
HALDIMAND COUNTY

Report LSS-05-2021 Addendum to Report LSS-03-2021 Road Closure and Conveyance of Part of Townline Road, Lowbanks



For Consideration by Council in Committee on May 11, 2021

OBJECTIVE:

To declare part of the road allowance known as Townline Road, in Lowbanks, as surplus to the County's needs and authorize staff to proceed with the road closure and conveyance process.

RECOMMENDATIONS:

1. THAT Report LSS-05-2021 Addendum to Report LSS-03-2021 Road Closure and Conveyance of Part of Townline Road, Lowbanks be received;
2. AND THAT Report LSS-03-2021 Road Closure and Conveyance of Part of Townline Road, Lowbanks be received;
3. AND THAT Part of PIN # 38100-0405(LT) being Part of the Road Allowance between the Township of Wainfleet and the Township of Moulton abutting Concession 1 from Lake Erie and Concession 2 from Lake Erie west of Centre line, Haldimand County, with an approximate location as shown in red and blue on Attachment #1 to Report LSS-05-2021, be stopped up, closed and declared surplus to all County needs;
4. AND THAT Part of PIN # 38100-0405(LT) being Part of the Road Allowance between the Township of Wainfleet and the Township of Moulton abutting Concession 1 from Lake Erie and Concession 2 from Lake Erie west of Centre line, Haldimand County, with an approximate location as shown in blue on Attachment #1 to Report LSS-05-2021, be sold to the abutting owner to the east, for a purchase price of \$850, plus HST and costs of the closure and conveyance conditional on an easement being registered for existing waterlines, if necessary, and that the purchaser obtain an approved application from the Niagara Peninsula Conservation Authority for the construction of a break wall for the purpose of shoreline protection;
5. AND THAT Part of PIN # 38100-0405(LT) being Part of the Road Allowance between the Township of Wainfleet and the Township of Moulton abutting Concession 1 from Lake Erie and Concession 2 from Lake Erie west of Centre line, Haldimand County, with an approximate location as shown in red on Attachment #1 to Report LSS-05-2021, be sold to the abutting owner to the west, for a purchase price of \$850, plus HST and costs of the closure and conveyance conditional on an easement being registered for existing waterlines, if necessary, and that the purchaser obtain an approved application from the Niagara Peninsula Conservation Authority for the construction of a break wall for the purpose of shoreline protection;
6. AND THAT public notice of the proposed closure and conveyance be given;
7. AND THAT a by-law be presented for enactment to authorize the closure and conveyance;
8. AND THAT the Mayor and Clerk be authorized to execute all necessary documents.

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

Reviewed by: Lori Friesen, Manager of Legal & Support Services

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

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

EXECUTIVE SUMMARY:

Report LSS-03-2021 was presented to Council at its February 9, 2021 Council in Committee meeting to consider a road closure and conveyance of part of Townline Road in Lowbanks, as requested by the property owner located to the east of the subject property at 13203 Lakeshore Road, Wainfleet. The report was deferred as Council and staff were made aware that the abutting property to the west of the road allowance, known as 2966 North Shore Road, Dunnville, was recently sold and the new owners expressed interest in purchasing a part of the subject property.

Both parties have mutually agreed to their proposed proportional share that they are interested in acquiring and this report seeks to obtain Council approval for the road closure and conveyance to the two interested parties, the details of which are outlined below.

BACKGROUND:

The primary request to purchase the subject road allowance was made by Hube Hospitality Inc., (Hube) owners of 13203 Lakeshore Road, Wainfleet. As the secondary request, Grant and Sarah Vaillancourt, being the new owners of 2966 North Shore Road, Dunnville have reached out to Hube for the purpose of coming to a mutual agreement on how the 33' road allowance would be divided, subject to Council's approval. The agreed upon division is outlined as Attachment #1. Subject to Council approval of this closure, and following the conveyancing of the road allowance, Attachment #1 also shows a portion of lands that will be conveyed from Mr. & Mrs. Vaillancourt to Hube Hospitality by planning application for the purpose of 'squaring off' the property lines and installation of erosion control measures. Although the latter does not serve as part of the consideration of this report, the details are being provided for Council's information.

While staff understand that direction from Council is to retain County-owned waterfront property where possible, the exception to that is where there is shoreline erosion concerns. There is no legal obligation for a municipality to erect shoreline protection and installation of shoreline protection has not been a County practice. Historically, where there is an issue with shoreline protection on a road allowance leading to water, consideration has been given to selling to the abutting landowners if requested, in order for them to install, at their cost, shoreline protection to safeguard their own property. The subject road allowance is not required by the County and is not suitable or maintained for public access to Lake Erie given the lack of parking, slope and natural erosion that is occurring.

As noted in report LSS-03-2021, the County has identified this unopened road allowance as one that it could divest if a neighbouring owner was interested in acquiring it. In accordance with the approved values which are set for vacant land of this size and scope, staff are recommending that the County stop up and close the road, and divest the land to the abutting owners to the east and west for a combined purchase price of \$1,700, plus HST, and costs of closure and conveyance to install shoreline protection to protect their property.

ANALYSIS:

Staff are recommending closing this 0.2 acre portion of road allowance, declaring the lands surplus and conveying the lands for a total purchase price of \$1,700, plus HST (\$850 Hube and \$850 Vaillancourt) on the condition that a permit is obtained from the Niagara Peninsula Conservation Authority, authorizing the installation of erosion control to protect their respective properties. The sale will also be conditional on all necessary easements being registered on title. The usual land transaction provisions will apply, including the “as is/where is” condition. The applicants will be responsible for costs of the closure and conveyance, including legal and survey costs. Both parties have also been advised that any subsequent planning application for consent is not addressed with this process and must be made at their own cost to the County’s Planning & Development Division in accordance with the *Planning Act*.

FINANCIAL/LEGAL IMPLICATIONS:

The sale proceeds are minimal and will be transferred to the Land Sales Reserve. The application administration fees were paid by both applicants in order to start the road closure and conveyance process.

The abutting property owners/applicants will be responsible for legal and survey costs related to this transaction, will be required to make all necessary applications and will obtain permits in order to install erosion control along Lake Erie once ownership of the property has been obtained. A subsequent Planning Application will also be required should the parties wish to further readjust the property boundaries.

STAKEHOLDER IMPACTS:

Not applicable.

REPORT IMPACTS:

Agreement: No

By-law: Yes

Budget Amendment: No

Policy: No

ATTACHMENTS:

1. Map of the Subject Property