
HALDIMAND COUNTY

Report LSS-06-2023 Unsolicited Offer to Purchase a Portion of 739 Cross Street West, Dunnville



For Consideration by Council in Committee on April 11, 2023

OBJECTIVE:

To advise Council of a request to convey part of 739 Cross Street West, Dunnville.

RECOMMENDATIONS:

1. THAT Report LSS-06-2023 Unsolicited Offer to Purchase a Portion of 739 Cross Street West, Dunnville be received;
2. AND THAT the application from Dacota Thomas Deamude and Jodie Ann Deamude requesting to purchase part of 739 Cross Street West, Dunnville, options shown on Attachment # 1 to Report LSS-06-2023 and legally described as part of PIN 38111-0240, Part Lot 3 Indian Reserve Plan 69 as in HC42958; Haldimand County, not be approved for the reasons outlined in Report LSS-06-2023.

Prepared by: Melissa Lloyd, Property Coordinator

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 from Dacota Thomas Deamude and Jodie Ann Deamude (the Applicants), to convey a portion of a larger 32.20 acre parcel of land, municipally known as 739 Cross Street West, Dunnville. This property is located on the corner of Cross Street West and Robinson Road, and a small portion of the property near the southeast corner is leased to the Haldimand War Memorial Hospital for an Air Ambulance helipad.

The Applicants provided three potential options for Council's consideration as shown on Attachment #1 – being to sell and convey approximately 1.35 acres (Map 1), 1.10 acres (Map 2) or 0.60 acres (Map 3). Each of the options were submitted with an accompanying Realtors Market Analysis (Attachment #2) which provided a value of opinion.

Staff are recommending that the subject lands be retained by the municipality and not be sold to the Applicants. This recommendation is a result of feedback received from County divisions in that severing and selling any portion of this land could hinder future development opportunities, and that each of the potential options encroach on the helipads final approach and take off (FATO) area as further described in the report.

BACKGROUND:

Staff received an application and fee from the Applicants on February 3, 2022 presenting three options for consideration for the sale and conveyance of a portion of 739 Cross Street West, Dunnville as shown on Attachment #1 on Maps 1, 2 and 3. If any of the options were approved for sale and conveyance, the property would merge with the Applicants abutting property located at 729 Cross Street West. The offer to purchase also included a statement that the County would reserve a drainage easement over the conveyed lands.

Each Map included within Attachment 1 identifies the following:

- The proposed options of land purchase are identified by the yellow hashmarks, with each option having 13.72' of road frontage on Cross Street West, Dunnville. Within the full length of each of the proposed land purchases runs a ditch which flows water towards the roadside ditches and culverts.
- The Air Ambulance Helipad and its final approach and take off (FATO) area – being 115' x 115' setback as identified by the red hashmarks.
- The green hashmarks identifying the natural hazard overlay.
- The light blue hashmarks identifying the Applicants property.

The Applicants stated that the purpose for their request was: to provide them with access for proper maintenance of the existing drainage ditch; to ensure proper drainage from their property and neighbouring properties; and to assist in the preservation of the natural habitat that the pond and ditch provide to the existing watershed and resident wildlife. The Applicants also stated that with the potential for future development, they feel that the natural way of the pond and water flow may be disturbed.

ANALYSIS:

The Applicants, who own the abutting property at 729 Cross Street West, Dunnville, submitted an unsolicited offer (application) to purchase a portion of 739 Cross Street West, Dunnville.

The 32.20 acre parcel of land in Dunnville, municipally known as 739 Cross Street West, is located on the corner of Cross Street West and Robinson Road. As the request is to purchase a part of the land classified as cemetery, staff vetted the Cemeteries By-law 1501/15 to ensure there are no identified restrictions, requirements, etc., in the consideration of selling cemetery lands. Review of By-law 1501/15 includes the "Right to Re-Survey" which allows the County to alter in shape or size any part of the cemetery.

In order to determine the feasibility of the sale of a portion of this property, including if there is a municipal need for the lands in whole or in part, or if there are certain restrictions or provisions that should be placed on a proposed sale, staff sought feedback from County divisions including Public Works, Facilities and Parks, Building & Municipal Enforcement, Economic Development & Tourism, Emergency Services, Engineering Services, Environmental Services, Planning, utility companies and the Grand River Conservation Authority. For this particular application, as a portion of the property is leased to the Haldimand War Memorial Hospital (Hospital) for the Air Ambulance helipad, the Hospital and Transport Canada were also included in the feedback process.

Feedback:

Engineering Services staff completed a functional servicing report for the future development of the entire parcel located at 739 Cross Street in Dunnville. Engineering does not recommend severing this parcel as it may have detrimental impacts on the feasibility of developing the site as a whole in the future. Engineering also confirmed that the ditch that runs the full length of each of the options for the proposed land purchase is the outlet watercourse for the stormwater management pond located at

the back of the cemetery property. Although the ditch itself is not actively monitored and has been allowed to naturalize, the Engineering, Facilities and Parks, and Roads divisions have confirmed that no complaints have been received regarding ditch water activities or capacity.

Planning and Development staff stated that the sale of part of 739 Cross Street West, Dunnville could be premature as the lands are part of a 32+ acre parcel, designated Residential and Agriculture in the Haldimand County Official Plan and zoned “Neighbourhood Institutional (IN)” and “Wetland (W)” in Zoning By-law HC 1-2020. A portion of the property was brought into the Dunnville Urban Area through the Official Plan Update and Haldimand Growth Strategy approved by the Province in 2021. The urban boundary expansion included the additional lands in order to provide additional residential lands to accommodate future growth (population projections) and development within Dunnville to 2051. Planning does not recommend selling any part of 739 Cross Street West, Dunnville, due to the aforementioned reasons.

