



GRAND VALLEY

## Council Planning Report

To: Mayor Soloman & Council  
From: Mark H. Kluge, MCIP, RPP, Manager of Planning  
Date: January 28, 2025  
Report No.: PLN2025-007  
Subject: **Decision Declaration and Conveyance of Surplus Lands to 321339 Concession Road 6-7 File B02-2024**

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### Recommendation:

**THAT** Report No. PLN2025-007 Decision Declaration and Conveyance of Surplus Lands to 321339 Concession Road 6-7, dated January 28, 2025, be received;

**AND FURTHER THAT** the portion of the Town owned Right of Way (ROW) as generally shown in **Appendix 2: Reference Plan 7R-6901**, be declared surplus to the Town's needs;

**AND FURTHER THAT** Council pass the necessary By-law as outlined in **Appendix 3: Surplus By-law**, with conditions as outlined in Schedule B to the By-law;

**AND FURTHER THAT** the sale of the Town owned Right of Way (ROW) be subject to the conditions outlined in **Appendix 4: Conveyance Conditions B02-2024**, be approved.

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### Key Points:

The following are key points for consideration with respect to this report:

- Brakke Farm Inc. requested to purchase the Town owned Right of Way (ROW) to facilitate an expansion to an existing farm building.
- On October 22, 2024 Council directed staff to proceed with the sale of the ROW once a survey was received.

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- On December 10, 2024, the Public Meeting on the proposed sale of the ROW was held.
- Reference Plan 7R-6901 was received on December 16, 2024.
- All costs associated with the sale of the ROW, including Staff Time are the responsibility of Brakke Farm Inc.

## **Background**

### **Location:**

The subject Town owned ROW (portion of) is located adjacent to **321339 Concession Road 6-7, Roll #122600**, in the **RURAL** area of Grand Valley, see **Appendix 1: Location Map**.

### **History:**

On August 28, 2024, Brakke Farm Inc. (Owner) submitted a Zoning By-law Application (Z04-2024) to reduce the required front yard setback to allow for the expansion of accessory farm building. Upon review of the site plan, Planning confirmed with the Owner that the proposed shed extension was 170 feet (51.82 m); however, the current front yard setback of the existing building to the property line was approximately 45.65m. Therefore, the Owner did not have enough land in which to construct the shed extension. The Owner was advised that only a legal survey could determine the exact setback. Planning also explained that setbacks are measured from the property line, not the centre of the road. Planning then advised that it could not process the Zoning Application as submitted and if the Owner wished to revise the application to reduce the length of the extension, Planning would be willing to process that application, with a recommendation to Council for a minimum 5 m setback from the property line, a reduction of 25 m from the required 30 m front yard setback.

Brakke Farm Inc. then requested that they be able to purchase the existing Town owned ROW adjacent to their property that was taken in 1968, in order to expand their front yard to build the extension with a reduced front yard set back.

On October 8, 2024, Council passed Resolution 2024-10-30:

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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.

On October 22, 2024 Planning brought forward [Report PLN2024-81](#), regarding the sale of a portion of the Town owned ROW adjacent to 321339 Concession Road 6-7 (Roll #122600) and Council passed Resolution 2021-10-39:

***BE IT RESOLVED 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.

On December 10, 2024, Planning brought forward [Report PLN2024-113](#), the Public Meeting Report regarding the sale of a portion of the Town owned ROW adjacent to 321339 Concession Road 6-7 (Roll #122600) and Council passed Resolution 2021-12-12:

***BE IT RESOLVED THAT*** Report No. PLN2024-113, dated December 10, 2024, be received;

***AND FURTHER THAT*** Council approves the portion of the Town owned Right of Way (ROW) as generally shown in **Appendix 2: DRAFT Reference Plan**, be declared surplus to the Town's needs;

***AND FURTHER THAT*** Council direct staff to present the necessary By-law as outlined in **Appendix 4: Draft Surplus By-law**, with conditions as outlined in Schedule B to the By-law, once the Town receives the deposited Reference Plan;

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**AND FURTHER THAT** the sale of the Town owned Right of Way (ROW) be subject to the conditions outlined in **Appendix 5: Conveyance Conditions B02-2024**, be approved.

On December 16, 2024, Planning received the deposited Reference Plan, as shown in **Appendix 2: Reference Plan 7R-6901**.

### **Grand Valley Disposition of Land By-law 2006-47**

Planning has followed Sections 7 and 9 of By-law 2006-47 regarding this disposition of the Town owned ROW. Planning has prepared the necessary By-law to declare the ROW surplus and conveyed (sold), outlined in **Appendix 3: Draft Surplus By-law**, subject to conditions as outlined in **Appendix 4: Conveyance Conditions B02-2024**.

### **Public Consultation:**

On November 21, 2024, Notice of the Public Meeting to be held on December 10, 2024, was published in the Wellington Advertiser and Orangeville Citizen and posted on the Town's website pursuant to the By-law 2006-47. As of the writing of this report, Planning has not received any comments from the Public regarding the sale of the Town Owned Right of Way (ROW).

### **Town and Agency Consultation:**

The application was circulated for technical review on November 19, 2024. No objections were received.

The Draft By-law and R-plan were reviewed by Town Legal, in preparation of this report and their comments were incorporated in the final Draft By-law, as outlined in **Appendix 3: Draft Surplus By-law**.

As stated in previous reports, while the Consent process does not have to be followed in this instance, Planning has assigned the File Number B02-2024 for record keeping purposes.

## **Planning Analysis**

Brakke Farm Inc. has approached the Town to sell them the Town owned ROW adjacent to their property to facilitate the construction of a farm building expansion with a reduced front yard setback. Planning has no objection to the lands being considered surplus and sold to Brakke Farm Inc. as per the Town Disposition of Land By-law 2006-47, subject to the conditions outlined in **Appendix 4: Conveyance Conditions B02-2024**.

## **Attachments:**

Appendix 1: Location Map  
Appendix 2: Reference Plan 7R-6901  
Appendix 3: Draft Surplus By-law  
Appendix 4: Conveyance Conditions B02-2024

## **Report Submitted by**

Mark H. Kluge, MCIP RPP  
Manager of Planning  
519-928-5652 extension 225  
[mkluge@townofgrandvalley.ca](mailto:mkluge@townofgrandvalley.ca)

## **Report Approved by**

Meghan Townsend  
CAO/Clerk  
519-928-5652 extension 222  
[mtownsend@townofgrandvalley.ca](mailto:mtownsend@townofgrandvalley.ca)