



## Regular Council Meeting

|                       |   |
|-----------------------|---|
| <b>To:</b>            | Mayor and Council                         |
| <b>Date:</b>          | December 6, 2021                          |
| <b>From:</b>          | Cindy Page, Corporate Services Department |
| <b>Report Number:</b> | Corporate Services 2021-22                |
| <b>Subject:</b>       | Unopened Ann Street Road Allowance        |

### Recommendations:

1. That Council receive Report - Corporate Services-2021-22 Unopened Ann Street Road Allowance for information; and
2. That Council retains the property known as the Ann Street Unopened Road Allowance.

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### Overview:

At the Regular Meeting of Council on November 1, 2021 George Raab appeared as a delegation requesting reconsideration of his request to obtain the unimproved Ann Street Road Allowance in order to have access to his landlocked, vacant land, at the east end of the road allowance. (Attachment No.1) Council passed the below motion:

**That staff be directed to review George Raab's request and report back to Council at a later date.**

Council had previously considered a similar request at the February 4, 2019 and September 3, 2019 Regular Council Meetings. In response to that request Staff's recommendation and Council's decision was to retain the Unopened Road Allowance. (Attachments No. 2 and No. 3)

Township Staff (John Connolly, Executive Director of Planning and Development, Karen Ellis, Director of Planning, Wayne Hancock, Director of Public Works and Cindy Page, Clerk) meet internally and reviewed the request considering if there was new information to review with the Official Plan policies, good planning practices, design and engineering principals as well taking into consideration the potential for future development of the lands at 53 King Street West. Staff continue to recommend that the unopened road allowance continue to be retained by the Township at this time.

### Financial Impact:

The financial impact to date is the cost of the appraisal, title search and legal opinion.

**Attachments:**

- No. 1 Delegation Request from George Raab, November 1, 2021
- No. 2 Corporate Services 2019-02 Unopened Ann Street Road Allowance
- No. 3 Corporate Services 2019-12 Unopened Ann Street Road Allowance

Respectfully submitted by,

Reviewed by,

Cindy Page  
Clerk

Yvette Hurley  
Chief Administrative Officer

# Delegation Request

Please complete the following form. You may submit to the Township of Cavan Monaghan by either:

- \* Printing and mailing a copy to 705-932-3478
- \* Saving this file to your computer and mailing it to 705-932-3478

Once your delegation request is received, the Clerk's Department will contact you to confirm receipt.

|                 |   |             |                 |                       |  |
|-----------------|---|-------------|-----------------|-----------------------|--|
| Date            | OCTOBER 8, 2021.                          |             | Meeting date    | NOV 11/21.            |  |
| Subject         | THE UNIMPROVED ANN STREET ROAD ALLOWANCE. |             |                 |                       |  |
| Name            | GEORGE RAAB.                              |             |                 |                       |  |
| Address         | 53 KING STREET WEST, MILLBROOK.           |             |                 |                       |  |
| Town / City     | MILLBROOK.                                |             |                 |                       |  |
| Province        | ONTARIO.                                  | Postal Code | L0A 1A0         |                       |  |
| Phone (daytime) | 705-932-3221<br>CELL- 705-750-5192.       |             | Phone (evening) | SAME.                 |  |
| Fax number      |   |             | Email address   | george@georgeraab.com |  |

Do you require any Accessibility Accommodation?  Yes  No

Name of group or person(s) being represented, if applicable:

GEORGE RAAB.

Brief statement of issue or purpose of deputation:

I wish to obtain the unimproved Ann Street road allowance in order to have access to my deeded and surveyed landlocked vacant lot. It is the only access to the property. There have been other recent precedents in the village where unimproved road allowances were turned over to adjacent residents for just the fees incurred by the township, and I feel that this should again be the case. The road allowance is of very little value as it is less than the required width for a building lot, and it does not benefit any of other adjacent property owners. There is a drop down to it and when I went door to door, none had any interest in it.

My son and his family are considering a moving back to Millbrook and it would be a dream come true to have him built on it and to have our grandchildren so close by. I have owned this separate vacant lot for many decades. It once had a house on it which burned down well before my time, and I had the foundation filled in for the safety of neighbouring children. The only access to that house was by this road allowance. Personally I cannot think of a stronger case than mine for the township to divest itself of this impassible and purposeless unimproved road allowance, which is the only access to my existing land locked lot.



## Regular Council Meeting

|                       |  |
|-----------------------|--|
| <b>To:</b>            | Mayor and Council                            |
| <b>Date:</b>          | February 4, 2019                             |
| <b>From:</b>          | Elana Arthurs, Corporate Services Department |
| <b>Report Number:</b> | Corporate Services 2019-02                   |
| <b>Subject:</b>       | Unopened Ann Street Road Allowance           |

### Recommendation:

That Council approve an upset limit of \$4,000.00 from General Reserves for an appraisal on the unopened Ann Street road allowance, East off Main Street, between Marshall and Frederick Streets in accordance with the requirements of the Township's Sale and Other Disposition of Land By-law No. 2016-07.

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### Overview:

In October of 2018, Staff received an enquiry from an individual interested in purchasing a portion of unopened road allowance on Ann Street. Staff met with the interested individual and reviewed the process as per Township By-law No. 2016-07 being a by-law to establish a policy and procedure for the sale and other disposition of land and following that meeting the individual asked that we proceed and make the request to Council.

As per By-law No. 2016-07, the Clerk has confirmed that the property is owned by the Township and has requested comments from Township Directors.

The Director of Public Works has indicated further investigation could be done to determine if there is a value to the Township.

