

Township of South Frontenac Staff Report



To: Council

Prepared by: Development Services Department

Date of Meeting: January 10, 2023

Subject: **PL-RAC-2022-0122 (Mancino) (ZanderPlan) – Application to request to stop up, close and transfer portions of unopened road allowance Parts 4 & 5 Plan 13R20005**

Summary

An application has been received by Development Services staff to request to stop up, close and transfer a portion of unopened road allowance in Part Lot 20, Concession 11, Parts 4 & 5 on Plan 13R20005, District of Bedford.

Recommendation

That Council direct staff to proceed with the process of closing and transferring ownership of a 13.8 metre (45.28 foot) by approximately 214 metre (702 foot) portion of unopened road allowance, in Part Lot 20, Concession 11, being Parts 4 & 5 Plan 13R20005, District of Bedford.

Background

Staff have received an application requesting the closing of a portion of the unopened road allowance in Part Lot 20, Concession 11, Parts 4 & 5, Plan 13R20005, District of Bedford (see location map **Attachment #1** and Plan 13R20005 **Attachment #2**).

Chris Clark from ZanderPlan has applied to stop up, close and transfer a portion of unopened road allowance to clear up an underlying title issue that was discovered by the landowner's lawyer.

The portion of unopened road allowance runs from southwest to northeast between a portion of Westport Road and the road allowance between Lots 20 and 21, Concession 11. The subject road allowance is undersized by today's road allowance standards and is only approximately 13.8 metres in width and runs approximately 214 metres in length.

Parts 4 & 5, Plan 13R20005 are a portion of land over which Westport Road historically travelled, this portion of road was realigned but never formally stopped up, closed or transferred by by-law. In accordance with the *Municipal Act*, no highways can be transferred without a by-law passed by Council and registered on title to the lands.

When the landowners, Michael and Lynn Mancino purchased the surrounding properties Parts 4 & 5, Plan 13R20005 were also part of this purchase. A Quit Claim Deed was signed and registered by the former owner and their lawyer, however the claim to Parts 4 & 5 was not theirs to deed, as it was still owned by the municipality. Because the lands have never been properly closed and transferred by by-law, there is a cloud on title showing that there is an owner discrepancy.

The applicants and their agent are requesting that Council consider stopping up, closing and transferring both parts 4 & 5 Plan 13R20005.

Discussion/Analysis

The unopened portion of road that is known as Part Lot 20, Concession 11, Parts 4 & 5 Plan 13R20005 have not been used or maintained by the municipality since the road was realigned. Westport Road was reconfigured and now travels over Part 7, Plan 13R20005.

Gardner Lane, a private lane not maintained by the Township of South Frontenac runs along Part 4, Plan 13R20005.

In 2022, the owners of the land made application to sever the lands between the unopened road allowance and Westport Road into three parcels, two severed parcels and one retained parcel. These parcels are shown in the attached sketch by ZanderPlan (**Attachment #3**). The applications were approved by the Committee of Adjustment with the knowledge that although the lands were slightly undersized, the addition of the unopened road allowance portions would bring the severed lands closer to conformity to the requirements of the Zoning By-Law, 2003-75.

The purchase of the unopened road allowance will also ensure that Gardner Lane is under private ownership, which is the intention of private lanes in the Township.

The unopened road allowance is approximately 13.8 metres (45.28 feet) in width by approximately 214 metres (702 feet) in length being approximately 2,953 square metres (31,785 square feet). Based on Township practice, the entire length of the unopened road allowance would be classified as acreage/bush. The purchase price for the unopened road allowance would be calculated at \$0.21 per square foot. The unopened road allowance purchase price would be approximately \$620.00 plus HST, but township policy also indicates that a minimum purchase price shall be \$1,000, therefore the total purchase price would be \$1,000 plus HST.

Staff is seeking direction as to whether Council has any objections or concerns with the closure and transfer of this unopened portion of road allowance to facilitate the enlargement of lands and to clear the title issue. If Council approves, staff will begin the process to stop up and close the portions of the unopened road allowances.

Financial Implications

The application fee and legal deposit has been paid by the applicant to process this road closing application. Final purchase price will be determined once the surveyor has completed a survey of the pertinent section of the road allowance. Fees to survey the portion to be transferred would be paid by the applicant.

Relationship to Strategic Plans

- Not applicable to this report.
- This initiative is supported by the following priorities of the 2019-2022 Strategic Plan.
 - Priority: Choose an item.

Notice/Consultation

- Public Service Staff

Further consultation will occur should Council provide direction to staff to move forward with this application, including consultation with the public, Public Services staff and Recreation staff.

Attachments

- Attachment #1 – Location Map
- Attachment #2 – Plan 13R20005
- Attachment #3 – Consent sketch by ZanderPlan

Approvals

Prepared by: Michelle Hannah, Planning Assistant

Submitted by:



Brad Wright
Director of Development Services

Township of South Frontenac

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Approved By:



Louise Fragnito, CPA, CGA
Chief Administrative Officer