site sanitary system and private water supply would not adversely affect existing private services.*
- 2. Minimum development density shall be 3 dwellings per gross hectare.*
- 3. Development will only be permitted if there is adequate frontage on an open and maintained municipal road.*
- 4. Servicing exceptions will require an amendment to the zoning by-law, and shall only be permitted in accordance with the requirements of the Ontario Building Code.*
- 5. An agreement is entered into by the owner and County which sets out the servicing requirements and requisite submission of securities for infrastructure works such as roads.*

In the Town of Haldimand By-Law 1-H 86 the subject land is zoned 'Agricultural' (A). As such, the use existing is permitted on both properties as they exist now.

Given that the road allowance is rather narrow, it would be difficult to meet the provisions of the zoning by-law. Additionally, as a stand alone lot it would not be in character with the surrounding

neighbourhood. Therefore, it is unlikely that it is developable as a stand alone lot. Furthermore, the sale of the road allowance and its merge to 61 Monture Street North will bring that property more into conformity with the provisions of the Official Plan, in that it would have some frontage on the open municipal road (Monture Street North). Without it, 61 Monture Street North would continue as essentially as a landlocked parcel, with no direct access to an open road. It is not expected that there will be a need to maintain the Victoria Street road allowance.

Given this, Planning and Development has no objections to the sale of the subject land to 61 Monture Street North.

Staff have reviewed the offer and have provided additional information related to the negotiations for the proposed sale through confidential Memorandum LSS-M03-2020 for discussion during the Closed session of the Council in Committee meeting of September 15, 2020. Analysis of the options available to Council will be reviewed in order for staff to be given direction regarding the potential sale of this vacant property.

FINANCIAL/LEGAL IMPLICATIONS:

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 a sale is authorized, the property would need to merge with 61 Monture Street North as a condition of sale.

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

STAKEHOLDER IMPACTS:

Planning & Development and Building & Municipal Enforcement Services divisions have provided information for the report.

REPORT IMPACTS:

Agreement: Yes

By-law: Yes

Budget Amendment: No

Policy: No

ATTACHMENTS:

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