

Request for Decision United Townships of Head, Clara & Maria Council

Type of Decision									
Meeting Date	Thursday, November 21, 2019				Report Date	Friday, November 8, 2019			
Decision Required	X	Yes		No	Priority	X	High		Low
Direction	X	Information Only			Type of Meeting	X	Open		Closed
Report #21/11/19/1101- Request to purchase Road Allowance									

SUBJECT: Request to purchase municipal road allowance

RECOMMENDATION:

That Council provide direction to staff regarding a request from a resident to purchase a road allowance leading to water.

BACKGROUND/EXECUTIVE SUMMARY:

Staff have received a request from Mr. Claude Fawcett for Council's consideration in purchasing the unopened road allowance that runs between two of his properties on Mackey Creek Road.

In 2003, the Fawcett's requested the same of Council and were denied with the reasoning that it was "prudent to continue our past practice of not selling road allowances leading to water unless the sale is necessary to clear up property title".

Council had also received a request from a different resident to purchase a road allowance in 2001 that was denied for the same reason.

I requested input from Bruce Howarth, Senior Planner of Development & Property for the County of Renfrew and he responded:

"Each municipality handles the sale of road allowances a little differently. They usually have some sort of internal policy regarding the sale of surplus Twp lands. Many municipalities take a position of never selling road allowances that lead to water. From your email it looks like this has been the Township's position in the past and it has proven to be a good practice in other municipalities. The County is not involved in the municipal sale/disposal of property. The first place I'd start is to see if the Twp already has a surplus lands policy."

Staff have the searched the municipal policies, by-laws and archiving and have not found any guidelines to the sale of surplus land or sale of land leading to water.

Through researching policies and procedures of other municipalities concerning the sale of surplus lands, it is evident that a large portion of municipalities do not sell road allowances leading to water. Even those municipalities who do consider the sale of land leading to water, do so on the side of caution, and often do not approve the applications. If consideration is given, the applicant must demonstrate valid reasons why the municipality should sell the road allowance. Consideration is given to the benefits/drawbacks of the applicant's proposed use and need for the land versus the benefit/drawbacks of the municipality maintaining the road allowance, and any effects or outcomes that may result from selling the road allowance.

If Council chooses to consider the sale, staff recommends that first a policy and fee schedule be created before initializing the process.

OPTIONS:

Council may decline the request to purchase the road allowance as per past and common practise;
or
Council may decide to consider the request to purchase the road allowance, providing direction to staff to obtain specific additional information.

FINANCIAL CONSIDERATIONS/BUDGET IMPACT:

There is a potential for income to the municipality with the sale of the road allowance. Because there is no approved policy for the sale or surplus land, the amount is unknown at this time. It would require further research from Staff and Council input.

OTHERS CONSULTED:

Bruce Howarth, Senior Planner – Development and Property, County of Renfrew

<https://www.kawarthalakes.ca/en/living-here/resources/Documents/Housing/Realty-Services-FAQ.pdf>

<http://www.southalgonquin.ca/deptdocs/Shoreline%20Allowance%20Closure%20andSale%20Policy.pdf>

<https://bonfieldtownship.com/wp-content/uploads/2017/08/2013-13-Closure-and-Sale-of-Shoreline-Road-Allowances.pdf>

<https://www.wasagabeach.com/Bylaws/Sale%20of%20Town%20Lands%20By-law%202014-21.pdf>

Approved and Recommended by the Clerk
Crystal Fischer, Clerk-Treasurer