As the Haldimand War Memorial Hospital (Hospital) leases a small portion of this property for an Air Ambulance helipad, feedback was obtained from the Hospital designated representative, Ken Hudecki, Director of Engineering, Plant Maintenance and Environmental Services. In February 2023, Mr. Hudecki commented that all three options presented would encroach on the helipads final approach and take off (FATO) area. The minimum set back (as determined by the Hospital) is recommended to be 115’ X 115’.

As additional due diligence, staff reached out to Transport Canada, who confirmed that it is the responsibility of the Hospital to manage the operations of the helipad and to maintain regulatory compliance with the Canadian Aviation Regulations. Transport Canada will continue to provide regulatory oversight of the helipad to ensure ongoing compliance continues, but ultimately it is the Hospital’s responsibility to determine setbacks.

The Grand River Conservation Authority has no objection to the sale, but provided comment that any future development on the property should be directed away from the regulated allowance.

Options presented for consideration:

The Applicant submitted three options for consideration as identified on Attachment #1 on Maps 1, 2 and 3. The following provides an analysis of the presented options and a staff recommendation which is included as Option 4 – to remain as status quo and not to sell any portion of 739 Cross Street West Dunnville at this time.

1. **Declare as surplus and sell parcel of land as shown on Attachment #1, Map 1:** The Applicants have submitted an offer to purchase 1.35 acres for \$12,000. The Applicant submitted an opinion of value from a local realtor (Attachment # 2) which stated that due to the minimal road frontage and the GRCA flood plain, the price for the land should be between \$12,000-\$15,000. Staff believe that this offer is significantly below fair market value noting the potential future use of the land, and do not recommend this option. If Council wishes to discuss staff’s opinion of value, based on the County’s Vacant Land Values Chart, this can be done in closed session where staff can provide information verbally.
2. **Declare as surplus and sell parcel of land as shown on Attachment #1, Map 2:** The Applicants have submitted an offer to purchase 1.10 acres for \$10,000. The Applicant submitted an opinion of value from a local realtor (Attachment # 2) which stated that due to the minimal road frontage and the GRCA flood plain, the price for the land should be between \$10,000-\$12,000. Staff believe that this offer is significantly below fair market value noting the potential future use of the land, and do not recommend this option. If Council wishes to discuss staff’s opinion of value, based on the County’s Vacant Land Values Chart, this can be done in closed session where staff can provide information verbally.

3. **Declare as surplus and sell parcel of land as shown on Attachment #1, Map 3:** The Applicants have submitted an offer to purchase 0.6 acres for \$4,000. The Applicant submitted an opinion of value from a local realtor (Attachment # 2) which stated that due to the minimal road frontage and the GRCA flood plain, the price for the land should be between \$4,000-\$7,000. Staff believe that this offer is significantly below fair market value noting the potential future use of the land, and do not recommend this option. If Council wishes to discuss staff's opinion of value, based on the County's Vacant Land Values Chart, this can be done in closed session where staff can provide information verbally.
4. **Remain as status quo – recommended option:** Based upon the feedback from County divisions and the Hospital, staff are recommending not to sell any portion of this property for the reasons outlined below:
 - a. Severing off a portion of the property could have negative impacts for potential long-term use of this parcel of land for providing additional residential lands to accommodate future growth as identified in the approved Haldimand Growth Strategy.
 - b. The ditch is an integral part of the watercourse for the stormwater management pond located at the back of the cemetery property; and no complaints regarding water issues as a result of the ditch have been received.
 - c. As part of the Planning, Engineering and Building process, if this land is developed in the future to provide additional residential lands to accommodate future growth, storm water management (including run off) is reviewed as part of the application and permit process. Use of the existing ditch and pond area could be a significant benefit for this future growth. Any future development on this site would also be subject to feedback from the GRCA.
 - d. All options encroach on the Hospital Air Ambulance Helipads FATO. The Hospital's comments regarding the setback requirements are within their authority as confirmed by Transport Canada.

Typically, when the County is approached to purchase County owned lands, if a viable and realistic future use of the lands is determined, staff will not recommend the divesting of municipal property. By retaining the property as is, the County continues to be responsible for on-going maintenance; however, the integrity of the parcel as a whole continues to support the long-term viability and potential site usage to achieve strategic future benefits for the municipality. Therefore, staff are recommending that the three offers to purchase not be approved; and that the property remain status quo at this point in time.

Prior to this report being presented for Council's consideration, staff communicated to the Applicants the staff feedback and subsequent staff recommendation to enable to Applicant to determine if they would like to withdraw their request. The Applicants confirmed that they would like to proceed, with their application being presented to Council for consideration and approval.

FINANCIAL/LEGAL IMPLICATIONS:

If sold, all costs associated with the property transactions will be borne by the purchaser(s) and the identified 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.

If the property is not sold at this time, the property will remain the legal responsibility of the County. All costs incurred by the County to date are off-set through the non-refundable application fee.

STAKEHOLDER IMPACTS:

Not applicable.

REPORT IMPACTS:

Agreement: No

By-law: No

Budget Amendment: No

Policy: No

REFERENCES:

1. [Cemeteries By-law 1501/15](#)

ATTACHMENTS:

1. Location Maps
2. Realtor's Market Analysis (Opinion of Value)