
HALDIMAND COUNTY

Report LSS-15-2024 Road Closure and Conveyance between Concession 3 and 4, South of Talbot Road, Dunnville



For Consideration by Council in Committee on November 19, 2024

OBJECTIVE:

To authorize staff to proceed with a road closure and conveyance of the road allowance between Concession 3 and 4, South of Talbot Road, Dunnville.

RECOMMENDATIONS:

1. THAT Report LSS-15-2024 Road Closure and Conveyance between Concession 3 and 4, South of Talbot Road, Dunnville, be received;
2. AND THAT the subject road allowance, as illustrated in Attachment 1 to LSS-15-2024 and legally described as Part of PIN 38238-0118 Firstly; Road Allowance Between Concession 3 and Concession 4 South Talbot Road North Cayuga; Road Allowance Between Lot 6 and Lot 7 Concession 3 South Talbot Road North Cayuga; Road Allowance Between Lot 12 and Lot 13 Concession 3 South Talbot Rd North Cayuga Secondly; Part South Lot 6-7 Concession 3 North Cayuga; Part South 1/2 Lot 8-10 Concession 3 North Cayuga; Part South Part Lot 11-13 Concession 3 North Cayuga As In HC40754, HC40737, HC40312, HC40249, Part 3 18R5213 & Travelled Rd Being River Road Between Road Allowance Between Township of Canborough & Township of North Cayuga & Sly Production of West Limit of Part 3 HC63792; Subject to NC7375; Haldimand County, herein "Road Allowance" be stopped up, closed and declared surplus to all County needs;
3. AND THAT the subject "Road Allowance", as illustrated i Attachment 1 to LSS-15-2024 as described above and further to be described subject to a Reference Plan being deposited with the Land Registry Office and a new unique PIN being created, be sold to the abutting landowners, Kenneth & Nancy Margaret Zantingh for a purchase price of \$31,656 plus HST, plus costs of the closure and conveyance for all parties;
4. AND THAT said conveyance be conditional upon an easement being registered in Hydro One's favour for maintenance and/or replacement of aerial overhead conductors and poles, if required;
5. AND THAT public notice of the proposed closure and conveyance be given;
6. AND THAT a by-law be passed to authorize the closure and conveyance at a future Council meeting;
7. 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, Corporate & Social Services

Approved: Cathy Case, Chief Administrative Officer

EXECUTIVE SUMMARY:

The County has received a request from Kenneth & Nancy Margaret Zantingh (Applicants), to close and convey approximately 0.20 acres (irregular) of road allowance located between Concession 3 and 4, South of Talbot Road, Dunnville, as shown in orange hash marks on Attachment 1. The offered purchase price is \$31,656 plus HST and all costs of closure and conveyance, including Haldimand County's legal fees. This offer value is based on a Letter of Opinion from a realtor (Attachment 2).

Staff recommend proceeding with the sale of this portion of road allowance as there are no objections or concerns as a result of the due diligence review and the offer aligns with the County's Vacant Land Value Chart.

BACKGROUND:

Staff received an offer from the Applicants to purchase a portion of a road allowance located between Concession 3 and 4 in Dunnville (subject lands). As shown on Attachment 1, the Applicants own abutting parcels on either side of the requested property: 885 Haldimand Road 17, Dunnville to the east (indicated by purple hashmarks) and 800 Haldimand Road 17 to the west (indicated by green hashmarks). The westerly parcel is owned by their company, Morning Melodies Financial Ltd.

The Applicants purchased their property at 885 Haldimand Road 17 in 2014, and have stated that they have recently started constructing a home. Behind their property and along the Grand River lies a large area known as the Featherstone Marsh. A dirt pathway runs from the subject lands, past the marsh and leads to 4 to 5 acres of river flats that is subject to the ebbs and flows of the River. The Applicants are currently maintaining the subject lands and the river flats, but access from the road is limited. The Applicant is requesting to purchase this 0.20 acre irregular parcel to improve access to the river flats from Haldimand Road 17. If successful, the Applicants will merge the subject road allowance with their property at 885 Haldimand Road 17, Dunnville (purple hashmarks).

ANALYSIS:

In order to determine the feasibility of the sale of these parcels, including whether 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 seek feedback from County divisions, including Public Works Operations; Facilities, Parks, Cemeteries, & Forestry Operations; Building & Municipal Enforcement Services; Economic Development & Tourism; Emergency Services; Engineering Services; Environmental Operations; Planning & Development; utility companies; the Grand River Conservation Authority, and abutting landowners.

No concerns or objections were brought forward by County divisions, utilities or the GRCA; however, comments were received and are outlined below. All comments have been shared with the Applicants.

Building & Municipal Enforcement Services (Building): Building was consulted to determine if the subject lands on Attachment 1 (orange highlight) would be a buildable on its own. Building has confirmed that GRCA approvals would be required and a Class 4 Septic System would also need to be designed. Generally, 0.20 acres is insufficient to support a dwelling and a Class 4 Septic System, especially on a river bank slope. Building has no concerns with the sale of the parcel.

Grand River Conservation Authority (GRCA): The subject lands contain a wetland and are adjacent to the Grand River floodplain, with potential riverine slope erosion hazards. Accordingly to Provincial, County and the GRCA policies, no new development is permitted within the wetland and floodplain. Should any construction be considered, a scoped wetland assessment may be required, and any

development in a GRCA-regulated area would require a GRCA permit before proceeding. The GRCA recommends that the Applicant conduct thorough due diligence prior to purchase.

Hydro One: Hydro One may require a registered easement through the proposed subject lands for the aerial overhead conductors and poles within the subject lands proposed to be purchased by the Applicants. Subject to Hydro One confirming if they need an easement, an easement map will be provided in a timely manner. The cost to complete this, if required, will be included in the costs of conveyance that will be paid by the Applicant.

Abutting Landowners: The Applicants own the property to the west (purple hashmarks) and to the east (green hashmarks) of the subject lands. The only other abutting owner is Haldimand County, being Haldimand Road 17 and Crown lands known as Featherstone Marsh to the Grand River.

Planning & Development: Planning has no concerns or objections to the proposed property sale. The subject land has split zoning, being “Agriculture (A)” and “Wetland (W)”. Development opportunities would be limited.

The Applicants understand that they will be responsible to conduct their own due diligence per the above comments, and have stated that they do not have concerns as they have no plans to develop the requested parcel.

The Applicants received a Letter of Opinion from a realtor (Attachment 2) which includes comparison listings and the values they were sold for, although the Opinion noted that parcel was 0.19 acres. The Applicants have offered a price of \$31,656 plus HST for the 0.20 acres of property which is irregular in shape, plus HST and all costs of conveyance, including the County’s costs. This value is sufficient, when compared with the County’s Vacant Land Value Chart.

The Applicant has signed an Environmental Acknowledgement, thereby agreeing that the property is on an “as is – where is” basis.

For the reasons outlined, Staff recommend selling the subject property, being approximately 0.20 acres, described as part of a road allowance between Concession 3 and 4, South of Talbot Road, Dunnville, to the Applicants, for the submitted purchase price plus HST plus all costs of closure and conveyance.

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.

STAKEHOLDER IMPACTS:

Not applicable.

REPORT IMPACTS:

Agreement: Yes

By-law: Yes

Budget Amendment: No

Policy: No

REFERENCES:

None.

ATTACHMENTS:

1. Map of Subject Lands
2. Realtor's Opinion