



# Committee Report

<b>To:</b>	Warden Hicks and Members of Grey County Council
<b>Committee Date:</b>	March 28, 2019
<b>Subject / Report No:</b>	TR-CW-07-19
<b>Title:</b>	Road Widening Acquisition Plan 16R-9099 Grey Road 40
<b>Prepared by:</b>	Lacey Thompson, Law Clerk/Realty Specialist
<b>Reviewed by:</b>	Pat Hoy, Director of Transportation Services
<b>Lower Tier(s) Affected:</b>	Township of Chatsworth
<b>Status:</b>	Recommendation adopted by the Committee as presented as per Resolution CW78-19; Endorsed by County Council on April 11, 2019 as per Resolution CC30-19.

## Recommendation

1. That Report TR-CW-07-19 regarding the acquisition of road widening be received and that the property identified as Part of Lot A Concession 2 being Part 6 Plan 16R-9099; Geographic Township of Sullivan, Township of Chatsworth, County of Grey be acquired by The Corporation of the County of Grey; and
2. That Grey County's Acquisition of Land Procedure No. G-GEN-003-002 be waived in respect of this acquisition; and
3. That Staff be directed to present a final offer of \$5,275.00, which is in excess of Grey County's Acquisition of Land Procedure by \$2,500.00; and
4. 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 acquisition of Part 6 Plan 16R-9099.

## Executive Summary

Property is required from a landowner along Grey Road 40 for road widening purposes to accommodate the installation of a Union Gas line within the road allowance in this area in connection to a Capacity Reinforcement Project.

## Background and Discussion

On September 2, 2008 Grey County entered into a Model Franchise Agreement with Union Gas Limited which granted Union Gas consent to enter upon all highways now or at any time thereafter under the jurisdiction of the County and to lay, construct, maintain, replace, remove,

operate and repair a gas system for the distribution, storage and transmission of gas in and through the Municipality.

Pursuant to the terms of the Model Franchise Agreement, Union Gas submitted Municipal Consent design drawings to Transportation Services on November 9, 2018, in relation to a Capacity Reinforcement Project that is scheduled to occur during the 2019 construction season.

For this submission Union Gas proposed a running line on the south side of Grey Road 40. The south side of the road allowance already contains Hydro One and Bell lines. As a result of these findings, Transportation Services requested that Union Gas amend their design drawing to allow for the installation of the line along the north side of the Grey Road 40 road allowance. Union Gas agreed to the new location, but further investigation determined Grey County does not own the necessary widening on the north side of the road.

Transportation Services wishes to obtain land for road widening purposes on Grey Road 40 to allow for the installation of the gas line. The acquisition of this parcel will result in a 30.5 metre (100 foot) right-of-way width in this area of Grey Road 40, which supports the County's long term goal in accordance with the Transportation Master Plan.

Not attaining this parcel will result in the gas company diverting the alignment around this property. This will result in increased costs in the future when road improvements are required and the County will require the land to relocate the main through this parcel.

The property is identified as Part of Lot A Concession 2, Township of Chatsworth, (in the former geographic Township of Sullivan), in the County of Grey depicted as Part 6 on Reference Plan 16R-9099.

Transportation Services has been negotiating with the property owner to purchase road widening on Grey Road 40 depicted as Part 6 on Reference Plan 16R-9099. Grey County's Acquisition of Land Procedure No. G-GEN-003-002 authorizes an offer of \$1,275.00 for 0.101 hectares (0.25 acres) of land and tree compensation of \$1,500.00.

The property owner has requested that the County obtain an appraisal of the lands to determine a more current compensation. A quote for an appraisal of the property was obtained which estimated the cost to be \$2,500.00. Transportation Services wishes to expedite the acquisition of this parcel of land in order to allow the Capacity Reinforcement Project to proceed as scheduled during the 2019 construction season. A proposal was submitted to the property owner to determine if they would be agreeable to additional compensation, in excess of Grey County's Land Acquisition Procedure G-GEN-003-002, in the sum of \$2,500.00 in lieu of obtaining an appraisal. The landowner was satisfied with this proposal.

## Legal and Legislated Requirements

The property transfer will be registered on title to the lands in the local Land Registry Office (Grey No. 16).

The agreement follows the County's standard land acquisition agreement.

## Financial and Resource Implications

The total compensation to the landowner is \$5,275.00. Compensation is determined as follows: \$1,275.00 for 0.101 hectares of land, \$1,500.00 tree compensation in accordance with Grey County's Land Acquisition Procedure plus an additional \$2,500.00 in lieu of obtaining an appraisal of the property. The additional compensation in lieu of obtaining an appraisal is in excess of Grey County's Land Acquisition Procedure.

The legal costs to finalize the transfer are estimated to be under \$1,000.00.

The anticipated total cost of the acquisition is expected to be approximately \$6,275.00.

