

## **ANNOUNCEMENT BY MAYOR**

### **Consideration of a proposed declaration to close multiple road allowances depicted in 24R10629 and 24R10632.**

The properties being considered to be closed legally described as: Parts 1 and 2, Reference Plan 24R10629 being part of PIN 00782-0053, Part 2, Reference Plan 24R10632 being part of PIN 00776-0002, and Parts 6, 7, 8, and 9, Reference Plan 24R10632 being all of PIN 00776-0020.

On December 2, 2019, a Notice of Intention to close the above noted roads was published in the Tilbury Times newspaper for one week and on November 25, 2019 on the municipal website for a two week period.

I will now invite any person wishing to be heard to approach the podium and give reasons why their lands will be adversely affected by this declaration to close these roads.

## **Municipality Of Chatham-Kent**

### **Finance, Budget & Information Technology Services**

#### **Financial Services**

**To:** Mayor and Members of Council

**From:** Matt Torrance, MBA, CPA, CGA  
Director, Financial Services

**Date:** November 25, 2019

**Subject:** Road Closings and Transfer - Bradley Farms Limited

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#### **Recommendations**

It is recommended that:

1. A By-law be passed to close the road allowances depicted as Parts 1 and 2, Reference Plan 24R10629 being part of PIN 00782-0053, Part 2, Reference Plan 24R10632 being part of PIN 00776-0002, and Parts 6, 7, 8, and 9, Reference Plan 24R10632 being all of PIN 00776-0020.
2. The transfer of the road allowances depicted as Parts 1 and 2 on Reference Plan 24R10629 being part of PIN 00782-0053, and Parts 1-15 on Reference Plan 24R10632, being PINs 00782-0058, 00776-0004, 00776-0020, and 00776-0002 to Bradley Farms Limited or an associated company, on an "As Is, Where Is" basis for the purchase price of \$3,000.00 be approved.
3. The Director, Financial Services be authorized to execute the necessary agreement of purchase and sale for the road allowance transfers.

#### **Background**

The Bradley family and their related companies own large tracts of farm on the western side of Chatham-Kent, generally between the Thames River and Lake St. Clair. Numerous unopened road allowances within those farm lands are owned by the Municipality, but have never been used or maintained by the Municipality. The Bradley family and their related companies are seeking to clean up title to their properties and are thus seeking approval from the Municipality to formally close these road allowances and transfer the road allowances to the Bradley family.

The road allowances in question are depicted on the map attached as Appendix A to this report.

### **Comments**

Administration has reviewed the request from the Bradley family with all applicable divisions of the Municipality to determine whether there are any operation or other concerns with the requested closings and transfers. As these properties fall fully within lands owned by the Bradley family and its related companies, there are no other abutting land owners to consult.

The Municipality does not require these road allowances. The Municipality has not historically used or maintained these road allowances and there is no municipal infrastructure within the road allowances.

Administration has negotiated a purchase price of \$3,000.00 with the Bradley family to offset any administrative costs associated with the requested transfers.

Administration has consulted with all relevant utility companies and has ensured Bell Canada and Hydro One will receive easements to protect their infrastructure on the lands. Easements will be granted to Bell Canada over Parts 7, 10, and 13 24R10632 and Hydro One over Part 8, 24R10632 to access their respective infrastructure.

A notice describing the potential closure was published in the Tilbury Times for a one week period beginning December 2, 2019 as well as on the municipal website beginning November 25, 2019. At this time, no objections have been received; however, members of the public may ask to be heard at the December 9, 2019 Council meeting.

