

To:	Warden Halliday and Members of Grey County Council
Committee Date:	November 22, 2018
Subject / Report No:	TR-CW-22-18
Title:	Road Widening Acquisition Plan 17R-634 Grey Road 14
Prepared by:	Lacey Thompson, Land Acquisition Specialist
Reviewed by:	Pat Hoy, Director of Transportation Services
Lower Tier(s) Affected:	Municipality of Grey Highlands
Status:	Recommendation adopted by the Committee as presented per Resolution CW288-18; Endorsed by County Council on December 20, 2018 as per Resolution <i>CC05-19</i> .

Recommendation

1. That Report TR-CW-22-18 regarding the acquisition of road widening be received and that the property identified as Part of Lot 21 Concession 1 North of the Durham Road Artemesia being Part 6 Plan 17R-634; Geographic Township of Artemesia, Municipality of Grey Highlands, County of Grey be acquired by The Corporation of the County of Grey for road widening purposes; and
2. That Staff be directed to proceed with the road acquisition prior to County Council approval as per Section 25.6 b) of the procedural by-law in order to allow for a timely closure of the real estate transaction pending on the abutting land.

Executive Summary

Part 6 Plan 17R-634 is a piece of road widening that abuts Grey Road 14. Grey County is completing this report to acquire and join Part 6 Plan 17R-634 to Grey Road 14.

Background and Discussion

Recently it was discovered that a parcel of road widening along Grey Road 14 is under private ownership. The property is known as Part of Lot 21 Concession 1 North of the Durham Road Artemesia being Part 6 on Plan 17R-634, Municipality of Grey Highlands, County of Grey.

The parcel of road widening was separated from Part of Lot 21 Concession 1, Artemesia in 2006 when the abutting lands were transferred using a new legal description that did not contain Part 6 Plan 17R-634.

The road widening parcel was never transferred to Grey County and remains under the ownership of the previous landowner who no longer owns the abutting land.

The acquisition of this parcel will result in a 30.5 metre (100 foot) right-of-way width in this area of Grey Road 14, which supports the County's long term goal in accordance with the Transportation Master Plan.

The abutting lands are scheduled to be sold and the parties wish to close the deal as soon as possible. To allow for a timely closure of the real estate transaction pending on these lands we are requesting that the road widening transfer be completed prior to County Council approval.

Legal and Legislated Requirements

Private ownership of this road widening parcel results in the abutting landowners having no legal access to Grey Road 14 from their property.

Financial and Resource Implications

Staff has currently invested \$40.00 to complete the necessary property searches in relation to this parcel. The legal costs to finalize the transfer are estimated to be under \$500.00.

The funding will come from the Transportation Services land acquisition budget.

Relevant Consultation

Internal

External

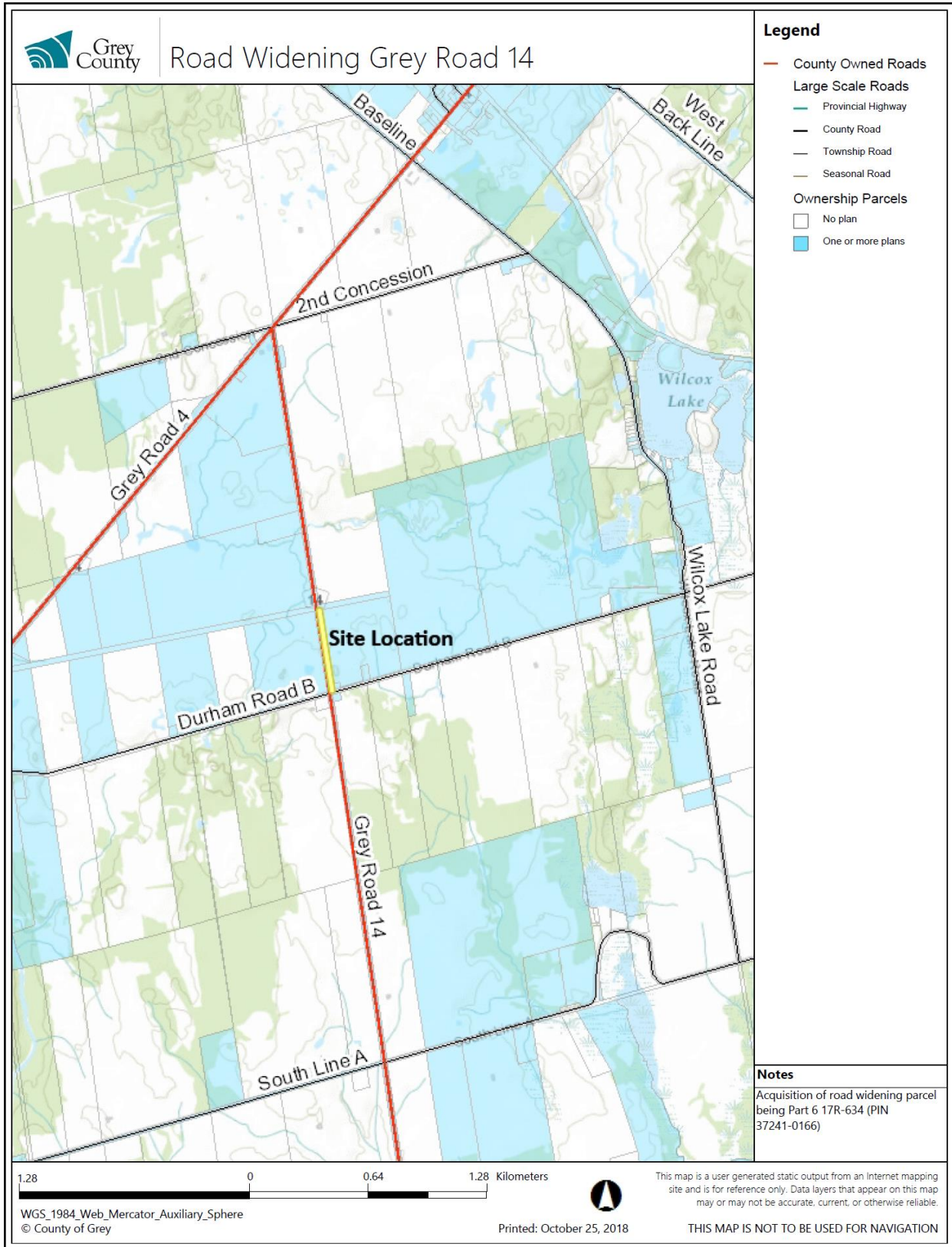
Anne Welwood Law Office, Ferris & Celhoffer Professional Corporation

