



Subject: Surplus Land Declaration – Multiple Portions of Unopened Right-of-Way South of Wood Haven Drive

Report Number: EDM 23-11

Department: Economic Development Department

Submitted by: Cephas Panschow

Meeting Type: Council Meeting

Meeting Date: Monday, June 26, 2023

RECOMMENDATION

- A. THAT report EDM 23-11 titled Surplus Land Declaration – Multiple Portions of Unopened Right-of-Way South of Wood Haven Drive be received as information; and
- B. THAT the Unopened Right-of-Way Lands located south of Ridge Boulevard and Wood Haven Drive, described as parts of Part 8, Plan 41R-940, and portions of a 1 foot reserve described as parts of Block 45, Plan 41M-232, south of Wood Haven Drive, be closed; and
- C. THAT portions of the Unopened Right-of-Way, described as parts of Part 8, Plan 41R-940, and portions of a 1 foot reserve described as parts of Block 45, Plan 41M-232, south of Wood Haven Drive, be declared surplus to the needs of the Town of Tillsonburg in accordance with Bylaw 2021-031 (land disposition) including suitable notification to the public; and
- D. THAT a road closure bylaw be brought forward for Council's consideration.

BACKGROUND

The surplus declaration of the entire Unopened Right-of-Way South of Ridge Boulevard and Wood Haven Drive was defeated by Council at their October 12, 2021 meeting. However, Council approved the surplus of a small portion of the Unopened Right-of-Way for one property owner at their September 12, 2022 meeting and the subsequent sale of that property was approved by Council on April 11, 2023.

The Town of Tillsonburg was previously contacted by a number of the other adjacent property owners who had expressed interest in purchasing small portions of the Unopened Right-of-Way lands immediately adjacent to and to the rear of their properties from the Town. The Development Commissioner is now seeking Council approval to declare **some of the Unopened Road Allowance** lands as surplus to the Town's need and proceed with additional sale transactions in this regard.

In addition to this, the Town was advised that there is a one-foot reserve between the Wood Haven Subdivision Lands and the Unopened Right-of-Way and this one-foot reserve is also required to be declared surplus and sold in order to enable the individual properties and the Right-of-Way lands to be contiguous.

The Town is also required to take ownership of a one-foot by one-foot piece of land within each of the lots in order to circumvent the Planning law that “a lot is always a lot” and to enable the individual properties and the Right-of-Way lands to merge on closing.

DISCUSSION

The Unopened Right-of-Way lands are approximately 66 feet (20 metres) wide and 2,129 feet (649 metres) long and comprise approximately 3.15 Acres. The Unopened Right-of-Way is not improved in any manner and traverses a ravine and mature woodlot. The Unopened Right-of-Way does provide a land connection from the Newell Road Right-of-Way to the County Owned John Pound Road Right-of-Way although the significant ravine that crosses the Right-of-Way would appear to inhibit any practical or municipal use of the lands.

The lands appear to be an unopened road allowance that used to be the boundary between the Town of Tillsonburg and the former Middleton Township. The lands North of the road allowance were part of the former Dereham Township and the lands South of the road allowance were part of the former Middleton Township.

Based on Municipal Property Assessment Corporation (MPAC) records, it has been owned by the Town since 2005. There does not appear to be any municipal or public use of the property.

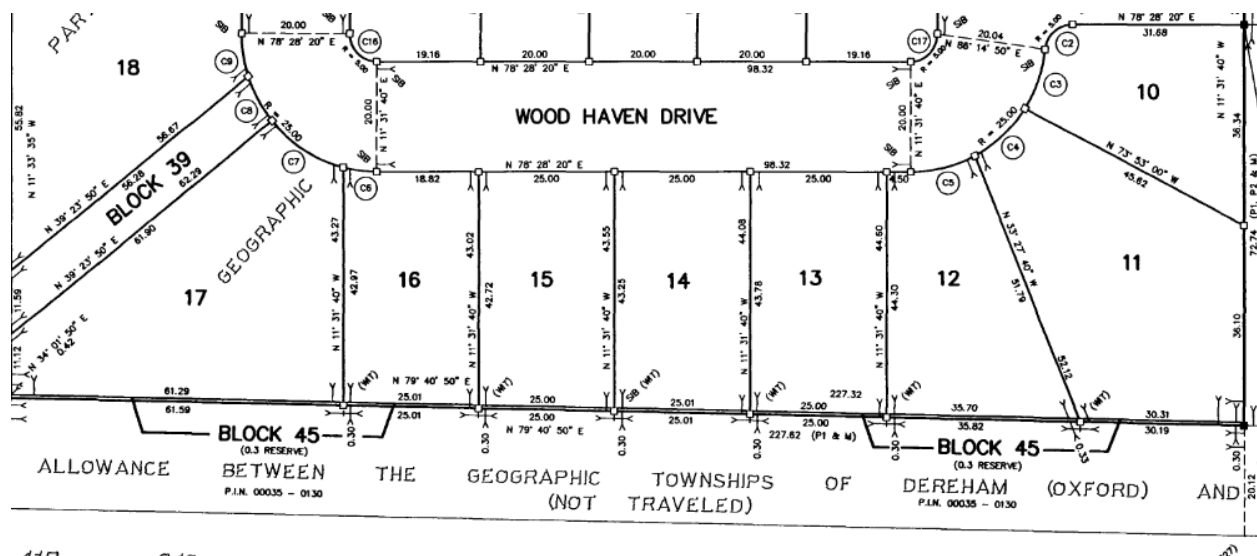
Subject Property: Entire Unopened Right-of-Way Lands South of Ridge Boulevard



Subject Property: Portions of Unopened Right-of-Way Lands Proposed to be Declared Surplus



Block 45, Plan 41M-232 (1 Foot Reserve Lands)



Based on there being no municipal need for the lands, the request received from the adjacent property owner as well as the above mitigating factors, the Development Commissioner is recommending that these additional portions of the Right-of-Way be declared surplus with suitable public notice to determine the level of interest from the adjacent property owners. All eight of the property owners have expressed some level

of interest in acquiring these lands, but final interest will be confirmed in writing. The remaining properties to the East, while backing on to the Town's Unopened Road Allowance lands, are impacted by the ravine and in conversations with some of those property owners, they are not likely to be interested in purchasing these lands so these parcels are likely to be the last lands declared surplus.

CONSULTATION

The below table summarizes the comments received by various Town and County Departments as part of the initial surplus declaration process. Based on the minor nature of the comments, no additional circulation was undertaken.

Department	Comment	Response/Reason
Building and Bylaw	No concerns from Building/By-Law	
Clerks	No comments or concerns received	
Engineering	No comments or concerns	
Fire Department	No comments or concerns	
Planning	<p>I think that this unopened road allowance used to be the boundary of the Town and former Middleton Township, north of the road allowance was the former Dereham Township, south was Middleton Township. I am not sure a road was ever intended to be built, it was more a municipal boundary.</p> <p>From a planning perspective, the lands are zoned OS1 and are designated Environmental Protection, which do not permit any future development or buildings.</p> <p>I don't have any concerns with the request.</p>	

Recreation, Culture & Parks	No comments or concerns received	
Tillsonburg Hydro Inc	No comments or concerns received	
Duncan, Linton LLP	The Town will need to follow its road closing policy in order to convey the road allowance (which should include declaring it surplus, closing it, and providing notice to adjacent owners).	

Notice of the potential surplus property has been provided in accordance with Bylaw 2021-031, and specifically, by:

- Posting a notice on the property;
- Posting a notice on the Town's website; and,
- Publishing a notice in the Tillsonburg News.

The previously interested property owners have been advised of this notice and hardcopy notices were dropped off at all of the property owners that back on to the Unopened Right-of-Way lands.

FINANCIAL IMPACT/FUNDING SOURCE

The value of the property has been established through an Opinion of Value obtained from a local real estate broker. The purchasers will be responsible for the value of the land as well as legal and survey costs related to the transaction. Should the Town receive interest from more than one property owner, there could be some potential cost sharing for the preparation of the new reference plan and legal costs.

CORPORATE GOALS

How does this report support the corporate goals identified in the Community Strategic Plan?

- ☐ Lifestyle and amenities
- ☒ Customer service, communication and engagement
- ☐ Business attraction, retention and expansion
- ☐ Community growth
- ☐ Connectivity and transportation
- ☐ Not Applicable

Does this report relate to a specific strategic direction or project identified in the Community Strategic Plan? Please indicate section number and/or any priority projects identified in the plan.

Goal – The Town of Tillsonburg will strive for excellence and accountability in government, providing effective and efficient services, information, and opportunities to shape municipal initiatives.

Strategic Direction – Not applicable

Priority Project – Not applicable

ATTACHMENTS

Appendix A – Public Notice Multiple Portions of Unopened Road Allowance South of Wood Haven Dr