

DATE OF MEETING | September 9, 2019

AUTHORED BY | NANCY SKEELS, PROPERTY AGENT, REAL ESTATE

**SUBJECT | ROAD CLOSURE AND DISPOSITION – UNNAMED ROAD
ADJACENT TO 3500 ROCK CITY ROAD**

OVERVIEW

Purpose of Report

To obtain Council approval for a proposed road closure and disposition of an unnamed road to the owner of 3500 Rock City Road.

Recommendation

That:

1. Council authorize the road closure and disposition of an unnamed road adjacent to 3500 Rock City Road to Hazelwood Holdings Ltd.;
2. the Mayor and Corporate Officer execute the conditional Road Closure and Transfer Agreement;
3. Council direct Staff to proceed with public notice of closure and disposition of a portion of the unnamed road;
4. “Highway Closure and Dedication Removal Bylaw 2019 No. 7289” (To provide for highway closure and dedication removal of an unnamed road adjacent to 3500 Rock City Road) pass first reading; and
5. “Highway Closure and Dedication Removal Bylaw 2019 No. 7289” pass second reading.

BACKGROUND

In 1963, part of 3500 Rock City Road (the “Property”) was gazetted as a Section 4 road, shown as the Road Closure Area on Attachments A and B. Over the years, Hazelwood Holdings Ltd. (the “Owner”) of the Property has attempted to rectify the surveying error to regain ownership of the Road Closure Area.

A letter to the City prepared by Brock Williamson, of Williamson & Associates (the “Owner’s Surveyor”) details the history on how this land came to be formally dedicated as road and he has provided his opinion on how this surveying error occurred, Attachment C.

In 1963, the Road Closure Area was located within the Wellington District, not within municipal boundaries, and the roads were under the jurisdiction of the Ministry of Highways. In order to dedicate a constructed Section 4 road at that time, a gazette plan was prepared. The “deflection angle” method was used to locate the road. The angles were most likely measured correctly in the field, but booked in the wrong direction or plotted wrong in the office, resulting in the road gazette protruding into the Property instead of Landalt Road where the surveyor expected the constructed Section 4 road to be.

The Owner's Surveyor has also provided photographs showing there is a natural rock bluff in the area where the road right-of-way area is located, Attachment D and E. The road was never constructed, travelled on, or named within this area.

The Owner is currently in the process of subdividing the Property into a 7-lot subdivision. They would like to regain ownership of the Road Closure Area and include it in their subdivision. The Owner would like to rectify the surveying error by having the Road Closure Area closed through the road closure bylaw process. Through the process, title to the closed road will be raised in the name of the City and will be transferred to the Owner for consolidation with their Property.

DISCUSSION

Staff have reviewed the proposed road closure against all City standards and have ascertained that the surveying error has occurred and this road right-of-way is deemed to be surplus to City requirements. Staff are seeking Council's authorization of the Road Closure and Transfer Agreement and for Council to provide first and second reading to "Highway Closure and Dedication Removal Bylaw 2019 No. 7289".

If Council provides first and second reading of "Highway Closure and Dedication Removal Bylaw 2019 No. 7289" a Notice of Disposition will be published as required by Sections 40 and 96 the *Community Charter*.

The Owner has agreed to pay all legal, surveying, and costs to publish the required notices to rectify this error.

OPTIONS

1. That Council:
 1. Council authorize the road closure and disposition of an unnamed road adjacent to 3500 Rock City Road to Hazelwood Holdings Ltd.;
 2. the Mayor and Corporate Officer execute the conditional Road Closure and Transfer Agreement;
 3. Council direct Staff to proceed with public notice of closure and disposition of a portion of the unnamed road;
 4. "Highway Closure and Dedication Removal Bylaw 2019 No. 7289" (To provide for highway closure and dedication removal of an unnamed road adjacent to 3500 Rock City Road) pass first reading; and
 5. "Highway Closure and Dedication Removal Bylaw 2019 No. 7289" pass second reading.
 - The advantages of this option: The historical surveying error will be rectified and the Owner will continue with the process to subdivide their Property.
2. That Council deny approval of the road closure and disposition of an unnamed road adjacent to 3500 Rock City Road to Hazelwood Holdings Ltd.
 - The disadvantages of this option: If Council chooses to not close and dispose of the road, Staff will advise the Owner. The Owner will have to revise the

proposed subdivision plan to not include the road closure area. The historical surveying error will remain. |

SUMMARY POINTS

- In 1963, part of 3500 Rock City Road was gazetted as a Section 4 road.
- Over the years, Hazelwood Holdings Ltd., owner of the Property, has attempted to rectify the surveying error to regain ownership of the road.
- A letter to the City prepared by the Owner's surveyor, Brock Williamson of Williamson & Associates, details the history on how this land came to be formally dedicated as road and he has provided his opinion on how this surveying error occurred.
- Staff have reviewed the proposed road closure against all City standards and have ascertained that the surveying error has occurred and this road right-of-way is deemed to be surplus to City requirements.
- Staff are seeking Council's authorization of the Road Closure and Transfer agreement and for Council to provide first and second reading to "Highway Closure and Dedication Removal Bylaw 2019 No. 7289".

ATTACHMENTS:

ATTACHMENT A: Location Plan

ATTACHMENT B: Aerial Photo

ATTACHMENT C: Road Closure History Letter

ATTACHMENT D: Photo – View of road closure area from southerly corner

ATTACHMENT E: Photo – View of road closure area from easterly corner

"Highway Closure and Dedication Removal Bylaw 2019 No. 7289"

Submitted by:

Bill Corsan
Director, Community Development |

Concurrence by:

Dale Lindsay
General Manager, Development Services