Appendices and Attachments

Location Map

Grey Road 14 Road Widening Acquisition Agreement

Location Map



This Agreement

made in duplicate this _____ day of _____, 20____

between:

The Corporation of the County of Grey

(herein called the "County")

- and-

Estate of Leroy Meads

(herein called the "Owner")

WHEREAS the Owner owns a parcel of land situated in the Municipality of Grey Highlands in the County of Grey; adjacent to County Road 14.

AND WHEREAS the County wants to acquire and the Owner is agreeable to transfer the land for road widening purposes.

The Owner and the County agree that in consideration of the sum of \$2.00 paid by the County to the Owners, receipt and sufficiency of which is hereby acknowledged, the parties, intending to be legally bound, agree as follows:

The Owner shall transfer to the County, a parcel of land which is legally described as Part of Lot 21 Concession 1 North of the Durham Road Artemesia, Municipality of Grey Highlands (in the former geographic Township of Artemesia), in the County of Grey depicted as Part 6 on Reference Plan No. 17R-634 (the "Purchased Parcel").

Additional Details: None

The Owner agrees to provide the County with a valid Transfer/Deed of Land conveying unencumbered title to, and releasing all claims in respect of, the Purchased Parcel. The Transfer/Deed of Land shall be prepared at the expense of the Owner by its lawyers.

The Owner shall obtain release of any existing mortgage or other encumbrance on the purchased parcel. The Owner represents that spousal consent is not necessary to this transaction under the provisions of the Family Law Act (Ontario), unless the Owner's spouse has executed the consent below. The Owner represents that the Owner is not a non-resident of Canada within the meaning of the *Income Tax Act*.

The obligation of the County to complete the transaction contemplated by this agreement shall be conditional upon County Council passing a motion approving the acquisition of the Purchased Parcel.

The transaction shall be completed on or before a date specified by the County by notice sent to the Owner not less than 30 days prior to the specified completion date.

If this transaction is subject to Harmonized Sales Tax such tax shall be included in the purchase price.

The heirs, executors, administrators, successors in title and assigns of the Owner are bound by the terms of this agreement.

In witness, the parties have signed, sealed and delivered this agreement.

The Corporation of the County of Grey

(seal)

Stewart Halliday, Warden

Heather Morrison, Clerk

We have authority to bind the Corporation

The Estate of Leroy Meads

Per: Jean Hutchinson
Estate Trustee for
The Estate of Leroy Meads

_____ (seal)
Witness

The undersigned Spouse of the Owner consents to the disposition agreed to herein pursuant to the provisions of the Family Law Act (Ontario), and hereby agree with the County that he or she will execute all necessary documents to complete the sale.

Spouse of Owner (if not property owner)

_____ (seal)
Witness

Name of Owner(s) of Property

Estate of Leroy Meads
c/o Jean Hutchinson, Estate Trustee

Address:

305632 Southline
Priceville, ON N0C 1K0

Contact Information:

Lawyer: Ferris & Celhoffer Professional Corporation
519-924-2031