

Report

Report TR-TAPS-27-15

To: Chair Barfoot and Members of the Transportation and Public Safety Committee
From: M.J. Kelly, Director of Transportation Services
Meeting Date: March 19, 2015
Subject: Land Transaction - Grey County and Fleming - Old Grey Road 3
Status: Recommendation adopted by Committee as presented per Resolution TAPS53-15; Endorsed by County Council April 7, 2015 per Resolution CC58-15;

Recommendation(s)

WHEREAS on October 26, 1994 Grey County passed By-Law 3501-94 to transfer a section of Grey Road 3 (Old Grey Road 3) to the Township of Bentinck;

AND WHEREAS the required Order in Council was not completed and therefore the transfer was not legal;

AND WHEREAS a section of Old Grey Road 3 was located on private property owned by Barbra Fleming and Murray Fleming;

AND WHEREAS the property owners (Fleming's), the Municipality of West Grey and County Staff are recommending transferring property between the Fleming's and Grey County;

NOW THEREFORE BE IT RESOLVED THAT Report TR-TAPS-27-15 regarding land transfers between Grey County and the Fleming's regarding Old Grey Road 3 be received;

AND THAT staff be directed to formalize the land transfers as identified on Plan 16R-10542:

Part 1- Transferred from Barbra Fleming and Murray Fleming to Grey County.

Part 2- Transfer from Barbra Fleming and Murray Fleming to Murray Fleming.

Part 3- Transfer from Grey County to Murray Fleming.

Part 4- Transfer from Grey County to Barbra Fleming and Murray Fleming.

AND THAT once the land transactions are completed, Grey County staff take the necessary steps to have Old Grey Road 3 transferred to the Municipality of West Grey.

Background

On October 26, 1994 Grey County passed By-law 3501-94 to transfer a section of Grey Road 3 (Old Grey Road 3) in the Township of Bentick from a point at King's Highway 4 (now Grey Road 4) at Lot 33, Concession 1, south of Durham Road in the Township of Bentinck, to a point at Lot 31, Concession 1, north of Durham Road in the Township of Beninck, a distance of 1.0 kilometres, and the structure known as Schanks Bridge, Structure No. 3-198. However, Grey County would be responsible for the inspection of the structure, and at such time as the Schanks Bridge is not functional as a walkway, Grey County will remove this structure at the County's expense.

This road was deemed redundant to the Grey County road network when Grey County constructed a revised alignment of Grey Road 3.

Since that time, the Township of Bentinck (Municipality of West Grey) has maintained the road.

Prior to 2001 the Municipal Act required an Order in Council be completed after a By-law was passed when a County transferred roads to a lower tier municipality.

Recently it was determined that the required Order in Council to transfer the road to the Township of Bentinck was not completed, and as a result the Old Grey Road 3 was never legally transferred.

In 2014, Grey County was approached by Council representing Barbra and Murray Fleming identifying that a portion of the old Grey Road 3 was actually located on the Fleming's land.

It was determined that many years ago Old Grey Road 3 was realigned, with a curve, and the property was not retained from the property owner; therefore, a portion of Old Grey Road 3 was located on the Fleming property.

The Old Grey Road 3 right-of-way property still belongs to the road authority (Grey County).

The Flemings, the Municipality of West Grey and Grey County representatives are suggesting the following transfer of property. Please refer to the attached Registered Plan 16R-10542 for the description of the Parts.

Part 1 – Where Old Grey Road 3 is actually located will be transferred from Barbara Fleming and Murray Fleming to Grey County.

Part 2 - This property is currently owned by from Barbara Fleming and Murray Fleming and is part of the parcel of land that was divided by Old Grey Road 3. It is proposed to transfer Part 2 to Murray Fleming as a separate parcel of land.

Part 3 - This property is a section of the road allowance which is not being used as a road. It is proposed to transfer this land from Grey County to Murray Fleming and combine it with Part 2.

Part 4 - This property is a section of the road allowance which is not being used as a road. It is proposed to transfer Part 4 from Grey County to Barbara Fleming and Murray Fleming to amalgamate with property PIN 37214-0180 (north of Part 3). This transfer is required to provide road access to PIN 37214-0180.

Part 5 - Will remain as part of the road allowance.

Once the above property transactions are complete, Grey County staff is recommending legally transfer Old Grey Road 3 to the Municipality of West Grey. The transfer will include the unique requirement for the County to continue to complete structural inspections on the Shanks Bridge and remove it at County cost once it is no longer able to function as a walking bridge unless directed otherwise by the Committee.

Financial / Staffing / Legal / Information Technology

Considerations

The proposed transactions will ensure the appropriate property ownership is in place. There will be some survey and legal fees required to accommodate the transactions.

Link to Strategic Goals / Priorities

Not applicable.

