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# HALDIMAND COUNTY

Report LSS-07-2022 Conveyance of Dixon Street, Cayuga  
For Consideration by Council in Committee on April 19, 2022

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## OBJECTIVE:

To authorize staff to proceed with the road conveyance request for Dixon Street, Cayuga.

## RECOMMENDATIONS:

1. THAT Report LSS-07-2022 Conveyance of Dixon Street, Cayuga be received;
2. AND THAT Memorandum LSS-M03-2022 Additional Information Related to Report LSS-07-2022 be received as information and remain confidential;
3. AND THAT staff proceed with Option #\_\_ as outlined in confidential Memorandum LSS-M03-2022 for the property legally described as PIN 38224-0099 Dixon Street Twp of North Cayuga W of Grand River SW of River Road, SE of HC42989, NW of HC204319; Haldimand County PIN 38224-0100 Dixon Street Twp of North Cayuga W of Grand River SE & NW of HC42989 N of Pt 2 HC202849, SW of HC204319; Haldimand County;
4. AND THAT a by-law be presented to authorize the sale, if applicable;
5. AND THAT the Mayor and Clerk be authorized to execute all necessary documents.

**Prepared by:** Melissa Lloyd, Property Coordinator, Legal & Support 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:

The County has received a request to convey Dixon Street, known as PIN 38224-0099 and PIN 38224-0100 in Cayuga. In 2012, By-law 1305/12 was passed authorizing several roads in Cayuga, including Dixon Street to be stopped up, closed and transferred to adjoining property owners. As there would be significant amount of cost and time to register the By-law, the recommendation was to reference and utilize the By-law when requests to purchase the stopped up and closed roads were presented from interested adjoining property owners. A location map of the subject property is shown as Attachment #1.

Closed Session Memorandum LSS-M03-2022 provides information regarding the offer and an analysis of the options available to Council.

## BACKGROUND:

In 1903, the Village of Cayuga passed By-law 242 which 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. Many of the conveyances did not occur although they were believed to have been approved and valid at that time. Subsequently, a legal opinion was received that indicated that the by-law was invalid because it only dealt with the transfer of the land but not the stopping up and closing of the road which is required of a road prior to a conveyance. To address this concern in the most efficient manner available, By-law 1305/12 was passed confirming the intent of By-law 242 to stop up and close the road allowances as well as to declare the roads surplus to the County. The intent in doing this was to have these former roads ready to transfer to abutting property owners, if ever requested, for a nominal fee as was believed to be intended originally in Bylaw 242.

The County received an application from Edward McCarthy, acting on behalf of the Luchak Estate, requesting to acquire the closed Dixon street between River Road and Hwy 3, which abuts the east side of the Luchak property. Mr. McCarthy referenced By-law 242 in his application and noted the intent was that the closed road should have been conveyed to the Luchak property. The closed road that the applicant is interested in acquiring is identified on Attachment #1 in yellow hash marks and is approximately 0.9 acres in size. The applicant's property is shown on the attachment in orange hash marks.

A portion of the closed road previously intersected the neighbouring property, 2313 River Road on Attachment #1, however, staff confirmed that that particular section of Dixon Street had already been incorporated within the property's legal description; and no further action is required relative to 2313 River Road. For Council's reference, 2313 River Road is labelled on the map included as Attachment #1.

## **ANALYSIS:**

Staff received an application from Edward McCarthy, acting on behalf of the Luchak Estate identifying interest in acquiring the stopped up and closed portion of Dixon Street as shown on Attachment #1 in yellow hash marks. Although Dixon Street has been declared surplus, staff thought it was prudent to continue with a due diligence process to ensure that there are no additional concerns regarding the conveyance of this land. Therefore, staff circulated notice to all county divisions including Public Works, Facilities and Parks, Building Controls & By-Law Enforcement, Community Development & Partnerships, Economic Development & Tourism, Emergency Services, Engineering Services, Environmental Services and Planning; as well as the necessary utilities, the Grand River Conservation Authority and the only other abutting land owner. No objections, questions or concerns were received.

Staff have reviewed the request to acquire the lands and have prepared a Confidential Memorandum LSS-M03-2022, which provides additional information regarding the disposal of this property, for discussion during the Closed Session of the Council in Committee meeting of April 19, 2022.

## **FINANCIAL/LEGAL IMPLICATIONS:**

All costs associated with the property transactions will be borne by the purchaser. If sold, the property would no longer be the legal responsibility or liability of the County. Subsequently, any proceeds from sale, if applicable, would be contributed to the Land Sales Reserve in accordance with County Policy.

In accordance with the County's Notification Policy, the conveyance will be advertised in the local newspaper prior to consideration of a By-law.

## **STAKEHOLDER IMPACTS:**

Not applicable.

**REPORT IMPACTS:**

Agreement: No

By-law: Yes

Budget Amendment: No

Policy: No

**ATTACHMENTS:**

1. A location map of the subject property