
HALDIMAND COUNTY

Memorandum LSS-M04-2021 Purchase of Lands for Retaining Wall – Nelles Street, York



For Consideration by Council on April 26, 2021

To: Mayor Hewitt and Members of Council
From: Michelle Brandt, Supervisor, Risk Management & Legal Services

Council approved the replacement and extension of a sidewalk in York through the 2016 Capital budget.

In order to complete this project, it was determined that a 3.3 metre strip of lands, fronting on Nelles Street and belonging to the Anglican Church of Canada, located at 3 Nelles Street East, in York were required to be purchased to address the retaining wall which sits on the private property portion of the subject lands. The funds required for the purchase of the lands were included in the Capital budget, and staff proceeded with negotiations to purchase the required lands, which included in part, conducting a tree assessment as well as a geological site assessment to ensure that the church property would not be adversely affected by the purchase.

The Diocese for the Church accepted an offer that was made by the County for the subject lands, and an Agreement of Purchase and Sale (APS) was executed in January of this year, subject to the approval of the project, however, upon approaching the closing date, it was discovered that in order to complete the sale, the executed APS requires ratification by by-law, which is the basis of the by-law being presented to Council at the April 26, 2021 Council meeting.

Although the County has a number of by-laws which delegate authority to staff in situations where lands are required for widenings or minor matters, this particular circumstance is not currently addressed in any of them. Staff are reviewing the delegated process of obtaining lands for such purposes, and will address the best and most efficient process of dealing with these matters in future purchases.