



GRAND VALLEY

STAFF REPORT

To: Mayor and Members of Council
From: Mark H. Kluge, Town Planner
Meeting Date: October 22, 2024
Report Number: **2024-081**
Subject: Sale of a portion of the Rural Right Of Way adjacent to 321339 Concession Road 6-7 Roll #122600

Recommendation

THAT Council receives Report – Sale of a Portion of the Rural Right of Way (ROW) adjacent to 321339 Concession Road 6-7 Roll #122600, 2024-081, dated October 22, 2024;

AND FURTHER THAT Council directs Town Staff proceed with the sale of the ROW adjacent to 321339 Concession Road 6-7 (Roll #122600) as per Town By-law 2006-47;

AND FURTHER THAT Council directs the process to sell the ROW commence after receipt of the required Reference Plan outlining the lands to be sold.

Executive Summary

Purpose

The purpose of this report is to advise Council on the steps required to sell a portion of a Rural Right of Way (ROW) along Concession Road 6-7, to the adjacent landowner (Brakke).

Key Findings

- The Town received a request from the Owners (Brakke) of 321339 Concession Road 6-7, to purchase a portion of the ROW in front of their farm, to facilitate an expansion to an existing agricultural building.
- The portion of the ROW in question was originally purchased by the Town (Township of East Luther) in 1964.
- Town’s solicitors have provided the necessary steps to complete the sale of the ROW.

Financial Implications

All financial implications resulting in the sale of the ROW will be borne by the adjacent landowner (Brakke).

Report

Background

On August 28, 2024, Henk Brakke submitted a Zoning By-law Amendment Application (Z04-2024) to reduce the required front yard setback to accommodate an addition to an existing agricultural building.

The proposed extension is 170 feet which equals **51.816m**, however the current front yard setback of the existing building to the property line is approximately **45.65m**. Setbacks are measured from the property line, not the centre of the road. Mr. Brakke was advised on August 30, 2024, that Planning could not proceed with the application as submitted.

At the October 8, 2024, Closed Council Meeting, Council received a request from the Brakke family, who were investigating if it were possible for them to have the option to buy back the ROW that was sold to Town in 1968, see **Appendix 1: Request to Purchase ROW**.

On October 8, 2024 Council passed Resolution No. 2024-10-30 as follows:

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BE IT RESOLVED THAT Council receives the request for a sale of Town lands and directs staff to obtain legal information on how the transaction could take place and report back to Council for discussion on the potential disposition of land.

Discussion

Planning had a discussion with Town’s solicitors, who advised:

- The Town’s Property Disposition By-law (2006-47) must be followed, see **Appendix 2: Property Disposition By-law 2006-47**.
- In terms of the lands to be transferred, the land (ROW) will need to have its own Property Identification Number (PIN), which would be created when the property is transferred, and the current PIN is split.
- This will require a reference plan to be created. As Van Harten Land Surveyors have prepared a sketch, it may make sense to have them carry out the preparation of a survey.
- As the municipality is conveying/severing the land and transferring it, a Consent will not be required as it is exempt from those provisions of the Planning Act.
- There should be some form of Agreement outlining the terms of this transaction.

On October 10, 2024, the Brakke’s were advised that their request was discussed by Council and Council had provided direction to staff. The Brakke’s were advised that, in order to proceed, they would be required to have Reference Plan prepared of the lands they wish to purchase from the Town and that staff would be preparing a Report for the October 22, 2024, Council Meeting.

Financial Impact

All financial implications resulting in the sale of the ROW will be borne by the adjacent landowner (Brakke).

Consultations

Legal Counsel for the Town of Grand Valley

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Attachments

Appendix 1: Brakke Request to Purchase ROW

Appendix 2: Property Disposition By-law 2006-47

This report was submitted by

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This report was approved by

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