



Committee Report

To:	Deputy Warden McQueen and Members of Grey County Council
Committee Date:	May 12, 2022
Subject / Report No:	TR-CW-17-22
Title:	Road Widening Acquisition Part 3 Plan 16R-10817
Prepared by:	Lacey Thompson, Contract and Real Estate Coordinator
Reviewed by:	Pat Hoy, Director of Transportation
Lower Tier(s) Affected:	Municipality of Grey Highlands
Status:	Recommendation adopted by Committee as presented per CW71-22; Endorsed by County Council May 26, 2022 per Resolution CC47-22;

Recommendation

1. **That Report TR-CW-17-22 regarding the acquisition of road widening be received and that the property identified as Part of Lot 151, Concession 1 North East of the Toronto Sydenham Road Artemesia being Part 3 16R-10817; 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 26.6 b) of the procedural by-law in order to allow for the owners to commence their proposed development on the property in a timely manner.**

Executive Summary

The Municipality of Grey Highlands granted severance application B16/15 for the purpose of a lot addition. The existing lot to be added to was created with Planning Act consent in 2002.

Lots created with Planning Act consent cannot be re-registered to merge with adjacent land unless they are either physically changed or altered or through a new Planning Act process wherein the owner can apply for a cancellation of the previous consent.

Through their lawyers, the Owners reached out to the County to ask if the County would agree to take title to Part 3 16R-10817 which would effectively alter the dimensions of the land and allow the owners to proceed with merging the property with the adjacent land.

Grey County acquired an abutting strip of road widening, shown as Part 2 16R-10817, from the owners in 2017 as a condition of severance application B16/15. Part 4 16R-7432 was not subject to the planning application and therefore the County was not able to request the transfer of Part 3 16R-10817 through the Planning Act process at that time.

The County desires to acquire the 17 foot road widening parcel dedicated as Part 3 16R-10817 from the owners. This will provide continuation of road widening already acquired in this area of Grey Road 4. This acquisition will also alter the previously severed parcel and allow the two parcels to merge on title in accordance with the conditions for the lot addition.

Background and Discussion

The Municipality of Grey Highlands granted severance application B16/15 for the purpose of a lot addition. The property to be added to was created with Planning Act consent pursuant to a decision granted by the Grey County Planning Approval in 2000 under its file number B59/00.

Given that the creation of the proposed lot was dependent on it merging with the existing lot created with Planning Act consent in 2002 it is necessary for the owners to either alter the dimensions of the pre-existing lot to ensure the parcels can legally merge on title or apply to Grey Highlands for a Consent Cancellation Certificate under the Planning Act.

The process for applying and registering a Consent Cancellation Certificate under the new provisions of the Planning Act is still relatively new. It is not clear at this stage how much time it would take for Grey Highlands to process an application to cancel the previous consent or how a cancellation certificate would be registered on title.

The Owners are currently in the process of applying for a building permit on the lands and would like to complete the lot addition as soon as possible. The Owners arranged for the road widening to be surveyed in 2017 when they were proceeding with the lot addition under application B16/15

Through their lawyers, the Owners reached out to the County to ask if the County would agree to take title to Part 3 16R-10817. The acquisition of a 17 foot road widening parcel by the County off the front of the lot that was created in 2002 will alter the dimensions of this parcel and effectively break the "Once a Severance, Always a Severance Rule" on the original lot created in 2002.

The acquisition of Part 3 16R-10817 by the County will allow the Owners to proceed with consolidating the parcels to finalize the conditions of the lot addition in a timely manner and allow them to proceed with applying for a building permit.

To allow for a timely closure of the road widening acquisition we are requesting that the road widening transfer be completed prior to County Council approval.

It is recommended that the County acquire Part 3 16R-10817 and join it to the abutting county road network. The acquisition of this parcel supports the County's long-term goal of acquiring a (100 foot) right-of-way width along its corridors, in accordance with the Transportation Master Plan and the County Official Plan.

Legal and Legislated Requirements

Section 50 (12) of the *Planning Act* states that “where a parcel of land is conveyed by way of a deed or transfer with a consent given under section 53, subsection (3) and (5) of this section do not apply to subsequent, or other transactions involving, the identical parcel of land unless the council or the Minister, as the case may be, in giving consent, stipulates either that subsection (3) or subsection (5) shall apply to any such subsequent conveyance or transaction.”

Financial and Resource Implications

Staff has currently invested \$49.72 to complete the necessary property searches in relation to the parcel. The funding will come from the Transportation Services land acquisition budget.

