



Report to County Council

From: Nicholas Loeb, Director of Legal Services
Peter Dutchak, Director of Engineering Services

Date: March 26, 2024

Subject: LS 24-5 – Road Closing By-Law – Part 5, 11R-10965

Recommendations:

THAT the report titled “LS 24-5 – Road Closing By-Law – Part 5, 11R-10965” dated March 26, 2024 from the Director of Legal Services and Director of Engineering Services be received and filed; and

THAT Council pass the road closing by-law for Part of Lot 16, Range 1 South of Union Road, Part Lot 16 Range 2 South of Union Road, Part 5, Plan 11R-10965, Township of Southwold, as it appears on the March 26, 2024 Council agenda.

Introduction:

This Report to Council recommends that Council close a very small, untraveled portion of Union Road for the purpose of enabling the small area to be transferred to Domus Developments (London) Inc. (“Domus” or the “developer”).

Background and Discussion:

Union Road is part of the County road network (Elgin County Road 20). As part of a development being constructed by Domus, the County is receiving road widening parcels that abut the development property. Domus is seeking the transfer of a very small amount of land (~ 25m²) to it at nominal cost.

The Director of Engineering reviewed the request and sought confirmation from the OLS utilized by the developer that there were no utilities within the land to be transferred. Written confirmation was received from the OLS to that effect. The Director of Engineering is supportive of transferring the land. The part is in excess of the width necessary for the road and is an unusual ‘triangle’ shape that was originally drawn on the plan for what was then Mill Street in 1843.

A road closing by-law is necessary to remove the portion of land that makes up this small triangle as a highway. Without the registration of a closing by-law on title, the

County would technically be transferring a portion of a highway to private ownership, which could create a cloud on title. Therefore, it is practical to take this step at this time for both the County and developer.

Financial Implications:

None.

Alignment with Strategic Priorities:

Serving Elgin	Growing Elgin	Investing in Elgin
<input type="checkbox"/> Ensuring alignment of current programs and services with community need. <input type="checkbox"/> Exploring different ways of addressing community need. <input checked="" type="checkbox"/> Engaging with our community and other stakeholders.	<input checked="" type="checkbox"/> Planning for and facilitating commercial, industrial, residential, and agricultural growth. <input type="checkbox"/> Fostering a healthy environment. <input type="checkbox"/> Enhancing quality of place.	<input type="checkbox"/> Ensuring we have the necessary tools, resources, and infrastructure to deliver programs and services now and in the future. <input checked="" type="checkbox"/> Delivering mandated programs and services efficiently and effectively.

Local Municipal Partner Impact:

None.

Communication Requirements:

Legal counsel for the developer will be notified of the passing of the by-law and requested to register it on title for subject lands.

Conclusion:

A small (~25m2) parcel of existing road allowance is deemed surplus to the needs of the County of Elgin along Union Road (CR 20). This parcel is identified on Registered Plan 11R-10965 as Part 5 and is recommended to form part of a road closing by-law before being transferred to private ownership.

All of which is Respectfully Submitted

Approved for Submission

Nicholas Loeb
Director of Legal Services

Blaine Parkin
Chief Administrative Officer/Clerk

Peter Dutchak
Director of Engineering Services