



Staff Report

Report Title: Walpole Trail

Prepared By: Emily Dance, Clerk

Department: Clerk

Date: Oct. 4, 2021

**Report Number: CLK-2021-10-120
Trail**

File Number: D00 Walpole

Attachments: Walpole Trail Survey

Recommendation:

That the Township of Huron-Kinloss Committee of the Whole hereby approves Report Number CLK2021-10-120 prepared by Emily Dance, Clerk AND directs staff to move forward with the process of legalizing the properties on Walpole Trail.

Background:

The Township of Huron-Kinloss has been involved in a Boundaries Act dispute that has spanned over many years as it relates to the lawful location of the original road allowance west of Walpole Trail.

After the lengthy legal process, the appellants have withdrawn their application. The confirmatory plan has been registered and the location of the original road allowance has been determined to be in the location as originally proposed.

Discussion:

Many of the dwellings and associated accessory buildings along Walpole Trail encroach or are wholly located on the original road allowance

Staff was directed to bring forward options to legalize the buildings by way of "close up and sell" portions of the road allowance or enter into encroachment agreements.

Upon review staff is recommending a blended approach.

1. Dwellings partially located on the road allowance
 - a. Close up and sell the road allowance
2. Dwellings wholly located on the Shore Road Allowance

- a. Enter into an encroachment agreement for the dwelling.
3. Accessory Buildings, landscaping partially on the road allowance
 - a. Enter into an encroachment agreement. If the property owner does not wish to enter into an agreement the accessory structures would be required to be removed.
4. Accessory Buildings, landscaping wholly on the road allowance
 - a. Encroachment Agreement be entered into with the stipulation that structures are only permitted to be strengthened and repaired; they are not permitted to be increased in size. If the If the property owner does not wish to enter into an agreement the buildings would be required to be removed.

Reference Plan

Now that the road allowance has been determined, a reference plan will be required for each property that includes a dwelling that requires the purchase of the property to gain legal title and complete the purchase.

Property Survey

Property Surveys will be required for encroachment agreements to indicate the location of the structure.

Staff recommends that as a first step the affected property owners be notified of the intentions and that comments and questions be received.

Following staff recommends that a Request for Quotation be issued to complete the necessary survey work.

Appraisal of Lands

An appraisal of the lands could be conducted to determine the market value of the lands and later be determined if the suggested resale value of the property to be included in the sale of the lands and encroachment agreement yearly fees or if a percentage reduction would apply.

Financial Impacts:

There is a potential for income to the Township with the sale of the road allowance. Staff suggest that an appraisal of the lands be completed and a cost per sq/m be required for the purchase of the lands.

Staff suggest that survey costs can be included in the sale and encroachment agreement fees and that the cost of the survey will be at the expense of the property owner.

Savings could be found if the Township is to request quotes for the surveying and request detailed costing.

Legal fees can be incorporated into the agreements for both purchase and sale and for encroachment agreements. The standard deposit for an encroachment

agreement is \$750. Staff recommends that due to the complicated nature of the agreements and land sale that a deposit of \$2,000 be required per property.

Over the last three decades, the Township has spent approximately \$130,000 in legal fees and survey costs which have been funded from Trust #2. Any proceeds from the land sales and encroachment fees would be returned to Trust #2.

Strategic Alignment / Link:

We are an accessible community by being open and transparent.

Respectfully Submitted By:

Emily Dance, Clerk

Approved By:

Mary Rose Walden, Chief Administrative Officer