The cost of the legal transfer will be covered by the parties to the transaction which is subject of the lot addition proposed in severance application B16/15.

Relevant Consultation

Internal

Transportation

External

John Ferris, Ferris & Celhoffer Professional Corporation

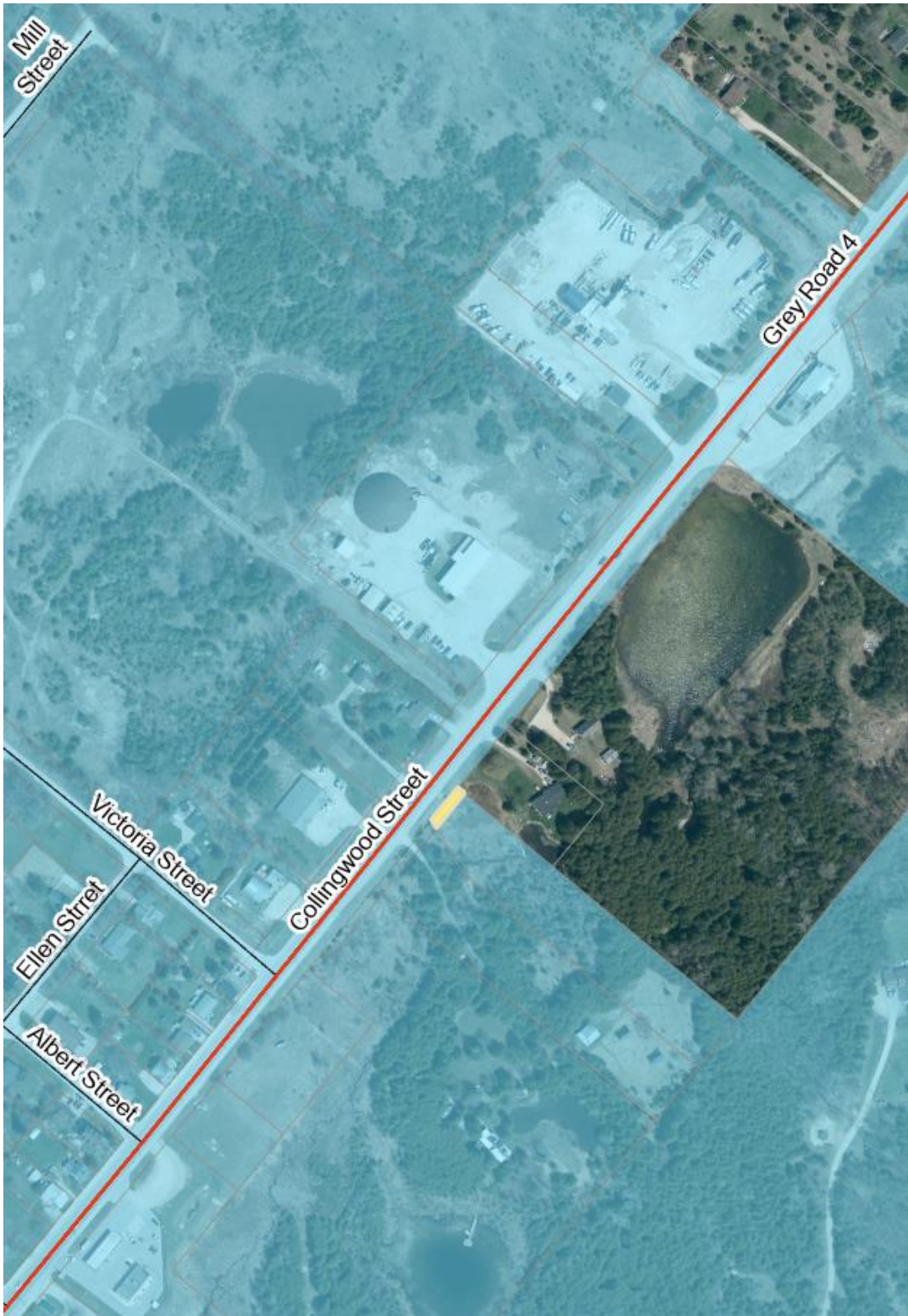
Appendices and Attachments

Location Map – Portion Highlighted in Yellow

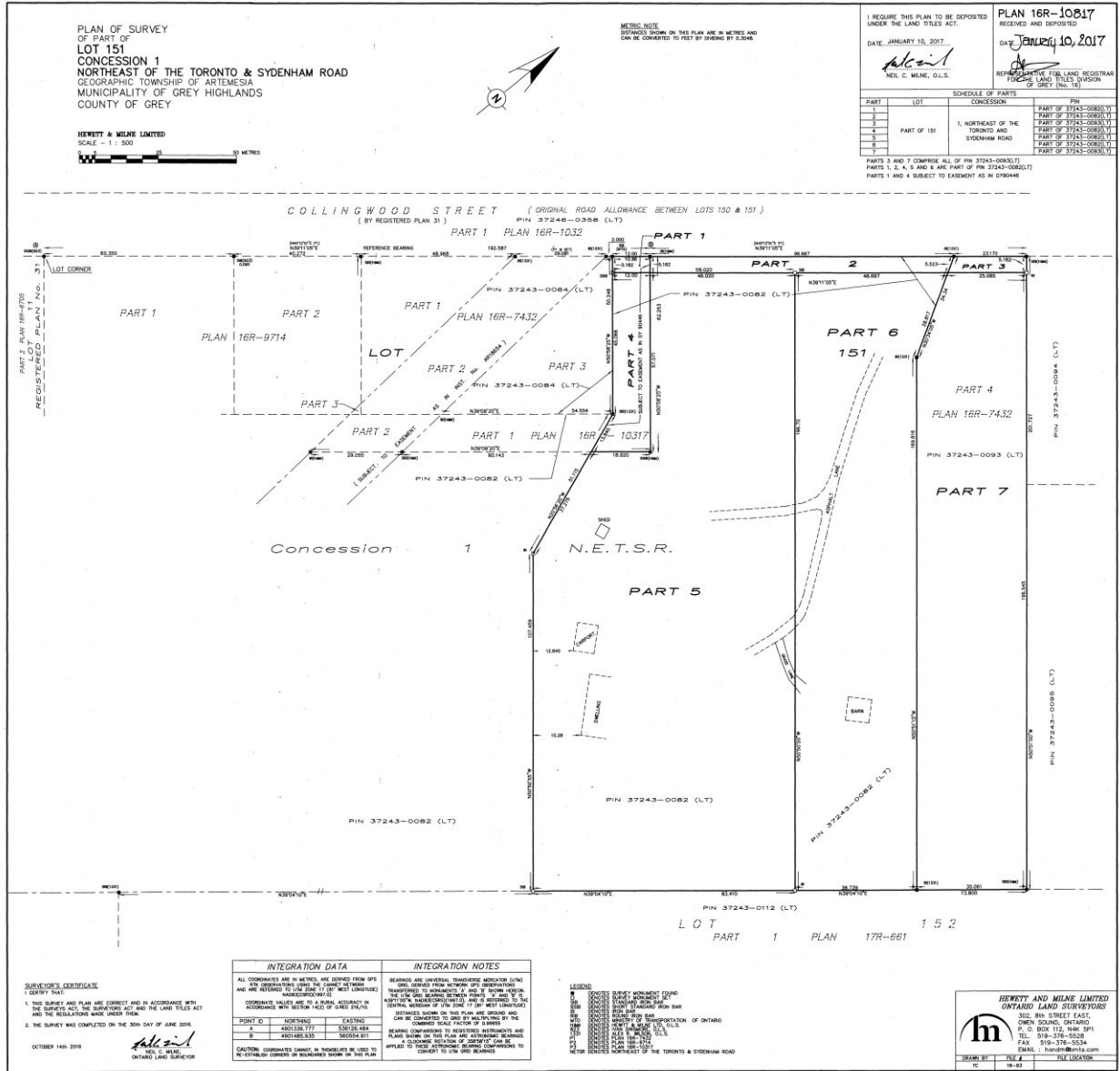
Reference Plan 16R-10817

Grey Road 4 Road Widening Acquisition Agreement

Location Map



Reference Plan 16R-10817



Grey Road 4 Road Widening Acquisition Agreement


made in duplicate this _____ day of May, 2022

between:

The Corporation of the County of Grey

(herein called the "County")

- and-


(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 4.

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

The Owner and the County agree that in consideration of the rounded sum of **TWO DOLLARS (\$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 agrees to transfer to the County, a parcel of land being legally described as Part of Lot 151, Concession 1 North East of the Toronto Sydenham Road, Municipality of Grey Highlands (in the former geographic Township of Artemesia), in the County of Grey depicted as Part 3 on Reference Plan No. 16R-10817 (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 their 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)

, Deputy Warden

Heather Morrison, Clerk

Owner

Witness

(seal)

Owner

Witness

(seal)

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)

Witness

(seal)

Name of Owner(s) of Property

████████████████████
████████████████████

Address:

c/o John L. Ferris
Ferris & Celhoffer Professional Corporation

Telephone Number: