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# HALDIMAND COUNTY

Report LSS-09-2024 Unsolicited Offer to Purchase Property - Part of the  
Closed Road - Victoria Street, Cayuga



For Consideration by Council in Committee on November 19, 2024

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## OBJECTIVE:

To provide details of three unsolicited offers to purchase County-owned surplus lands that are part of the closed road, Victoria Street, Cayuga.

## RECOMMENDATIONS:

1. THAT Report LSS-09-2024 Unsolicited Offer to Purchase Property – Part of the Closed Road – Victoria Street, Cayuga be received;
2. AND THAT the surplus property formally known as part of Victoria Street, Cayuga, which was previously stopped up and closed by By-Law 242, reconfirmed through By-law 1305/12, shown in orange (Parcel A) on Attachment 1, and legally described as part of PIN 38232-0160 (LT); Victoria Street Village of Cayuga East of Grand River Between Thorburn Street and Fishcarrier Street; Haldimand County, be sold to Tienna Dianne Nagel, Andrew Thomas Burns and Michelle Lynn Klein, for the purchase price of \$7,500, plus HST plus costs of conveyance inclusive of Haldimand County's legal fees;
3. AND THAT the surplus property formally known as part of Victoria Street, Cayuga, as legally described above, shown in yellow (Parcel B) on Attachment 1, be sold to Joshua and Marion Camblin, for the purchase price of \$3,000, plus HST plus costs of conveyance inclusive of Haldimand County's legal fees;
4. AND THAT the surplus property formally known as part of Victoria Street, Cayuga, as legally described above, shown in purple (Parcel C) on Attachment 1, be sold to Danneia & Jordana Oshana, for the purchase price of \$1,700, plus HST plus costs of conveyance inclusive of Haldimand County's legal fees;
5. AND THAT public notice of the proposed conveyance be given;
6. AND THAT the Mayor and Clerk be authorized to execute all necessary documents;
7. AND THAT a by-law be presented for enactment to authorize the conveyance at a future Council meeting.

**Prepared by:** Melissa Lloyd, Property Coordinator

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

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

**Approved:** Cathy Case, Chief Administrative Officer

## **EXECUTIVE SUMMARY:**

The County has received three unsolicited offers regarding the purchase of a closed portion of Victoria Street in Cayuga, closed by By-law 242. All three Applicants have requested to divide the closed part of Victoria Street as shown as Parcel A, B and C on Attachment 1, and have mutually agreed on the division of the total property.

Since no concerns or objections were raised during the due diligence review, agreement exists between the three Applicants and the offers to purchase align with the County's Vacant Land Values Chart, staff are recommending the acceptance of the offers to purchase.

## **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. Based upon a legal opinion, By-law 242 had some ambiguity in confirming if the By-law did stop up and close the roads. As a result, 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 needs (surplus lands). The intent in doing this was to have these former roads ready to transfer to abutting property owners, if ever requested and subject to Council approval.

The County received an unsolicited offer of purchase from Tienna Dianne Nagel, Andrew Thomas Burns and Michelle Lynn Klein (Applicant 1), for a County-owned surplus property that was a former unopened road allowance, closed by By-law 242 and subsequently declared surplus through Bylaw 1305/12. The offer to purchase was for Parcel A, B and C, as shown on Attachment 1, for a total of approximately 0.5 acres.

Upon requesting feedback from the abutting property owners, two additional unsolicited offers were received. Based upon mutual agreement between all of the Applicants, Applicant 1 modified their request to purchase Parcel A only, which is approximately 0.32 acres, as shown on Attachment 1. If successful in acquiring these lands, Applicant 1 will to merge Parcel A with their lands (in blue) on Attachment 1 in order to create a driveway for their currently landlocked parcel.

Applicant 2 - Joshua and Marion Camblin, would like to acquire 0.12 acres shown as Parcel B (in yellow) on Attachment 1. Applicant 2 would like to merge Parcel B with their lands which are shown in pink on Attachment 1, enabling them to continue to care for the trees they planted along these County-owned surplus lands.

Applicant 3 - Danneia and Jordana Oshana, would like to acquire approximately 0.06 acres of the surplus property (Parcel C), highlighted in purple on Attachment 1. Applicant 3 would like to merge Parcel C with their property, shown in green on Attachment 1, if their request to purchase is approved.

The Applicants have each signed an Environmental Acknowledgement, thereby agreeing that Parcel A, B and C is sold on an "as is – where is" basis. Each Applicant has agreed, if successful in purchasing their respective parcel, to merge the parcel with their abutting property as a condition of sale.

## **ANALYSIS:**

Upon receipt of the original request, staff circulated notice to 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; and Planning & Development; as well as

the necessary utility companies, the Grand River Conservation Authority (GRCA), and two abutting owners. The County is also an abutting land owner.

No concerns or objections were brought forward from the feedback process in regards to Parcel A, B or C. However, comments were received specific to Parcel A and are outlined below. All comments have also been provided to all Applicants.

Planning & Development: The minimum zoning requirement for lot frontage is 15 metres; however, should Parcel A be conveyed, Applicant 1 can apply for a planning application to reduce the lot frontage to 10 metres and allow for partial servicing. Municipal sanitary services are not available in this area. Planning applications are a public process and there is no guarantee of approval; the Applicants are aware there is risk involved and are responsible for completing their due diligence. It is noted that similar type applications have been supported in the past.

Building & Municipal Enforcement (BME): If the County sells “Parcel A” to Applicant 1, BME would require a sewage system installer to conduct an evaluation of the newly created property to ensure that a class 4 sewage system could be accommodated on the property with a dwelling and still meet the minimum required setbacks. This would also be under the requirement that they would be granted relief for lot frontage through a Planning application and that their property merges with “Parcel A”. GRCA approval would also be required. Permits issued in response to applications for building permits are not guaranteed, with approval subject to compliance with the Building Code, zoning by-laws and other applicable requirements such as those previously outlined.

Grand River Conservation Authority (GRCA): GRCA reviewed the request and have no concerns. A small portion of the Parcel A is within the regulated allowance to floodplain west of the property. The GRCA does not foresee concerns associated with the proposed driveway connection to Fishcarrier Street.

Rogers: Rogers has aerial cables that drop to the homes within this parcel of land. Rogers has stated that if the cables are needed to be removed, they are able to do so. They do not have any underground infrastructure within Parcel A, B or C and as such, have no concerns with this land being sold to the Applicants.

Based on the feedback received from all internal and external agencies, as well as abutting land owners, staff have no concerns recommending sale of the parcels as outlined.

The Applicants offered purchase prices are outlined below. Although each offered value reflects a slightly different cost per acre rate, all align with the County’s Vacant Land Value Chart. Additionally, each Applicant has signed an Environmental Acknowledgement, agreed to merge their property as indicated on Attachment 1, and concurred on the division of the property.

<b>Applicant</b>	<b>Parcel Reference</b>	<b>Offered Value</b>
Applicant 1	Parcel A, approximately .32 acres	\$7,500
Applicant 2	Parcel B, approximately .12 acres	\$3,000
Applicant 3	Parcel C, approximately .06 acres	\$1,700

Applicant 1 has offered to pay for the entire cost of a reference plan, subject to Council approval of the conveyances mentioned above. All Applicants understand that the reference plan would be required to be registered before conveyance can occur.

Based on the information outlined above, Staff are recommending the sale of Parcels A, B and C to Applicants 1, 2 and 3 respectively, for the offered purchase prices, plus all conveyance costs, including a reference plan depicting the parts as shown on the map in Attachment 1, as well as the County’s legal fees.

## **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. Location Map