The Director of Planning has provided the following comments:

"The property at the east end of the road allowance is zoned the UR1 Zone and NL. The UR1 Zone permits the development of a single detached dwelling on a lot with 555 square metres of area and 15 metres of frontage. These are the regulations for lots on full piped water and sewer services. The property has enough lot area for a buildable lot but cannot satisfy the minimum lot frontage requirement. At this time, a building permit is not available for the lot because of the lack of frontage on a public road.

If the road allowance is purchased by the owners of that property and added to the existing lot, there will be frontage on a public road. However, the availability of piped services to the lot will dictate if the lot is buildable. If, for instance the lot can only be serviced with piped water, the minimum lot frontage requirement is 30 metres. A planning approval would be required to recognize the less than required lot frontage of the lot.”

At this time Staff is only requesting Council approval to proceed with an appraisal. Once completed, Staff will report back with recommendations on the declaration of surplus and notice of intent to sell.

The following relevant sections of of By-law No. 2016-07 being the Township’s Sale and Other Disposition of Land By-law state;

**Section 4. Appraisal**

- 4.1 Prior to offering any surplus land for disposal, the Clerk shall obtain an appraisal of the land. The appraisal shall be deemed a confidential document and to be used solely as a guide to Council.
  
- 4.2 Notwithstanding the above requirement, the Municipality shall not be required to obtain an appraisal where staff direction is provided by Council resolution, than an appraisal is not warranted for a particular parcel of land.

**Section 5. Costs of Disposal** of By-law No. 2016-07 being the Township’s Sale and Other Disposition of Land By-law states:

- 5.1 All of the Municipality’s costs associated with the disposition of viable property, including the transfer for a nominal amount, shall be borne by the party or parties acquiring the land, unless otherwise directed by Council.

**Section 6. Declaration of Surplus Land** of By-law No. 2016-07 being the Township’s Sale and Other Disposition of Land By-law states:

- 6.1 Prior to disposing of any viable property, Council shall pass a resolution at a meeting open to the public; declare the land to be surplus to the need of the Municipality.

Should there be no interest in the property, following the appraisal, the cost of the appraisal would be borne by the Township.

**Financial Impact:**

Staff is requesting an upset limit of \$4,000 from General Reserves to proceed with the appraisal, should this property be purchased, the Township would recover the cost of the appraisal.

**Attachments:**

1. Map of the Ann Street – Unopened Road Allowance
2. By-law No. 2016-07 being a by-law to establish a policy and procedure for the sale and other disposition of land

Respectfully submitted by,

Reviewed by,

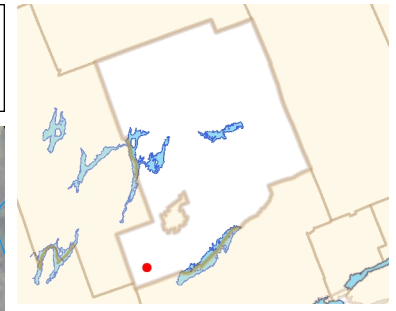
Elana Arthurs  
Clerk

Yvette Hurley  
Chief Administrative Officer





# Ann Street Road Allowance



## Legend

- Roads < 50,000**
- PRIV ; Private; PRIV
- City Arterial
- City Collector and Local
- City Owned Unclassified
- Provincial
- County
- Township
- Water Access Only
- Outside Roads < 50,000**
- Major Roads
- Local Roads
- First Nations
- Civic Address
- Parcel Fabric
- Parcel First Nations - Canada I
- Rivers**
- Intermittent
- Permanent
- Provincially Significant Wetland
- Lakes - Local Scale
- Municipal Boundary - Upper Ti**
- <all other values>
- COUNTY OF PETERBOROUGH

## Notes

78.2 0 39.11 78.2 Meters



## Regular Council Meeting

|                       |  |
|-----------------------|--|
| <b>To:</b>            | Mayor and Council                            |
| <b>Date:</b>          | September 3, 2019                            |
| <b>From:</b>          | Elana Arthurs, Corporate Services Department |
| <b>Report Number:</b> | Corporate Services 2019-12                   |
| <b>Subject:</b>       | Unopened Ann Street Road Allowance           |

### Recommendation:

That Council receive Report - Corporate Services-2019-12 Unopened Ann Street Road Allowance for information and retain the property known as the Ann Street unopened road allowance.

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### Overview:

In October of 2018, Staff received an enquiry from an individual interested in purchasing a portion of unopened road allowance on Ann Street. Staff met with the interested individual and reviewed the process as per Township By-law No. 2016-07 being a by-law to establish a policy and procedure for the sale and other disposition of land and following that meeting the individual asked that we proceed and make the request to Council.

At the February 4, 2019 Council meeting Staff presented Report - Corporate Services-2019-12 and the following motion was approved:

**That Council approve an upset limit of \$4,000.00 from General Reserves for an appraisal on the unopened Ann Street road allowance, East off Main Street, between Marshall and Frederick Streets in accordance with the requirements of the Township's Sale and Other Disposition of Land By-law No. 2016-07.**

Staff proceeded with the direction and did further investigation on the property including an appraisal and a legal opinion on restricting access should someone other than the owner to the east of the road allowance purchased the road allowance.

Based on the information gathered, it is the opinion of Staff that Council provide direction to retain the Ann Street unopened road allowance as there is little benefit to the municipality to dispose of this property.



Staff have communicated with the individual who initially made the request and he is comfortable with the decision to retain the property and in support of keeping it a green space.

**Financial Impact:**

The cost of the appraisal, title search and legal opinion totaled \$3,419.55.

**Attachment:**

Corporate Services-2019-02 Unopened Ann Street Road Allowance

Respectfully submitted by,

Reviewed by,

Elana Arthurs  
Clerk

Yvette Hurley  
Chief Administrative Officer