

## Report PDR-PCD-20-15

**To:** Chair Wright and Members of the Planning and Community Development Committee  
**From:** Sarah Morrison, Intermediate Planner  
**Meeting Date:** May 19, 2015  
**Subject:** **Veveris Easement Request**  
**Status:** Recommendation adopted by Committee as presented per Resolution PCD69-15; Endorsed by County Council June 2, 2015 per Resolution CC81-15;

### Recommendation(s)

**WHEREAS** there are numerous properties that are bisected by the CP Rail Trail where residents require access over the CP Rail Trail to access their property;

**AND WHEREAS** a request has been received from a property owner asking the County to grant an easement on title across the CP Rail Trail to access their landlocked property;

**NOW THEREFORE BE IT RESOLVED THAT** staff be directed to complete an easement agreement with Juris and Christina Veveris for property located at Part of Lots 85 and 86, Concession 1 SWTSR, geographic Township of Glenelg, Municipality of West Grey to allow access to the landlocked property;

**AND THAT** a By-Law be prepared for County Council's consideration to register this easement across County property;

**AND THAT** all costs associated with registering the easement be borne by the landowner.

### Background

Grey County took possession of the abandoned rail right of way in 2004. Since then it has been developed into a multi-use recreational trail. There are a number of properties that are bisected by the CP Rail Trail. Information from the County's solicitor in 2011 indicates that when farm properties were bisected, the railway agreed to a perpetual "farm crossing". Usually there is nothing registered on title. He went on to state that if the crossing has occurred for in excess of 20 years without prior permission having been requested from the County, an easement by "prescriptive rights" is established

and can be relied upon by the owner and transferred to new owners. If the owners want to establish a more formal easement on title, the owner would need to request this from the County and provide information including a reference plan as part of this request.

A request has now been received from Juris and Christina Veveris to have Grey County consider registering an easement on title for a portion of Lots 85 and 86, Concession 1 SWTSR, geographic Township of Glenelg, Municipality of West Grey for the purpose of accessing the parcel of landlocked property which is approximately 49.3 acres. A map has been included in the report for ease of reference.



### *Map 1 – Property Location*

The Veveris's indicate that at one point in time there was a legal easement established and registered on title, this occurred prior to their ownership and was indicated on the former owner's deeds; however, this legal easement is no longer registered on title, and with research completed by their solicitor they have been directed to seek this access again. A registered plan has been completed for this property and staff will determine if it can be used for this agreement and subsequent By-law that will be presented to County Council for consideration.

## Financial / Staffing / Legal / Information Technology Considerations

There will be some costs associated with registering the easement. However, as noted in the resolution, these costs will be borne by the Veveris's and there will be no cost to the County. There will be a small amount of staff time required to draft the easement agreement. Once the easement is complete, it will be registered on title with the

property. Having an easement on title will not impact the trail itself as this is considered a crossing only and the trail will remain the property of the County in its entirety.

There are no IT considerations related to this request.

## Link to Strategic Goals / Priorities

5.5 Collaborate with the public, stakeholders, and other governments to improve the delivery of county services.

Respectfully submitted by,

Sarah Morrison, Hons. BA, MCIP, RPP  
Intermediate Planner

Director Sign Off: *Randy Scherzer*