



## Staff Report

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**Report To:** Council Meeting  
**From:** Robert Brown, Planner  
**Date:** 2023-01-04  
**Subject:** Road Allowance Closure Request – O'Malley Rd – Recommendation Report 2022-48

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### **Recommendation:**

That West Elgin Council hereby receives the report from Robert Brown, Planner regarding a request to close the unopened portion of the O'Malley Road road allowance from Gibb Line east to the easterly limit of property at 23855 Gibb Line, and

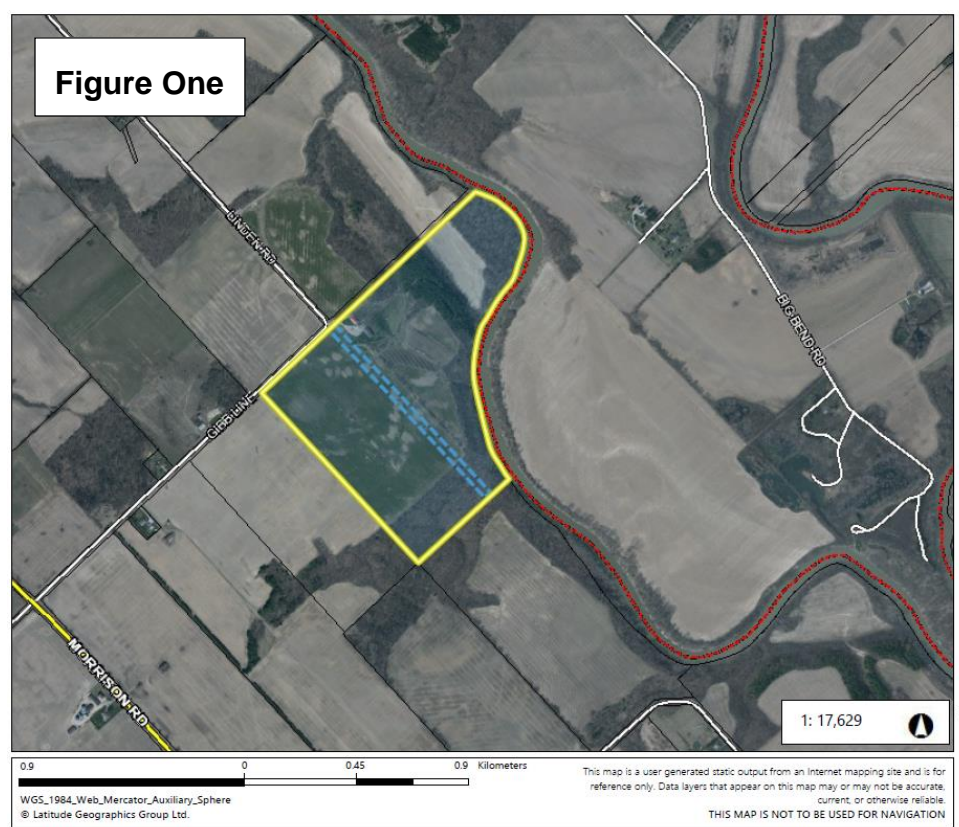
Council direct administration to begin the formal road closure process for the unopened portion of O'Malley Road.

### **Purpose:**

To provide Council with the formal request (Appendix A) from Richard Leatham for the closure of and eventual conveyance of the road allowance lands to Mr. Leatham as the abutting landowner.

### **Background:**

Linden Road is a local gravel surfaced municipal roadway that runs north-south from Beattie Line to Gibb Line. From Gibb Line south to O'Malley Road there is an unopened road allowance also referred to as O'Malley Road. (See Figure 1) This portion of the road has never been open to travel, does not contain any municipal services or drain outlets and there are no plans to open the road allowance. Property abutting the road allowance to the east and west have existing access from Linden Road or Gibb Line. Mr. Leatham currently has an existing access point to the end of Gibb Line however the driveway to his dwelling and a portion of the septic system are located within the unopened road allowance.



### **Financial Implications:**

The closure of any road allowance requires following a specific protocol. Council must close the road allowance by by-law. The lands must then be declared surplus, and in this case offered, for purchase to any abutting landowners. Potential costs associated with this can include surveying, appraisal of the lands (to determine value) and legal work to complete the transfer. Traditionally these costs are the responsibility of the purchasing landowner or owners. The municipality generally looks to simply recoup cost associated with land dispositions.

### **Policies/Legislation:**

If the road allowance is closed and declared surplus there are no Planning Act issues as the lands can be conveyed from the Municipality without consent being required. There are no zoning concerns as the road allowance and all abutting lands are within the Agricultural, A1 zone. Should Council adopt the recommendation to start the road closure process an additional report will be prepared to provide additional details, final costing and who is purchasing the affected lands.

Prepared by:



Robert Brown, H. Ba, MCIP, RPP  
Planner  
Municipality of West Elgin

### Report Approval Details

Document Title:	Road Allowance Closure Request – O'Malley Road - Recommendation Report - 2022-48-Planning.docx
Attachments:	- Appendix A - Request from R. Leatham.pdf
Final Approval Date:	January 12, 2023

This report and all of its attachments were approved and signed as outlined below:

**No Signature - Task assigned to Jana Nethercott was completed by workflow administrator Magda Badura**

Jana Nethercott

**Report Approval Details**

Document Title:	Road Allowance Request - O'Malley Road - 2023-04-Planning.docx
Attachments:	- Appendix A - Request from R. Leatham.pdf
Final Approval Date:	Jan 5, 2023

This report and all of its attachments were approved and signed as outlined below:

Jana Nethercott