### **Areas of Strategic Focus and Critical Success Factors**

The recommendations in this report support the following areas of strategic focus:

- Economic Prosperity:  
Chatham-Kent is an innovative and thriving community with a diversified economy
- A Healthy and Safe Community:  
Chatham-Kent is a healthy and safe community with sustainable population growth
- People and Culture:  
Chatham-Kent is recognized as a culturally vibrant, dynamic, and creative community
- Environmental Sustainability:  
Chatham-Kent is a community that is environmentally sustainable and promotes stewardship of our natural resources

The recommendations in this report support the following critical success factors:

- Financial Sustainability:  
The Corporation of the Municipality of Chatham-Kent is financially sustainable

- Open, Transparent and Effective Governance:  
The Corporation of the Municipality of Chatham-Kent is open, transparent and effectively governed with efficient and bold, visionary leadership
- Has the potential to support all areas of strategic focus & critical success factors
- Neutral issues (does not support negatively or positively)

**Consultation**

The Technical Advisory Committee confirmed these parcels to be surplus to municipal needs. Specifically, the PUC, Engineering and Public Works confirmed that the Municipality does not require these road allowances.

Legal Services will assist with closing of the sale once all conditions have been met.

**Financial Implications**

The Property Disposition budget includes lot sales revenue. The sale proceeds offset the legal costs associated with the land transfer. Any surplus from the sale will contribute to the revenue line. The sale of surplus lands creates potential for assessment growth, generation of future tax revenue, and decreases municipal liability and maintenance costs.

Prepared by:

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Amy McLellan, CPA, CGA  
Manager, Revenue

Reviewed by:

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Matthew Torrance, MBA, CPA, CGA  
Director, Financial Services

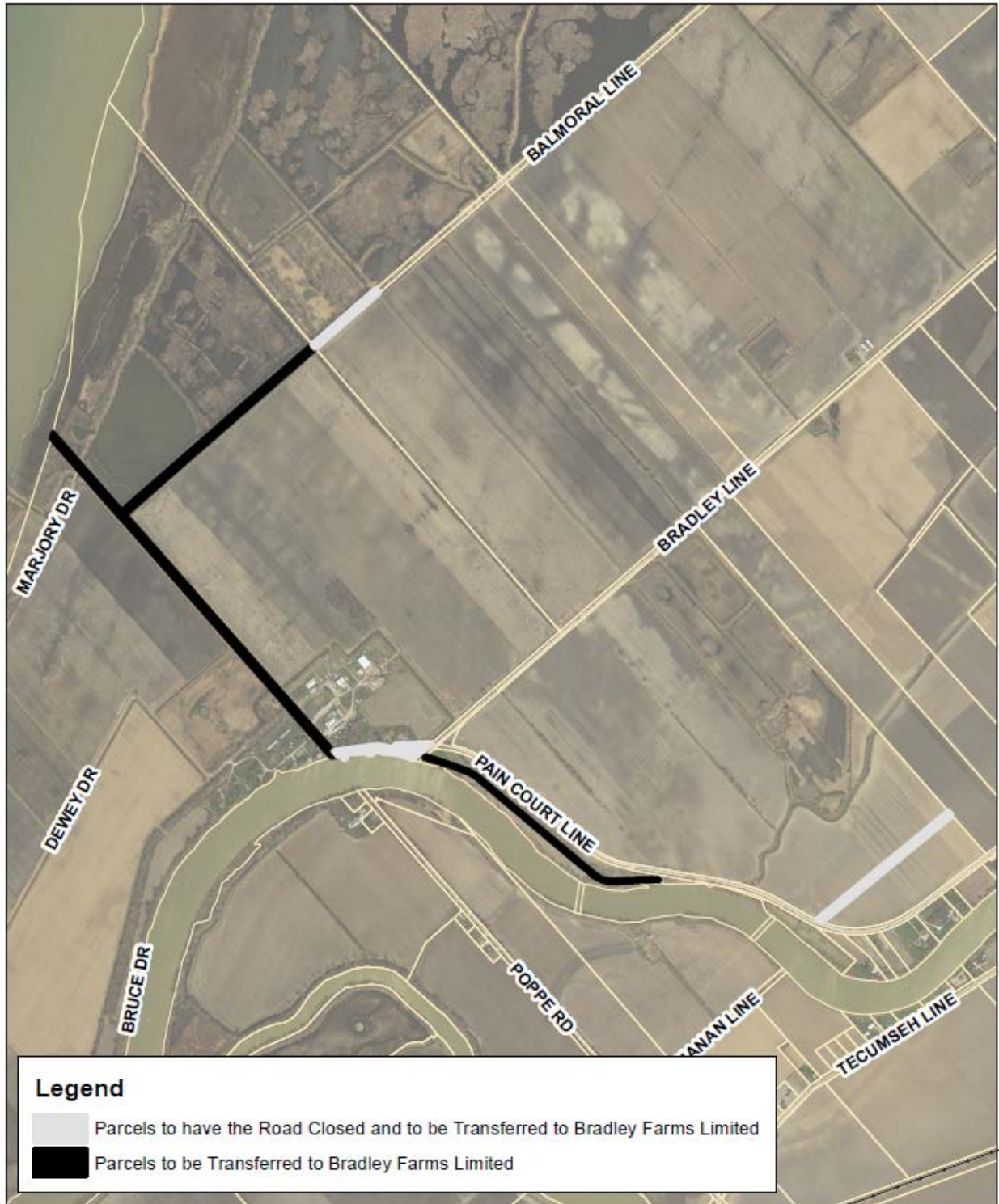
Reviewed by:

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Gord Quinton, MBA, CPA, CGA  
Chief Financial Officer, Treasurer

Attachments: GIS Map of Road Allowances

C: Director, Public Works  
Manager, Legal Services

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**BY-LAW NUMBER - 2019**  
**OF THE CORPORATION OF THE**  
**MUNICIPALITY OF CHATHAM-KENT**

A By-law to provide for the closing of part of multiple road allowances depicted in 24R10629 and 24R10632 in the community of Jeanette's Creek.

**FINALLY PASSED THE 9th day of December, 2019.**

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**WHEREAS** Council of the Municipality of Chatham-Kent wishes to close the roads, legally described as: Parts 1 and 2, Reference Plan 24R10629 being part of PIN 00782-0053, Part 2, Reference Plan 24R10632 being part of PIN 00776-0002, and Parts 6, 7, 8, and 9, Reference Plan 24R10632 being all of PIN 00776-0020 pursuant to the provisions of Section 34 of the Municipal Act, 2001, R.S.O. 2001, Chapter 25 and amendments thereto provides that the Council of a municipality may pass by-laws to close Public Highways.

**AND WHEREAS** notice of the proposed By-Law for the closing of the road allowances was published in the local Tilbury Times newspaper, which the publication appeared in the December 2, 2019 issue.

**AND WHEREAS** notice of the proposed By-Law for the closing of the unopened road allowance has been advertised on the Chatham-Kent website since November 26, 2019.

**AND WHEREAS** the said notice did provide that any person who claims that his land might be prejudicially affected by the By-Law will be heard either in person or by his counsel on the day fixed and set out in the said Notice, namely December 9, 2019.

**AND WHEREAS** Council heard all parties that requested to speak about their concerns regarding this By-Law.

**AND WHEREAS** after considering the matter of the proposed By-Law, Council authorized passage.

**BE IT THEREFORE ENACTED** by the Municipal Council of the Municipality of Chatham-Kent as follows:

1. That portion of the road, legally described as: Parts 1 and 2, Reference Plan 24R10629 being part of PIN 00782-0053, Part 2, Reference Plan 24R10632 being part of PIN 00776-0002, and Parts 6, 7, 8, and 9, Reference Plan 24R10632 being all of PIN 00776-0020 be closed.
2. That the Mayor and Clerk are hereby authorized and directed to execute on behalf of the Municipality of Chatham-Kent and to seal with the seal thereof any and all documents necessary to implement the foregoing.

THIS By-law shall come into full force and effect upon the day on which it is registered in the Land Titles Division of the Land Registry Office of Kent (No. 24).

READ A FIRST, SECOND AND THIRD TIME this 9<sup>th</sup> day of December, 2019.

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Mayor – Darrin Canniff

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Clerk – Judy Smith