
HALDIMAND COUNTY

Report CS-SS-20-2018 Road Closure and Conveyance of Parts of King William Street and Bridge Street, Caledonia

For Consideration by Council in Committee on June 19, 2018



OBJECTIVE:

To declare parts of King William Street and part of Bridge Street in Caledonia as surplus to the County's needs and authorize staff to proceed with the road closure and conveyance process.

RECOMMENDATIONS:

1. THAT Report CS-SS-20-2018 Road Closure and Conveyance of Parts of King William Street and Bridge Street, Caledonia be received;
2. AND THAT Part of PIN # 38155-0835 (LT), being Part of King William Street, Plan 51, Haldimand County and Part of PIN # 38155-0135(LT), being Part of Bridge Street, Plan 51, Haldimand County, shown in red and green on Attachment #1, be stopped up, closed and declared surplus to all County needs;
3. AND THAT Part of PIN # 38155-0835 (LT), being Part of King William Street, Plan 51, Haldimand County, shown in red on Attachment #1, be sold to the abutting owner, Judy Laszlo, for the purchase price of \$9,000, plus HST and all costs of closure and conveyance, conditional on the property merging with the existing lands owned by Ms. Laszlo;
4. AND THAT Part of PIN # 38155-0835(LT), being Part of King William Street, Plan 51, Haldimand County, and Part of PIN # 38155-0135 (LT), being Part of Bridge Street, Plan 51, Haldimand County, shown in green on Attachment #1, be sold to the abutting owners, Daniel Paul Gris and Joanne Evelyn Gris, for the purchase price of \$20,000, plus HST and all costs of closure and conveyance, conditional on the property merging with the existing lands owned by the Gris';
5. AND THAT public notice of the proposed closure and conveyance be published for one week in the local newspaper;
6. AND THAT a By-law be passed to authorize the closure and conveyance;
7. AND THAT the Mayor and Clerk be authorized to execute all necessary documents.

Prepared by: Sandra Marsh, Property Coordinator

Reviewed by: Dana McLean, Risk Management and Insurance Coordinator

Respectfully submitted: Karen General, CPA, CGA, General Manager of Corporate Services

Approved: Donald G. Boyle, Chief Administrative Officer

EXECUTIVE SUMMARY:

The County has received two requests to close and convey parts of the unopened road allowances on King William Street and Bridge Street, in Caledonia. Staff have determined that these portions of the road allowances can be deemed surplus to the County's needs and divested in accordance with the established process for road closures and conveyances.

BACKGROUND:

The County is in receipt of a request from Judy Laszlo (through her spouse and agent, Anthony Hozjan) to purchase part of the unopened road allowance on King William Street in Caledonia. The subject land, totaling approximately 0.60 acres, intersects the lands currently owned by Judy Laszlo which is municipally known as 572 King William Street, Caledonia. A location map of the subject property is shown as Attachment #1, with the subject lands marked in red.

The County is also in receipt of a request from Daniel Paul Gris and Joanne Evelyn Gris to purchase part of the unopened road allowances on King William Street and Bridge Street in Caledonia. The subject lands, totaling approximately 2.0 acres, abut the northerly boundary of the lands currently owned by Daniel Paul Gris and Joanne Evelyn Gris which is municipally known as 500 Winnett Street, Caledonia. A location map of the subject property is shown as Attachment #1, with the subject lands marked in green. It should be noted that the Gris' have requested to appear as a delegation at the Council in Committee meeting.

All of the applicants have paid the necessary fees for separate road closure applications. Attachment #2 is a map of the general area.

ANALYSIS:

In order to determine the feasibility of closure of the subject roads, staff circulated a "Road Closure Inquiry Form" to Hydro One, Union Gas, Bell Canada, Rogers Cable, Grand River Conservation Authority and the following Haldimand County Divisions: Building Controls & By-Law Enforcement, Community Development & Partnerships, Economic Development & Tourism, Emergency Services, Engineering Services, Environmental Services, Facilities & Parks Operations, Planning & Development, and Roads Operations. All comments received supported the closures with no easement requirements.

In reviewing the road closure requests, staff, in keeping with the County's past practice, notified all abutting property owners of the expression of interest received, and the possible closure and conveyance. Other than the parties noted in this report, no other abutting owners (including Empire Homes) expressed any interest in purchasing this property, nor do they have any objections to the property being transferred.

