



TOWN OF MINTO

DATE: December 12, 2016

REPORT TO: Mayor and Council

FROM: Bill White, C.A.O. Clerk

SUBJECT: Gibson Lands Bell Street at 16th Line, Request Fallis, Fallis & MacMillan

STRATEGIC PLAN:

Ensure growth and development in Clifford, Palmerston and Harriston makes cost effective and efficient use of municipal services, and development in rural and urban areas is well planned, reflects community interests, is attractive in design and layout, and is consistent with applicable County and Provincial Policies.

BACKGROUND

- August 2013 Town approached by surveyor for Gibson family about the status of the 16th Line between Holtom Lane and Bell's Road
- Legal inquiry confirmed this was a "forced road" where the roadway was not located on a municipal road allowance.



- During the design phase of the 16th Line culvert it was determined the construction would benefit from additional land along the edges of the culvert.
- In May 2014 just before project start there was a failure in the roadway which emphasized the need for the culvert repairs.
- The Gibson family consented to the culvert repair on the lands and construction of the \$647,000 project finished in November 2014
- Gibson family proposed severing their lands to create two lots and appeared as a Council delegation September 16/14 to gain support for the application.
- Acquisition of the roadway and associated widening was scheduled to occur as part of severance of the land once approved by the County
- File B30/15 was supported by Council (see attached report) but deferred by the County June 2015. County planning staff is concerned with the size and location of the proposed lot; land division requested clarification from applicant's on lot configuration



- Town presented an agreement of purchase and sale to the Gibson family and prepared transfer deeds for the road allowance in July 2015 but these have yet to be signed.
- May of 2016 staff receives attached request from Gibson Family lawyer proposing new process to transfer road widening to Town; November 2016 sketch of the plan received.

COMMENTS:

The following sketch illustrates the lot boundaries proposed by the family, and the alternative lots proposed by the County:



The family proposal is to sever the property along a line that would include the family home with the old brick yard and river; the proposed new lot boundary is shown in red above. A new home would be built on Bell's Road under this alternative essentially creating two hobby farms. The County proposed layouts provide for a 2 acre estate lots.

The family's legal counsel proposes to transfer to the Town all the lands shown on the map corresponding with the lot proposed by the family; the Town would keep the road widening lands and transfer back to the family the lot that they would like to create. This process gives the Town the road widening it requires without going through County Land Division for the lot configuration desired by the family. The Town would not normally consider this option were it not for the road widening. If Council agrees it will result in the family getting the lot configuration they proposed and was generally acceptable to Minto Council.

FINANCIAL CONSIDERATIONS:

The cost the reference plan for the road widening was paid for as part of the culvert replacement project that received a 75% grant from the Provincial Municipal Investment Initiative in 2014. The Town would not incur any further legal or survey costs if it wished to proceed with this initiative.

RECOMMENDATION:

That Council receives the C.A.O. Clerk's December 12, 2016 report regarding Gibson Lands Bell's Road at 16th Line, Request Fallis, Fallis & MacMillan, and the May 4, 2016 letter from Peter Fallis and that should Council wish to proceed with the request there be no further legal costs for the Town.

Bill White, C.A.O. Clerk

From: Peter Fallis [<mailto:pfallis@fallislaw.com>]
Sent: May-04-16 10:27 PM
To: Bill White
Cc: Marilou Reynolds
Subject: GIBSON LANDS - BRIDGE LAND ADJACENT CONVEYANCING, ETC.

Town of Minto

Attention: Bill White, CAO

RE: Gibson Lands

BILL:

We last spoke in the Christmas Period about the problem that Mr. Gibson was having in his on-going unsuccessful attempts to persuade (i) the Wellington County Planning Department, and (ii), the Wellington County Land Division Committee of the merits of a severance of the south part of the Gibson land holding including the former brickworks area, low lands, and a very small field to the south and west of the new bridge construction now completed by the Town.

The Council of the Town has apparently indicated strong support for the creation of that parcel, which, if granted, would also allow for the Town to acquire additional fee simple title to part of the Gibson lands adjacent the bridge construction. (We understand that a survey of the intended additional lands may already have been agreed upon and surveyed by Derek Graham OLS of Elora, although we have yet to see such survey).

In any event we now understand that you have caused Marilou Reynolds, the daughter of Mr. Gibson, to recently be provided with Zoning By-law information which would allow the owners to understand the minimum set-back distance for existing buildings to be located vis-a-vis a fresh interior property boundary line.

The Owners intend to meet with their Surveyor to initially prepare a '*Sketch*' to present to you to allow the Town Council to understand the intended boundaries of:

- a) The entire southern parcel to be conveyed to the Town, including the lands to be ultimately retained by the Town to compliment the Bridge construction, (which we understand may have ben already surveyed for that purpose).
- b) The excess land that would be transferred back to the Vendors by the Town, title thereto to be held in a *Planning Act* compliant manner as a separate parcel, the northern boundary of which would be identified on the '*Sketch*' to best provide for the continued use by third parties, and for third party crop farming purposes, which is a 'best use' scenario, as the acreage is too small for the existing owners to otherwise operate an economic farming operation.

This manner of conveyancing would permit the Council of the Town to better control the usages of these lands, rather than have parties outside the Town dictate the ultimate land use thereof. It would better serve the agricultural industry within the Town

It is hoped that a 'Sketch' can be supplied to you this month by the Land owners so that Council can hopefully approve the boundaries and the terms of the conveyances so that the ultimate Surveys can be completed and registered, and the Transfer conveyances can be prepared, executed and registered by the early summer at the latest.

We remain, yours truly:

PETER

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Sketch Received in November 2016