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

## Relevant Consultation

- Internal  
Transportation Engineering staff
- External  
Property Owners of Part 6, Reference Plan 16R-9099

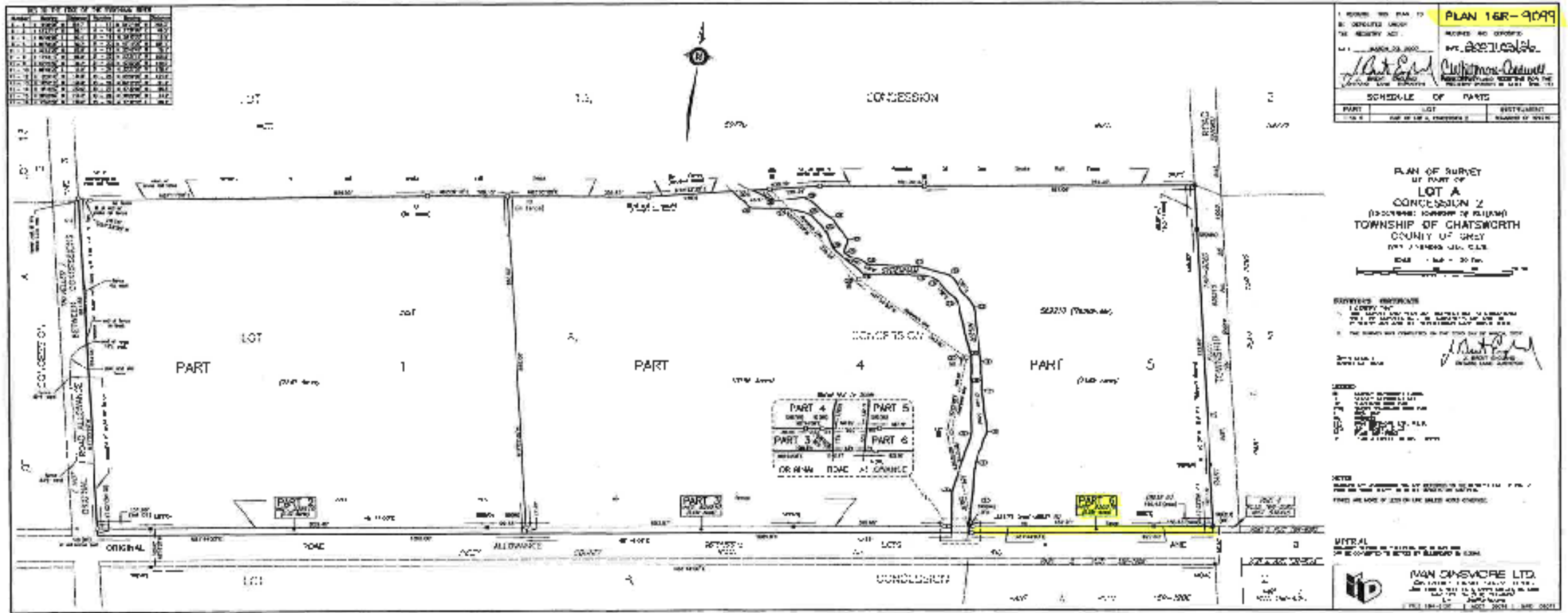
## Appendices and Attachments

Location Map  
Reference Plan 16R-9099  
Grey Road 40 Road Widening Acquisition Agreement

# Location Map



# Reference Plan 16R-9099



# Grey Road 40 Road Widening Acquisition Agreement

This Agreement made in duplicate this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, between:

**THE CORPORATION OF THE COUNTY OF GREY**  
(herein called the "County")

- and-

**CATHARINE ELIZABETH KIVELL**

**AND**

**KENNETH ROBERT KIVELL**  
(herein called the "Owner")

**WHEREAS** the Owner owns a parcel of land situated in the Township of Chatsworth in the County of Grey; adjacent to County Road 40.

**AND WHEREAS** the County wants to purchase and the Owner is agreeable to sell part of the land for road widening purposes.

The Owner and the County agree that in consideration of the rounded sum of **\$5275.00**, which includes compensation of \$1275.00 for 0.101 hectares of land and a tree compensation of \$1500.00 (which compensation is in accordance with Schedule 'A' of Grey County's Acquisition of Land Procedure No. G-GEN-003-002 which states that compensation is calculated at a rate of \$12,600.00 per hectare, \$200.00 flat rate for a daylight corner, \$12.00 per metre of fencing and tree compensation as negotiated) receipt and sufficiency of which is hereby acknowledged, the parties, intending to be legally bound, agree as follows:

The Owner agrees to sell to the County, a parcel of land with a total area of 0.101 hectares and being legally described as Part of Lot A, Concession 2, Township of Chatsworth (in the former geographic Township of Sullivan), in the County of Grey depicted as Part(s) 6 on Reference Plan No. 16R-9099 (the "Purchased Parcel").

Additional Details: In addition to the purchased parcel, the County agrees to compensate the Owner \$2500.00 in lieu of the County ordering an appraisal and the potential increase of value on the parcel. This is based on a quote from the appraiser to appraise the land in question.

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 and the additional lands. The Transfer/Deed of Land shall be prepared at the expense of the County by its lawyers.

The Owner shall obtain release of any existing mortgage or other encumbrance on the purchased parcel and additional lands. 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)

\_\_\_\_\_  
Selwyn Hicks, Warden

\_\_\_\_\_  
Heather Morrison, Clerk

\_\_\_\_\_  
Owner

\_\_\_\_\_ (seal)  
Witness

\_\_\_\_\_  
Owner

\_\_\_\_\_ (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