



MUNICIPALITY OF **West Elgin**

Staff Report

Report To: West Elgin Council

From: Heather James, Planner

Date: January 10, 2019

Report: 01-2019

Subject: Request for Council to Declare Municipal Lands Surplus

Recommendation:

That West Elgin Council authorize the CAO/Clerk to proceed with implementing the procedures prescribed in By-law 2002-41 being a By-law to Provide for Procedures for the Sale of Land Owned by the Corporation of the Municipality of West Elgin for municipally owned lands legally described as Part of Lot 64 Plan 199 Parts 2 and 3 on RP 11R-9125.

Purpose:

The purpose of this report is to provide Council information and a recommendation regarding a request to declare municipal lands surplus to the needs of the municipality. The request was made by Arvai Developments Inc.. The lands requested to be declared surplus are legally described as Part of Lot 64 Plan 199, Parts 2 and 3 on RP 11R-9125, in the community of West Lorne (see survey in Appendix 'A'). The lands are located west of the intersection of Ridge and Chestnut Streets. The lands were to be used for an extension to Chestnut Street and a municipal reserve along the length of the road extension.

Background:

In 2009, the previous property owner, West Lorne Holdings Inc. received three (3) conditional consent approvals from the County of Elgin Land Division to create six (6) residential lots on lands legally described as Part of Lot 64 Plan 199, Parts 1, 2 and 3 on RP 11R-9125. The lots were to have frontage on the proposed Chestnut Street extension. Two of the conditions of consent were the owner was required to transfer the road extension (Part 2) and the reserve (Part 3) to the Municipality. The owner transferred the road and the reserve to the Municipality; however, the remaining conditions on the consent were not fulfilled and therefore the consents lapsed. Currently the Municipality owns Parts 2 and 3 and have not been developed for any use.

A new owner, Arvai Developments Inc. has purchased Part of Lot 64 Plan 199, Part 1 on RP 11R-9125 and was unaware of the transfer of Parts 2 and 3 to the Municipality. On January 3, 2019, Louis Arvai of Arvai Developments Inc. submitted a letter to the municipality requesting for Parts 2 and 3 to be declared surplus to the needs of the municipality and assign this land back to his ownership for his proposed development (see request in Appendix 'B'). Mr. Arvai does not require a municipal road for his proposed development as he intends to develop the lands for rental townhouse units with a private driveway entrance onto Ridge Street.

In 2002, Council of the Municipality of West Elgin passed By-law 2002-41 being a By-law to Provide for Procedures for the Sale of Land Owned by the Corporation of the Municipality of West Elgin (see attached by-law in Appendix 'C'). In summary, the by-law states at any time Council

shall by resolution declare any of its land to be surplus to the needs of the municipality, and the Clerk shall be authorized to take action as described in Schedule 'A' to the by-law. Further, the by-law states that the by-law and Schedule 'A' shall apply to all classes of land owned by the municipality, save and except those outlined in Schedule 'A' to the by-law. Lastly, the by-law states that upon the sale of land of the Corporation, the Municipal Clerk may include in the deed or transfer for any such sale a 'Certificate of Compliance' in the form set out in Schedule 'C' to the by-law.

The Public Works Superintendent has been circulated this request and has no concerns on declaring municipal lands identified as Parts 2 and 3 surplus to the needs of the municipality as they will not impede to functionality of Ridge and Chestnut Streets.

Financial Implications:

As stated in Schedule 'A' to By-law 2002-41, a report and bill advising municipal council of the details of the sale shall be submitted as soon as practical to finalize a sale.

Policies/Legislation:

Municipality of West Elgin By-law 2002-41 Being a By-law to Provide for Procedures for the Sale of Land Owned by the Corporation of the Municipality of West Elgin.

Related Documents

Survey 11R-9125 (attached as Appendix 'A'), request (attached as Appendix 'B') and By-law 2002-41 (attached as Appendix 'C').

Respectfully submitted,

Approved by,

Heather James, Planner

Genevieve Scharback, CAO/Clerk