



Staff Report

Report Title: Land Exchange – Hilbert Bruce Beach Road

Prepared By: Emily Dance, Clerk

Department: Clerk

Date: Apr. 7, 2021

Report Number: CLK-2021-04-33

File Number:

Attachments: Draft Plan of Survey, Bruce County Map

Recommendation:

THAT the Township of Huron-Kinloss Committee of the Whole hereby approves report CLK-2021-04-33 AND authorizes the Land Exchange between the Township of Huron-Kinloss and Matthew Hilbert AND FURTHER authorizes the appropriate By-laws coming forward.

Background:

While preparing to develop Con A Part Lot 50 RP 3R-5787 Pts 1 & 3 (no civic address assigned) property located to the north of 168-2 Bruce Beach Road, the owner brought it to the Townships attention that a portion of Bruce Beach Road is located on his property.

The owner has requested a land swap in order to adjust his property line configuration to allow for the construction of a single detached dwelling without a minor variance for setbacks and to rectify the land being used as a Township Road. Please note, the proposed single detached dwelling may still require a minor variance for height which will require it to proceed through the planning process.

Discussion:

The attached drawings illustrate the land to be transferred the size is approximately 100 m² or approximately 1,076 sq/ft. each. There are several steps involved in the process as outlined below.

Upon approval the Reference Plan can be completed and registered which will establish the two parcels.

1) Lands to be Transferred to Hilbert

- a) Pass a stop up and close By-Law for the portion of Bruce Beach Road as indicated on the approved reference plan.
- b) Procedures as per By-Law No. 99-18 being the sale of real property
 - i. declare land surplus by resolution
 - ii. exempt from appraisal as it is a road
 - iii. Clerk will provide notice prior to passing of the disposal of real property.
- c) agreement of purchase and sale drafted by solicitor and will include lands being acquired in agreement

2) Lands to be Transferred to the Township.

- a) Council will approve accepting the land as a highway by resolution.
- b) The transfer deed of land and land transfer affidavit from the owner to be drafted by solicitor and signed by the Township
- c) By-law to confirm road widening and the land being conveyed is a highway
- d) By-law to include the name of the highway
 - i. notice not required as considered a road widening but can include in above notice to allow for a complete description of the transaction.
- e) Certified copy of by-law to be registered on title
- f) Solicitor to register the transfer

3) Legal costs

For drafting agreement, registrations, and cost of public notice it is estimated to be approximately \$5,000. The applicant has agreed to split the costs. Staff is recommending that we request a deposit of \$2,500 with any remaining being returned and any overages being split. The applicant will be advised to obtain their own legal review which will be 100% at their own costs.

Financial Impacts:

Approximately \$2,500 for the Townships share of the legal fees.

Strategic Alignment / Link:

We are a vibrant community by creating places people want to be.

Respectfully Submitted By:

Emily Dance, Clerk

Approved By:

Mary Rose Walden, Chief Administrative Officer