

Municipality of Huron Shores

Meeting Date: December 8, 2021

Agenda Item: 8.4.5

Report Title: Block A of Registered Plan H-499 and Unopened Richard Avenue

Submitted By: N. Roberts

Subject: Stop up and close unopened road allowance and declare surplus lands

Recommendation: That Council declare Block A of Registered Plan H-499 as Surplus Lands and to authorize staff to commence proceedings to Stop Up and Close Unopened Richard Avenue.

Proposed Motion:

BE IT RESOLVED THAT Council declare Block A of Registered Plan H-499 as Surplus Lands and authorize staff to commence stop up and close procedures for the unopened Richard Avenue road allowance;

AND THAT staff contact the owners with property adjacent to the Surplus Lands, to advise of Council's intent to commence procedures to stop up and close the unopened Richard Avenue road allowance and advise that there is opportunity for them to purchase the portion of Surplus Lands, described as Block A of Registered Plan H-499, fronting their holdings;

AND THAT should staff receive a positive response from the landowners adjacent to the Surplus lands, Council authorize staff to proceed with survey, appraisal and legal preparations to offer for sale the portions of Block A of Registered Plan H-499.

POSSIBLE AMENDED MOTION:

THAT the Main Motion be amended by striking out the second and third "AND THAT" paragraphs in their entirety and replace with:

"AND THAT the Surplus Lands be transferred to Thomas Morningstar and Kyle Clapp at a fee of \$_____, and including survey and legal fees, together with the transfer of the stopped up and closed unopened Richard

Avenue road allowance, in order to permit their residential construction, scheduled to begin April of 2022.”

Background Summary:

At the November 24th Council Meeting, Council was advised that Kyle Clapp and Thomas Morningstar are unable to provide insurance in order to utilize the unopened road allowance, as per the executed agreement with the Municipality.

