



MUNICIPALITY OF **West Elgin**

Staff Report

Report To: Council Meeting
From: Heather James, Planner
Date: 2020-06-11
Report: 2020-15
Subject: Update on Acquisition of Laneway between Main and Munroe Streets

Recommendation:

That West Elgin Council hereby receives the report from Heather James regarding an update on the acquisition of a laneway between Main and Munroe Streets; and,

That West Elgin Council provides direction to staff to _____.

Purpose:

The purpose of this report is to provide Council with an update on the work that has been completed for the acquisition of the laneway between Main and Munroe Streets in former Village of West Lorne.

Background:

On December 19, 2019, West Elgin Council directed staff to proceed with the process of acquiring a privately owned laneway between Main and Munroe Streets in the former Village of West Lorne. An email was received on May 21, 2020 from David M. Woodward, solicitor representing the municipality in the proposed acquisition of the laneway. Mr. Woodward stated the surveyor, Garry McWhirter from AGM has surveyed the proposed laneway and has been reviewing existing registered surveys on the affected properties. As a result of several existing registered surveys on the properties, Mr. Woodward has had to perform extensive title searches in order to establish the municipally owned laneway. Mr. Woodward has also found a registered private easement across this laneway. Due to the preliminary findings by Mr. McWhirter and Mr. Woodward, additional extensive title searches and addressing the easement are required before the transfer can occur.

Currently expenses for this proposed acquisition are \$3,011.96. Mr. Woodward has indicated it will cost \$5,000.00 plus disbursements and HST (plus legal costs from West Elgin Community Health Centre to complete the transfer). As this acquisition has become more complex and costly, I have contacted Andy Kroeker, Executive Director of West Elgin Community Health Centre to see if there is a willingness to cost share in this acquisition. Mr. Kroeker has stated he intends to bring this request forward to his board of directors at their next meeting on June 23, 2020.

In the email, Mr. Woodward stated this laneway which is partly privately owned is a lawsuit waiting to happen and if an accident occurs, West Elgin and all affected private landowners will be parties to that lawsuit. It is in the public interest for these title issues to be resolved and the laneway to be clearly conveyed to West Elgin.

Next Steps

Based upon the information provided by Mr. McWhirter and Mr. Woodward, it is staff's recommendation that the municipality proceed with completing the title searches and addressing the easement to ensure the laneway can be clearly conveyed to the municipality, regardless of whether there is cost sharing with an affected private land owner.

Financial Implications:

Dependent on the decision of Council, there could be a cost of \$5,000.0 plus disbursements and HST, plus the legal costs of West Elgin Community Health Centre to complete the transfer.

Policies/Legislation:

None.

Related Documents:

None.