
HALDIMAND COUNTY

Report LSS-15-2023 Road Closure and Conveyance – Lane located between Front Street & Main Street East, Dunnville



For Consideration by Council in Committee on September 19, 2023

OBJECTIVE:

To provide details of unsolicited offers to purchase a Lane located between Front Street & Main Street East in Dunnville.

RECOMMENDATIONS:

1. THAT Report LSS-15-2023 Road Closure and Conveyance – Lane located between Front Street & Main Street East, Dunnville be received;
2. AND THAT Memorandum LSS-M04-2023 Additional Information Related to Report LSS-15-2023 Conveyance of Lane between Front and Main, Dunnville, be received and remain confidential;
3. AND THAT the subject lands, as shown in yellow on Attachment #1 to LSS-15-2023 and legally described as PIN 38124-0087 (LT), legally described as the Lane between Lots 10-14, north side of Front Street and Lots 10-14 south side of Main Street East, Plan 69; Haldimand County, be stopped up, closed and declared surplus to all County needs;
4. AND THAT staff proceed with Option # __ as outlined in the confidential Memorandum LSS-M04-2023 for the property legally described as PIN 38124-0087 (LT) the Lane between Lots 10-14, north side of Front Street and Lots 10-14 south side of Main Street East, Plan 69; Haldimand County;
5. AND THAT if sold to the abutting land owner, the applicable Applicant will purchase the Lane for the purchase price, plus HST, plus costs of conveyance inclusive of Haldimand County legal fees;
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: Melissa Lloyd, Property Coordinator

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

Respectfully submitted: Megan Jamieson, CHRL, General Manager of Corporate & Social Services

Approved: Cathy Case, Interim Chief Administrative Officer

EXECUTIVE SUMMARY:

The County has received two unsolicited offers to purchase the Lane located between Front Street and Main Street East in Dunnville. A location map of the subject property is shown in Attachment 1. The first unsolicited offer received is from Ron Ticchiarelli (Applicant 1), who is also the owner of 1541189 Ontario Inc., and owns the property to the north and south of the subject lands as shown in purple on

Attachment 1. If Applicant 1 successfully purchases the subject property, all three properties will be merged into one.

The second unsolicited offer received is from 1000089122 Ontario Inc. (Applicant 2), the owner of the property to the west of the subject lands as shown in green on Attachment 1. If Applicant 2 is successful, the Applicant has requested that the properties remain separate and not be merged. Staff have informed Applicant 2 that the County would stipulate that these lands will be merged with abutting properties of the purchaser to prevent the creation of a landlocked parcel.

BACKGROUND:

In October 2022, staff received an unsolicited offer from 1541189 Ontario Inc. (Applicant 1) requesting to purchase the County owned Lane between the Applicant's two adjoining properties at 426 Main Street East, and 3 Front Street in Dunnville, as identified in purple hashmarks on Attachment 1. The more southerly of the Applicants property is currently landlocked with County owned road allowances on three sides; and a privately owned property on the west side. The Applicant wishes to purchase the Lane so that the Applicant's two existing parcels to the north and south of the Lane will merge with the Lane, thereby becoming a single property for potential future development.

The Lane is considered an "unopened road allowance", meaning technically it is a public roadway owned by the municipality, but in it's current state these lands are not maintained as roadway or utilized for public access. The parcel itself is a grass area. If Council decides to sell the road allowance, it must first be closed by bylaw.

As part of the process, staff circulated feedback to all abutting land owners and as a result, 1000089122 Ontario Inc. (Applicant 2) also submitted an application to purchase this Lane. Applicant 2 owns land to the west of the subject lands (green hashmarks) and is interested in purchasing the parcel owned privately (blue hashmarks). If Applicant 2 is successful in purchasing the Lane from the County, this would enable access from one property to the other without using Main Street East. At this time, Applicant 2 has stated that there is no desire for the parcels to merge, which would result in the more southerly parcel of land owned by Applicant 1 to continue to be landlocked; and would landlock the purchased Lane.

Each of the Applicants have been notified that there are two unsolicited offers for this same County-owned property.

ANALYSIS:

Both 1541189 Ontario Inc. (Applicant 1) and 1000089122 Ontario Inc. (Applicant 2) are requesting to purchase the County-owned property identified and referenced as the Lane on Attachment 1 (yellow hashmarks). The land owned by Applicant 1 is identified in purple hashmarks, and the land owned by Applicant 2 is identified in green hashmarks.

Staff circulated notice to the following County divisions: Public Works Operations; Facilities, Parks, Cemeteries & Forestry Operations; Building & Municipal Enforcement Services; Community Development & Partnerships; Economic Development & Tourism; Emergency Services; Engineering Services; Environmental Operations; Planning & Development; as well as the necessary utility companies and the Grand River Conservation Authority (GRCA). Staff also circulated notice to the two abutting landowners – with one responding with their own unsolicited offer to purchase the Lane; and no response from the other abutting land owner.

No concerns or objections were brought forward by County divisions, utilities or the GRCA; however, comments were received and are outlined below. The comments have also been provided to the Applicants.

- Planning & Development comments: Depending on future development plans, a zoning by-law amendment may be required noting the lands are located within the GRCA regulated area and a Natural Hazard.
- Building & Municipal Enforcement Services: Currently, 426 Main Street, owned by Applicant 1, is zoned Service Commercial. The same Applicant's landlocked property (south of the Lane) is zoned as Marine Commercial & Wetland. According to Zoning By-law 4.23, the Lane is not a buildable lot on its own as it does not have frontage on an improved street. If merged with the two parcels owned by Applicant 1, the property would be subject to site plan control requiring Planning approval and approval from the GRCA.
- GRCA Comments: Any future development on the subject properties must conform to the Special Policy Area policies for Area 2 as outlined in Haldimand County's Official Plan. The parcel on Front Street contains a portion of wetland and the regulated allowance to this feature. Therefore, at a minimum we would request that an Environmental Impact Study be completed to delineate the wetland boundary and determine an appropriate development setback. A terms of reference should be submitted to our office for review and approval prior to completing the study. The GRCA will be in position to provide feedback and a list of permit requirements once more information is provided on what is being proposed.
- Engineering comments: There is no underground infrastructure within the Lane and there are no plans to construct a road in this Lane.

Applicant 1 has proposed a purchase price of \$9,000.00 plus HST, which aligns with the County's Vacant Land Value Chart. Applicant 1 has signed an Environmental Acknowledgement, thereby agreeing that the property is on an "as is – where is" basis.

Applicant 2 has a proposed purchase price of \$10,000.00 plus HST, which also aligns with the County's Vacant Land Value Chart. Applicant 2 has signed an Environmental Acknowledgement, thereby agreeing that the property is on an "as is – where is" basis.

As noted above, Applicant 2 does not want lands to merge with the existing owned property and they do not currently own the other abutting property, although they have stated they plan to acquire it. It is typically not best practice to create a land locked parcel of land which is what would be happening if this road is closed and conveyed without merging. This should be taken into consideration by Council due to potential exposure to the County.

Staff have reviewed the unsolicited offers to acquire the lands and have prepared a Confidential Memorandum LSS-M04-2023, which provides additional information and options regarding the disposal of this property, for discussion during the Closed Session of the Council in Committee meeting of September 19, 2023.

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: Yes

Budget Amendment: No

Policy: No

REFERENCES:

None.

ATTACHMENTS:

1. Map of the Subject Lands
2. Applicant 1 Realtor Opinion