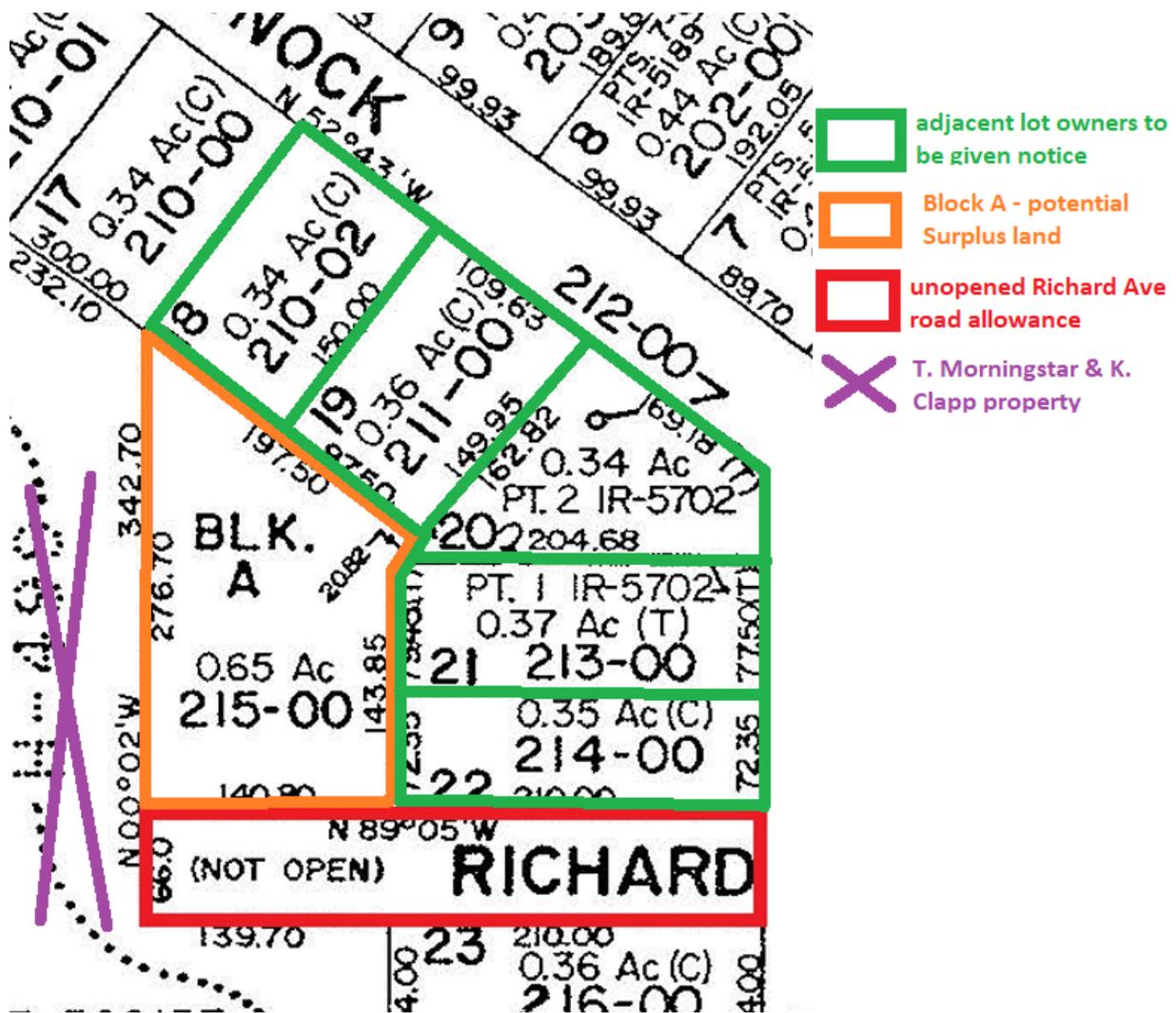
The next option would be to stop up and close the unopened road allowance and transfer it to Kyle Clapp and Thomas Morningstar. However, in doing so, Council will have to decide how to deal with the municipally owned property identified as Block A of Registered Plan H-499, so not to land lock this property. It is my understanding that this parcel of land was transferred to the municipal for parkland at the time the Warnock Subdivision was created but was never developed as parkland. Block A is currently zoned Residential Low Density- R1.

The Sale of Surplus land by-law states that “Council shall, before selling any land, obtain at least one Appraisal of the fair market value of the land by a person or body qualified to do so. The listed price of surplus land for sale shall be the appraised value determined by a qualified appraiser unless a majority of Council sets a different price by way of resolution of Council.”

For Councils information, the unopened road allowance does not need to be appraised as it falls under an exemption in the Surplus Lands By-law.

Typically, the property owners that front Block A would be notified and presented with an option to purchase the portion of property and transferred as a lot addition. Kyle and Thomas have advised that they wish to include Block A, together with the unopened road allowance, in order to streamline the process. Kyle and Thomas have, however, advised that they are not in a position to purchase Block A, but would be willing to pay the survey and legal costs to have it transferred together with the unopened road allowance.

Kyle and Thomas have also request that a resolution of Council include permission for them to begin work in April, regardless of what matters might still be outstanding. Staff is of the opinion that the municipal lands (Block A) must be dealt with before stopping up and closing the opened road allowance, as the Municipality is not permitted to further land lock property, and stopping up and closing the unopened road allowance before dealing with the ownership of Block A would have that effect.



Should Council choose to authorize staff to contact the property owners adjacent to Block A to investigate their interest in purchasing the property at the appraised value, the matter of Block A will have to be dealt with in its entirety before the unopened road allowance can be stopped up and closed, and transferred to Kyle and Thomas.

An amended motion has been prepared should Council wish to transfer the Surplus Lands to Kyle and Thomas. However, until such time as this matter has been dealt with, staff believes Council is not in a position to authorize any work to be done on the property.