When a request to purchase a road allowance is received by staff, prior to proceeding, the applicants are advised that the land, if deemed surplus, will be sold for no less than the appraised value, plus all costs of closure and conveyance. The purpose of the appraisal is to estimate the market value of the subject property based on the most probable "best use" at the time. The applicants will be required to bear all other costs of the closure including, but not limited to, applicable taxes, advertising, appraisal fees, legal and survey costs.

The County's past practice is to require the applicants to pay for a certified appraisal to determine the value of the property. The cost to the applicants of obtaining a certified appraisal is significant at approximately \$2,000 to \$2,500. Where it is expected that the sale of the lands would result in competing interests, it is advisable to obtain a certified appraisal. However, in situations where the only party interested in acquiring the land would be the abutting land owners, staff feel that the County's vacant land values chart is a reasonable alternative to determine the estimated value. If the applicant does not agree with the tool-generated value, they have the option of obtaining an independent certified appraisal at their own cost for Council's consideration.

When taking into consideration use of the land values chart for these properties, Council should keep in mind the following:

- If sold, the road allowances will merge with the abutting lands owned by the applicants;
- The unopened road allowances are predominately designated “Floodway” and “Slope”, making these lands unsuitable for an open road in their current condition and undesirable to anyone but the abutting owners;
- The majority of the lands are zoned “HL” Hazard Lands with a very small portion zoned “A” Agricultural, and are not developable;
- These road allowances do not provide access to any abutting properties;
- Sale of these properties would eliminate the County’s risk and liability associated with use of these portions of the road allowance;
- All County property will be sold as is/where is and the purchasers will sign an Acknowledgement confirming this.

Staff have used the vacant land values chart and determined the property value to be \$9,000 for the total of 0.60 acres for the lands requested by Laszlo, and \$20,000 for the total of 2.0 acres for the lands requested by Gris. To avoid landlocking a portion of County owned property, the entire road allowance known as Bridge Street is recommended to be purchased by Gris. All applicants have agreed to the suggested purchase prices.

For the reasons outlined above, staff recommend closing these unopened road allowances, declaring the lands surplus and conveying the properties to the abutting landowners as follows:

- Part of PIN # 38155-0835 (LT), being Part of King William Street, Plan 51, Haldimand County, **shown in red** on Attachment #1, be sold to the abutting owner, Judy Laszlo, for the purchase price of \$9,000, plus HST and all costs of closure and conveyance, conditional on the property merging with the lands currently owned by Ms. Laszlo;
- Part of PIN # 38155-0835(LT), being Part of King William Street, Plan 51, Haldimand County, and Part of PIN # 38155-0135 (LT), being Part of Bridge Street, Plan 51, Haldimand County, **shown in green** on Attachment #1, be sold to the abutting owners, Daniel Paul Gris and Joanne Evelyn Gris, for the purchase price of \$20,000, plus HST and all costs of closure and conveyance, conditional on the property merging with the lands currently owned by the Gris’.

The closure and conveyance of these parts of unopened portions of King William Street and Bridge Street will remove unnecessary road allowances from the County property inventory.

FINANCIAL/LEGAL IMPLICATIONS:

Staff recommend that the properties, totalling 2.60 acres, be sold to the abutting owners, for a combined purchase price of \$29,000, plus HST and all routine costs of closure and conveyance. The net proceeds of the sale will be contributed to the Land Sales Reserve in accordance with County Policy.

In accordance with the County’s Notification Policy, a proposed road closure and conveyance is to be advertised in the local newspaper prior to consideration of a By-law.

STAKEHOLDER IMPACTS:

Planning consultants for the neighbouring McClung development have no objection to the proposed sale provided the lands are not altered to block the drainage path. No alterations to the current drainage path are permitted as the subject lands are regulated by the Grand River Conservation Authority.

Roads staff has indicated that the open section of King William Street should be properly dead ended to suit expected public road functionality. Road construction in this area would also be cost prohibitive as there is a creek winding through the subject road allowances.

Planning staff have indicated that future trail plans for this area will not be affected by the sale of the subject lands.

REPORT IMPACTS:

Agreement: No

By-law: Yes

Budget Amendment: No

Policy: No

ATTACHMENTS:

1. Map of the Subject Properties
2. Map of the Area