

To:	Warden McQueen and Members of Grey County Council
Committee Date:	December 12, 2019
Subject / Report No:	TR-CW-02-20
Title:	Road Widening Acquisition Plan 16R-11279
Prepared by:	Lacey Thompson, Contract and Real Estate Coordinator
Reviewed by:	Pat Hoy, Director of Transportation Services
Lower Tier(s) Affected:	Township of Chatsworth
Status:	Recommendation adopted by Committee of the Whole as presented per Resolution CW03-20; Endorsed by County Council January 9, 2020 per Resolution CC13-20;

Recommendation

1. **That Report TR-CW-02-20 regarding the acquisition of road widening be received and that the property identified as Part of Lot 6, Concession 1, Division 3 being Part 1 Plan 16R-11279; Geographic Township of Sullivan, Township of Chatsworth, County of Grey; 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 acquisition of Part 1 16R-11279.**

Executive Summary

Property is required from a landowner along Grey Road 40 for road widening purposes to accommodate the installation of a gas line within the road allowance in this area in connection to a Capacity Reinforcement Project, which was initiated by Union Gas and subsequently transferred to Enbridge Gas.

Background and Discussion

Pursuant to the terms of the Model Franchise Agreement, between the County and Union Gas dated September 2, 2008, Union Gas submitted Municipal Consent design drawings to Transportation Services on November 9, 2018, in relation to a Capacity Reinforcement Project that was 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 between Concession 4, Sullivan and Highway 6. The south side of the road allowance already contains Hydro One and Bell lines. County Staff determined that there was a greater amount of road widening yet to be acquired on the south side of the road allowance. As a result of these findings, Transportation Services requested that the design drawings be amended to allow for the installation of the gas line along the north side of the Grey Road 40 road allowance. Further investigation determined Grey County does not own the necessary widening on the north side of the road in this specific area.

As outlined above, the Capacity Reinforcement Project was initiated by Union Gas and subsequently transferred to Enbridge Gas. On November 3, 2015 Grey County entered into a Model Franchise Agreement with Enbridge Gas Distribution Inc. (“Enbridge”), which granted Enbridge 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.

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 bring the County one step closer to achieving 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 gas main through this parcel.

The property is identified as Part of Lot 6, Concession 1, Division 3, Township of Chatsworth, (in the former geographic Township of Sullivan), in the County of Grey depicted as Part 1 on Reference Plan 16R-11279.

Grey County’s Acquisition of Land Procedure G-GEN-003-002 authorizes an offer of \$6,506.64 for 0.5164 hectares (1.39 acres) of land. Negotiations were initiated with the landowner and an agreement was drafted and forwarded to the landowner for signature.

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 \$6,506.64. Compensation is determined as follows: \$6,506.64 for 0.5164 hectares of land in accordance with Grey County's Land Acquisition Procedure.

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

The cost to complete a survey of the lands is \$3,943.70.

The anticipated total cost of the acquisition is expected to be approximately \$11,450.34.

The funding will come from the Transportation Services Land Acquisition budget.

Relevant Consultation

- Internal
Transportation Engineering Staff
- External
Property Owners of Part 1 16R-11279

Appendices and Attachments

Location Map

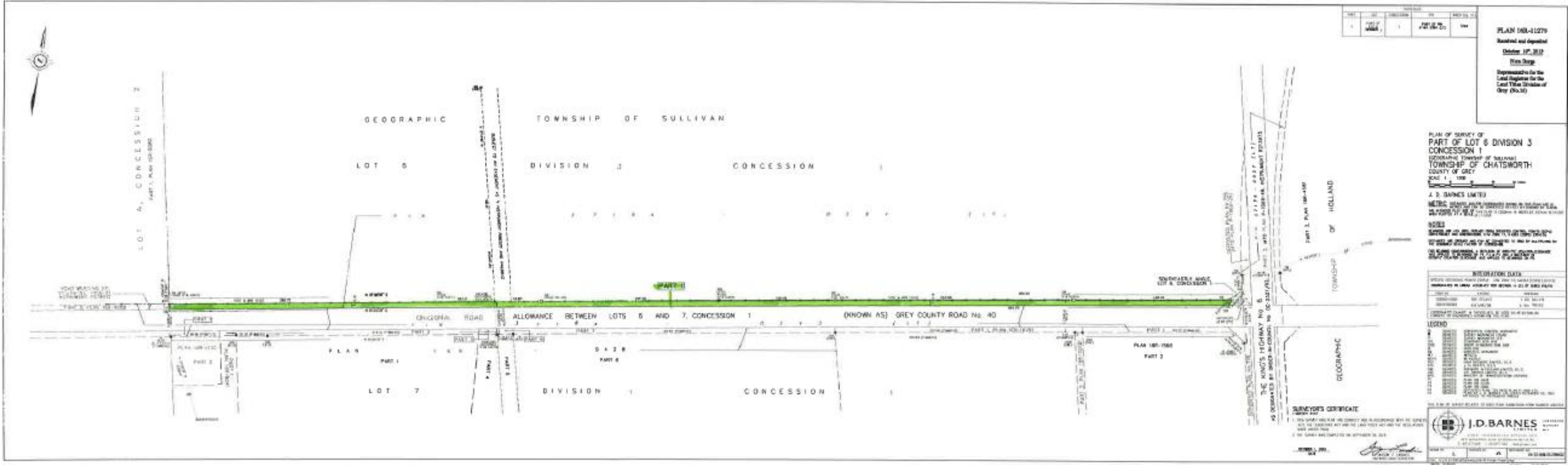
Reference Plan 16R-11279

Grey Road 40 Road Widening Acquisition Agreement

Location Map



Plan 16R-11279



Grey Road 40 Road Widening Acquisition Agreement

made in duplicate this _____ day of _____, 20____
between:

The Corporation of the County of Grey

(herein called the "County")

- and-

Judy Ellen Pringle

(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 sum of **\$6,506.64**, which includes compensation for 0.5164 hectares of land (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) 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 0.5164 hectares and being legally described as Part of Lot 6, Concession 1, Division 3, Township of Chatsworth (in the former geographic Township of Sullivan), in the County of Grey depicted as Part(s) 1 on Reference Plan No. 16R-11279 (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 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) _____, 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)