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STOP UP AND CLOSE AND TRANSFER OF LANDS TOWNSHIP OF KING

The Finance and Administration Committee recommends the adoption of the recommendations contained in the following report, April 26, 2005, from the Commissioner of Corporate Services:

1. RECOMMENDATIONS

It is recommended that:

1. Regional Council declare surplus and give notice of its intention to convey the lands described as being Parts 1, 2, 3, 4, 6, and 7 on Reference Plan 65R27585, subject to an easement as described in Instrument KI19870, Township of King (*see Attachment 1*).
2. The lands described in Recommendation No. 1 be stopped up and closed in accordance with the notice and hearing requirements of the *Municipal Act*.
3. Regional Council give notice and authorize the transfer of the required easements to Ontario Hydro and Bell Canada for the nominal sum of \$2.00.
4. Regional Council authorize the transfer of the above described lands to the abutting land owners for the nominal sum of \$2.00 and/or completion of the land exchange agreements.
5. The appropriate Regional Officials perform all acts necessary to give effect to the foregoing.

2. PURPOSE

The purpose of this report is to obtain Regional Council's approval to:

- (1) Declare the lands described in Recommendation No. 1 above as surplus to the Region's requirements and give notice of its intention to sell the lands.
- (2) Do all acts necessary to stop up and close those lands described above.
- (3) Transfer the required easements to Ontario Hydro and Bell Canada for the nominal sum of \$2.00.
- (4) Transfer the lands in Recommendation No. 1 to the abutting land owners for the nominal sum of \$2.00 and/or completion of the land exchange agreements.

3. BACKGROUND

The lands described in Recommendation No. 1 above were part of the Lloydtown/Aurora Road (YR 16) curve at Jane Street (YR 55), just east of Highway 400. With the recent construction of a full intersection at Lloydtown/Aurora Road (YR 16) and Jane Street (YR 55), the need for the curve has been eliminated. Prior to the reconstruction at this intersection, two residences and a gas station fronted onto the curve. Now, with the elimination of the curve, the southerly residence will have frontage and access onto Jane Street (YR 55) and the northerly residence will have frontage and access onto the Lloydtown/Aurora Road (YR 16). The gas station will now have frontage and access onto both Jane Street (YR 55) and Lloydtown/Aurora Road (YR 16). The old curve at Lloydtown/Aurora Road (YR 16) and Jane Street (YR 55) is now surplus to our road needs.

The owner of the southerly residence agreed to convey to the Regional Corporation that portion of his land required for the newly realigned intersection in exchange for a conveyance of that portion of the curve described as Parts 3 and 4 on Plan 65R27585. Prior to this conveyance, it will be necessary to convey permanent easements to Ontario Hydro and Bell Canada in Part 3 on Plan 65R27585 to accommodate the relocation of these utilities due to the reconstruction of the intersection.

No lands were required from the owner of the northerly residence. However, with the physical elimination of the curve, the owner no longer has access to a public highway. In order to restore this access, it will be necessary to convey that portion of the curve described as Parts 1 and 7 on Plan 65R27585 to the owner of the abutting lands. Prior to this conveyance, it will be necessary to convey permanent easements to Ontario Hydro and Bell Canada in Part 1 on Plan 65R27585.

The owner of the gas station agreed to convey to the Regional Corporation the lands required for the newly realigned intersection in exchange for a conveyance of that portion of the curve described as Parts 2 and 6 on Plan 65R27585. To accommodate the construction of the new intersection, part of the sewage disposal system for the gas station had to be relocated onto the said Parts 2 and 6. Permanent easements to Ontario Hydro and Bell Canada over Part 2 on Plan 65R27585 will have to be conveyed prior to the conveyance of these lands.

Prior to any conveyances of the lands described in Recommendation No. 1, it will be necessary to stop up and close the lands as a public highway.

An appraisal of the fair market value of the land is not required under the *Municipal Act* if the closed highway is sold to an owner of land abutting the closed highway, which is the case in all of the foregoing situations.

4. LOCAL MUNICIPAL IMPACT

There are no local municipal implications associated with this report.

5. CONCLUSION

The portion of the road described in Recommendation 1 above, is now physically closed and surplus to the Region's road needs. It is now in order to declare these lands surplus, authorize the stopping up and closing of these lands as public highway, authorize the conveyance of the required easements to Ontario Hydro and Bell Canada and authorize the conveyance of the lands to the abutting property owners for the sum of \$2.00 and/or completion of the land exchange agreements.

The Senior Management Group has reviewed this report.

(The attachment referred to in this clause was included in the agenda for the June 2, 2005 Committee meeting.)