
HALDIMAND COUNTY

Report LSS-08-2025 Unsolicited offer to purchase part of Snow Street and Obadiah Street, Cayuga



For Consideration by Council in Committee on May 20, 2025

Objective:

To provide details of three unsolicited offers to purchase Haldimand-owned surplus lands that are part of closed roads, Snow and Obadiah Street, Cayuga.

Recommendations:

1. THAT Report LSS-08-2025 Unsolicited offer to purchase part of Snow Street and Obadiah Street, Cayuga, be received;
2. AND THAT the surplus property formally known as part of Obadiah Street, Cayuga, which was previously stopped up and closed by By-law 242, reconfirmed through By-law 1305/12, shown in yellow (Parcel A) on Attachment 1, and legally described as part of PIN 38232-0215 (LT) Obadiah Street Village of Cayuga East of Grand River between Fishcarrier Street and HC167899; Haldimand County, be sold to Daniel Kubas and Ricki Kubas, for the purchase price of \$3,000, plus HST plus costs of conveyance inclusive of Haldimand County's legal fees;
3. AND THAT the surplus property formally known as part of Snow Street, Cayuga, which was previously stopped up and closed by By-law 242, reconfirmed through By-law 1305/12, shown in yellow (Parcel B) on Attachment 1, and legally described as PIN 38232-0182 (LT) Snow Street Village of Cayuga East of Grand River Between Obadiah Street and Echo Street; Haldimand County, be sold to Daniel Kubas and Ricki Kubas, for the purchase price of \$4,000, plus HST plus costs of conveyance inclusive of Haldimand County's legal fees;
4. AND THAT the surplus property formally known as part of Snow Street, Cayuga, which was previously stopped up and closed by By-law 242, reconfirmed through By-law 1305/12, shown in pink (Parcel C) on Attachment 1, as legally described above, be sold to Ruth Visser and Matthew John Visser, for the purchase price of \$4,000 plus HST plus costs of conveyance inclusive of Haldimand County's legal fees;
5. AND THAT the surplus property formally known as part of Obadiah Street, Cayuga, which was previously stopped up and closed by By-law 242, shown in green (Parcel D) on Attachment 1, as legally described above, be sold to Joshua Pustai, for the purchase price of \$3,000, plus HST plus costs of conveyance inclusive of Haldimand County's legal fees;
6. AND THAT public notice of the proposed conveyance be given;
7. AND THAT the Mayor and Clerk be authorized to execute all necessary documents;
8. 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 of Legal & Support Services

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

Approved: Cathy Case, Chief Administrative Officer

Executive Summary:

Haldimand County has received three unsolicited offers to purchase portions of two closed roads in Cayuga, previously closed under By-law 242. The three applicants have agreed to divide the closed sections of Obadiah and Snow Streets into Parcels A, B, C and D, as shown in Attachment 1.

With no concerns or objections identified during the due diligence process, and a mutual agreement in place among the applicants, staff support proceeding with the sales. The proposed purchase prices are in line with Haldimand's established Vacant Land Values Chart.

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 Haldimand 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.

Haldimand received an unsolicited offer of purchase from Daniel Kubas and Ricki Kubas (Applicant 1), for some of these Haldimand-owned surplus properties. The offer to purchase was for Parcel A, B, C, and D, as shown on Attachment 1, for a total of approximately 0.71 acres.

Upon requesting feedback from the abutting landowners, two additional unsolicited offers were received. Based upon mutual agreement between all the Applicants, Applicant 1 modified their request to purchase Parcel A (approximately 0.15 acres) and Parcel B (approximately 0.20 acres), as shown on Attachment 1. If successful in acquiring these lands, Applicant 1 will merge Parcel A and Parcel B with their lands located at 72 Echo Street in Cayuga, as shown on Attachment 1, to provide them with a larger back yard.

Applicant 2 - Joshua Pustai, is seeking to acquire 0.15 acres shown as Parcel D (in green) on Attachment 1. Applicant 2 would like to merge Parcel D with their lands at 53 Monture Street North, as shown on the attached map, to facilitate continued maintenance of the area as they have been doing for nine years since they moved there.

Applicant 3 - Ruth Visser and Matthew John Visser, would like to acquire 0.21 acres shown as Parcel C (in pink) on Attachment 1. Applicant 3 would like to merge Parcel C with their adjoining property as shown on the attached map, if their request to purchase is approved.

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

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 Haldimand 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 and abutting landowners. This parcel is not regulated by any Conservation Authorities.

No concerns or objections were brought forward from the feedback process in regards to Parcel A, B, C or D. Notable comments are included below.

- **Engineering Services:** Engineering Services does not have infrastructure located in parts A, B, C, or D and there are no plans to construct infrastructure in those parcels.
- **Legal & Support Services:** Staff have received applications to acquire the remaining portion of Snow and another portion of Obadiah with a report coming to a future Council-in-Committee meeting for consideration.

After reviewing feedback from all internal and external agencies, as well as neighboring property owners, staff have no concerns and are confident in recommending the sale of the parcels as outlined. The proposed purchase prices from the applicants are listed in Table 1 below, all of which are in accordance with Haldimand's Vacant Land Value Chart. Furthermore, each applicant has signed an Environmental Acknowledgement, agreed to merge their property as shown in Attachment 1, and reached a consensus on the property division.

Table 1: Proposed Purchase Prices by Applicant

Applicant	Parcel Reference	Offered Value
Applicant 1	Parcel A, approximately .15 acres	\$3,000
Applicant 1	Parcel B, approximately .20 acres	\$4,000
Applicant 2	Parcel D, approximately .15 acres	\$3,000
Applicant 3	Parcel C, approximately .21 acres	\$4,000

All applicants are aware that a reference plan must be approved by staff prior to be registered in the land registry office. Based on the information provided, staff recommend proceeding with the sale of Parcels A, B, C and D to Applicants 1, 2, and 3, respectively, at the offered purchase prices. The sale will also include all associated conveyance costs, including the registration of a reference plan depicting the parcels as shown in Attachment 1, along with Haldimand'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 Haldimand. Subsequently, any proceeds from sale, if applicable, would be contributed to the Land Sales Reserve in accordance with Haldimand County Policy.

If the property is not sold at this time, the property will remain the legal responsibility of Haldimand. All costs incurred by Haldimand 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.