

---

# HALDIMAND COUNTY

## Report LSS-05-2024 Road Closure and Conveyance of Lane Between Lot 5 and Lot 6, Selkirk



For Consideration by Council in Committee on December 10, 2024

---

### OBJECTIVE:

To authorize staff to proceed with a road closure and conveyance of a lane between Lots 5 and 6 in Selkirk.

### RECOMMENDATIONS:

1. THAT Report LSS-05-2024 Road Closure and Conveyance of Lane Between Lot 5 and Lot 6, Selkirk be received;
2. AND THAT the subject lands, as shown in yellow hashmarks on Attachment #1 to LSS-05-2024 and legally described as PIN 38211-0350 (LT); Lane Between Lot 5 and Lot 6; Plan 8242 Except HC138556, Haldimand County, and PIN 38211-0349 (LT); Part Lane Between Lot 5 and Lot 6; Plan 8242 as in HC138556, Subject to Interest of the Municipality; Haldimand County, be stopped up, closed and declared surplus to all County needs;
3. AND THAT the PINs, legally described above, be sold to the abutting landowner, 14898010 Canada Inc., for a purchase price of \$11,000 plus HST plus costs of conveyance inclusive of Haldimand County's legal fees;
4. AND THAT public notice of the proposed closure and conveyance be given;
5. AND THAT the Mayor and Clerk be authorized to execute all necessary documents;
6. AND THAT a by-law be passed to authorize the closure and conveyance at a future Council meeting.

**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, Chief Administrative Officer

### EXECUTIVE SUMMARY:

The County has received an unsolicited offer to purchase a lane between Lots 5 and 6, (shown in yellow hashmarks on Attachment 1), located beside the Applicant's home (shown in purple hashmarks on Attachment 1) at 910 Lakeshore Road in Selkirk.

No internal staff, external agency, or neighbour concerns or objections were raised during the due diligence review, in fact the conveyance of this property will eliminate an existing Encroachment Agreement and aid in clearing Land Registry title issues. The offer to purchase the subject property (.09 acres) aligns with the County's Vacant Land Values Chart. Accordingly, staff are recommending the acceptance of the offer to purchase.

## **BACKGROUND:**

The County received an unsolicited offer to purchase from 14898010 Canada Inc. ("The Applicant"), which is the abutting land owner to the west at 910 Lakeshore Road in Selkirk, for the subject property that is approximately 0.09 acres (yellow on Attachment 1).

On April 8, 2005, the previous owner that resided at 910 Lakeshore Road (purple on Attachment 1), entered into an Encroachment Agreement (Agreement) with the County allowing part of a shed and part of a deck that was attached to the house to encroach on the subject lands in perpetuity (Attachment 3). The Applicant would like to purchase the subject lands in order to remove the Agreement from title and merge the subject lands to their property located at 910 Lakeshore Road.

The subject land is comprised of two different Land Registry Office (LRO) PINs. PIN 38211-0350 is legally registered in the County's name, whereas PIN 38211-0349 (goldenrod on Attachment 2) is registered to the abutting landowner to the east at 906 Lakeshore Road in Selkirk, with a "subject to interest" noted for the County. Legal advice from the County solicitor confirmed that although PIN 38211-0349 is deeded to the current owner of 906 Lakeshore Road, the unopened road allowance (road) was not properly closed and conveyed, meaning it does not legally belong to them resulting in a cloud on title.

As the County has clear title of PIN 38211-0350, no additional work is required if approval to convey is granted by Council. As for PIN 38211-0349, the parcel must be transferred back to the County to enable the County to legally close the road and then convey to the Applicant, if approved by Council.

The Applicant and the owner of 906 Lakeshore Road, along with their attorneys, have agreed to a resolution: PIN 38211-0349 will be transferred to the County if the Applicant's request is approved by Council, and ultimately conveyed to the Applicant as all costs for the transfer will be paid for by the Applicant.

If Council does not approve this request, the owner of 906 Lakeshore Road will not proceed with the transfer to clear title, as they do not want to incur legal costs for a process. This would result in the cloud on title remaining, or the County remedying title at its own cost. If the applicant's request is not approved by Council, there is no municipal benefit to correct title at this time. The Applicant intends to purchase the subject lands to resolve the existing encroachment issues and to consolidate the property with their current land, creating a unified parcel.

## **ANALYSIS:**

Upon receipt of such 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 Long Point Region Conservation Authority (LPRCA) and one abutting owner. The County is also an abutting land owner due to the close proximity of Lakeshore Road.

No concerns or objections were brought forward from the feedback process in regards to the subject lands. However, comments were received and outlined below. All comments have also been provided to the Applicant.

Planning & Development: While typically the sale of a property adjacent to the lake is something that would be discouraged, Planning has no objections to the request. The Applicant's lot is undersized and the addition of the lands will ensure that all of their existing structures will be located on a single parcel without encroaching on another parcel.

Economic Development & Tourism: EDT has no concerns. Staff are generally concerned about the loss of river or lakefront property for public access. However, this particular property, which is surrounded by residential areas, does not seem to be a suitable location for such municipal use.

Long Point Region Conservation Authority (LPRCA): The subject lands and the Applicant's property, located at 910 Lakeshore Road, Selkirk is subject to erosion and is within the floodplain of Lake Erie. Permission from the LPRCA will be required prior to any development on either property. The comments submitted are based on existing legislation and implementation guidelines and are subject to change.

Abutting landowner (906 Lakeshore Road): Staff received correspondence from an Estate Trustee, acting on behalf of the Estate of Sylvia Hamilton, who was the legal owner of 906 Lakeshore Road in Selkirk. The Estate Trustee has been in touch with family, who have no concerns with respect to the Applicant purchasing the subject lands from the County.

If Council does not approve the conveyance of the subject property, PIN 38211-0349, will remain deeded to 906 Lakeshore Road. However, since they do not legally own this parcel, the title will continue to be clouded.

The Applicant has signed an Environmental Acknowledgement, thereby agreeing that the property is on an "as-is – where is" basis without any conditions of soil testing.

There are no concerns or objections regarding this purchase request. The conveyance will eliminate the existing Encroachment Agreement, clear title, and the offer value aligns with the County's Vacant Land Value Chart. Therefore, staff recommend selling the approximately 0.09 acre subject property to the Applicant for \$11,000 plus HST plus costs of conveyance inclusive of all of Haldimand County's legal fees.

If Council approves the closure and conveyance of the subject property, PIN 38211-0349 will be conveyed back to the County. After the transfer, a by-law will be presented for Council's approval to formalize the closure and conveyance for both PINs; and an application for consolidation will be submitted to Land Registry Office to merge the subject lands with the Applicants parcel to the east.

## **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. PIN 38211-0349, will remain deeded to 906 Lakeshore Road, however, since they do not legally own this parcel, the title will continue to be clouded.

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 Subject Lands – full parcel
2. Map of Subject Lands – split parcels
3. Reference Plan 18R6176