Attachments

[By-law 3501-94 Amend By-law 3047 To Remove Certain Land from the County Road System Shanks Ridge](#)

[Registered Plan 16R10542](#)

[Map of Deviation Road](#)

Respectfully submitted by,

M.J. Kelly

Director of Transportation Services

THE CORPORATION OF THE COUNTY OF GREY

BY-LAW NO, 3501-94

A BY-LAW TO AMEND BY-LAW 3047 (1987)
AND AMENDMENTS THERETO
TO REMOVE CERTAIN LAND FROM THE COUNTY
ROAD SYSTEM

WHEREAS the Corporation of the County of Grey consolidated its by-laws establishing its County Road System under By-Law 3047 (1987), and amendments thereto, pursuant to Section 44 (6) of The Public Transportation and Highway Improvement Act, R.S.O. 1990, Chapter P.50,

AND WHEREAS the Corporation of the County of Grey wishes to amend further the said By-Law 3047 (1987) and amendments thereto, to remove certain lands it no longer requires from its County Road System pursuant to Section 44 (5) and 44 (6) of the said Act,

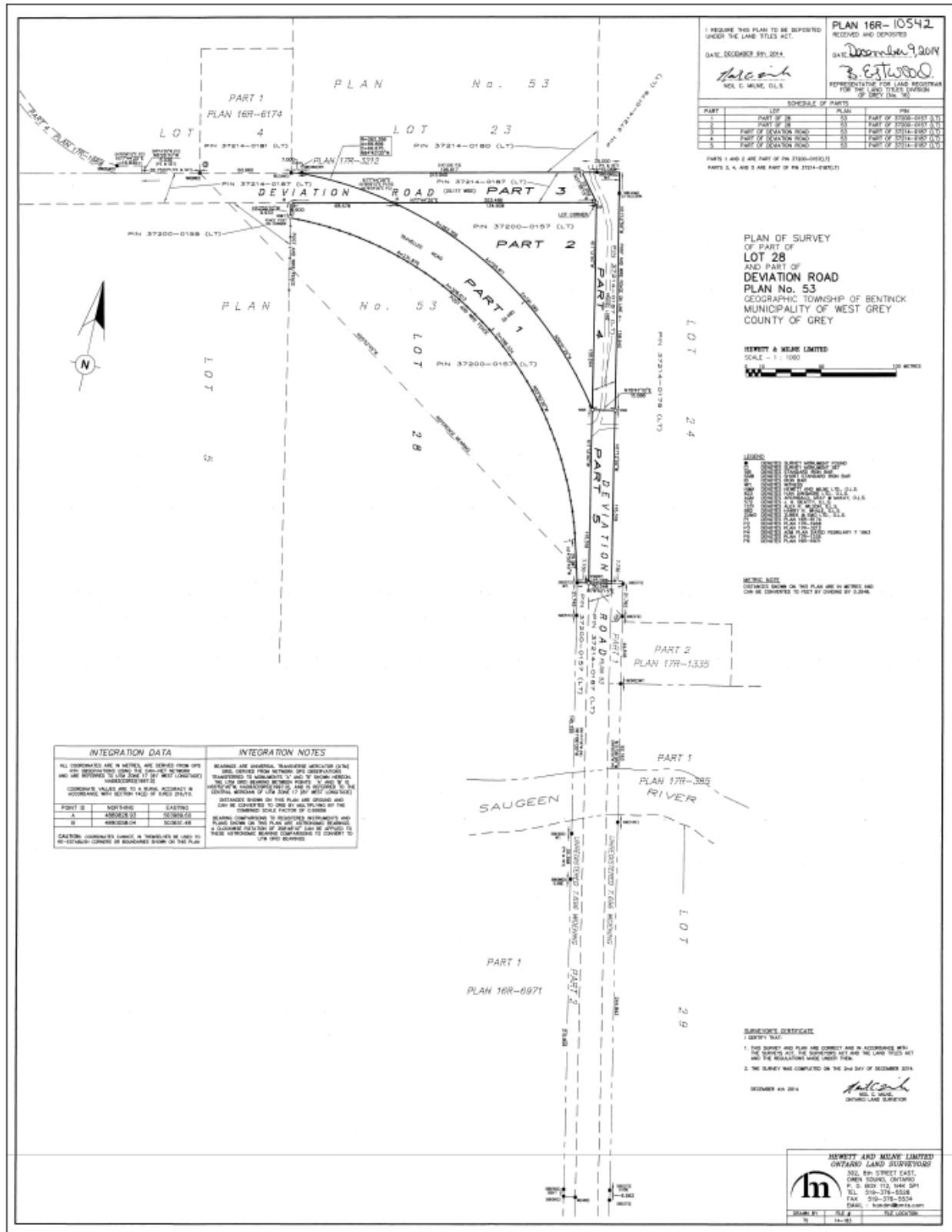
NOW THEREFORE the Council of the Corporation of the County of Grey enacts this By-Law Number 3501-94 as follows:

1. By-Law Number 3047 (1987) and amendments thereto are hereby amended further to remove from the County Road System Part of Grey County Road No, 3, in the Township of Bentinck, in the County of Grey, from a point at King's Highway No, 4 at Lot 33, Concession I, South of the Durham Road, in the Township of Bentinck, to a point at Lot 31, Concession I, North of the Durham Road, in the Township of Bentinck, a distance of 1.0 kilometre, and the Structure known as "SCHANKS BRIDGE" -Structure No, 3-198,
2. The County of Grey will be responsible for structural inspection of the structure, At such time as the "SCHANKS RIDGE" is not functional as a walkway, the County of Grey will remove this structure at the County's expense,
3. This By-Law shall come into force and effect upon and to the extent of the approval thereof by the Lieutenant Governor in Council pursuant to Section 44 (7) of the said Act,

This by-law read a first, second, and third time and finally passed this 26th day of OCTOBER, 1994.


WARDEN: GGERALD ROGERS


CLERK: SHARON VOKES





Deviation Road

Legend

- Parcels
- County Owned Roads



Notes

1.27 0 0.63 1.27 Kilometers
WGS_1984_Web_Mercator_Auxiliary_Sphere
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