

Municipality of East Ferris

Report to Council

Report No.: PLAN-2021-08 Date: April 27, 2021
Originator: Greg Kirton, Manager of Planning and Economic Development
Subject: Land Purchase Request from Stewart Millar – Lake Nosbonsing Road

RECOMMENDATION

1. That Council decline the request from Stewart and Nancy Millar to purchase their property on Lake Nosbonsing Road (EAST FERRIS CON 5 PT LOT 27 RP 36R12909 PARTS 1 TO 3).
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BACKGROUND

At the regular meeting of Council on March 23, 2021, correspondence was received from Stewart and Nancy Millar regarding property that they own on Lake Nosbonsing Road. The property is described as EAST FERRIS CON 5 PT LOT 27 RP 36R12909 PARTS 1 TO 3 (**Schedule A**).

The Millar's have requested that the municipality purchase the entirety of their property due to Lake Nosbonsing Road running across the northern part of the property. At the March 23, 2021 Council Meeting, Council directed staff to prepare a report with options and a recommendation on how to proceed. In evaluating the request, staff reviewed municipal policies and land use requirements as well as sought legal advice on any obligations that the municipality may have related to our roadway.

As shown on Schedule A, the municipally owned road allowance runs along the northerly property boundary of the Millar's property and north of Lake Nosbonsing Road. This land was expropriated through expropriation plan D-134 on February 26, 1975 with the intention of being used for a future road realignment on Lake Nosbonsing Road. The realignment of Lake Nosbonsing Road did not go forward and the road remained in its original location.

In 2003 work began to authorize the removal of the bridge and supporting structures. At this time there was also discussion of a land swap with the Trans Canada Trail organization, who is no longer a property owner in the area. This land swap also did not ultimately occur. There was no activity with regards to any land decisions after 2008, that we are aware of.

The property in question was acquired by the Millar's on June 18, 2010. Although Lake Nosbonsing Road crosses the Millar's lands, this situation was present when the lands were acquired by Mr. Millar and has been a long-standing historical condition. Further, although at one time the municipality did have plans to realign Lake Nosbonsing Road, there is no obligation for the municipality to complete this realignment and there has never been an agreement in place with the Millar's that this happen. In the preparation of this report, staff sought legal advice and were further advised that there is no obligation on the part of the municipality to purchase these lands as a result of the location of Lake Nosbonsing Road. Municipal roadways cross privately owned land in multiple places within the municipality and are not a unique scenario. The roadways are considered forced roads and are not at risk of being impeded or otherwise impacted.

Although there is no obligation to purchase these lands, staff did review the lands from the perspective of whether the municipality could make use of this property for municipal business or not. Staff are of the opinion that these lands would not be valuable to the municipality at this time and do not recommend purchasing them on the basis of use in municipal operations.

OPTIONS

1. Option 1:

That Council decline the request from Stewart and Nancy Millar to purchase their property on Lake Nosbonsing Road (EAST FERRIS CON 5 PT LOT 27 RP 36R12909 PARTS 1 TO 3).

2. Option 2:

That Council agree to the request from Stewart and Nancy Millar to purchase their property on Lake Nosbonsing Road (EAST FERRIS CON 5 PT LOT 27 RP 36R12909 PARTS 1 TO 3) and direct staff to prepare a by-law authorizing the purchase of the lands.

FINANCIAL IMPLICATIONS

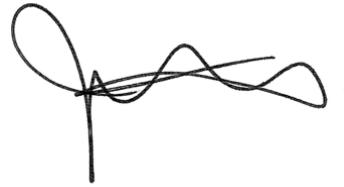
There are no financial implications as a result of this recommendation. If Council were to proceed with option 2, the financial implications would include the cost of an appraisal of the lands, the purchase price, and the legal costs associated with the transfer of the lands.

RECOMMENDATION

It is recommended that Council decline the request from Stewart and Nancy Millar to purchase their property on Lake Nosbonsing Road (EAST FERRIS CON 5 PT LOT 27 RP 36R12909 PARTS 1 TO 3).

Respectfully Submitted,

I concur with this report,
and recommendation



Greg Kirton
Manager of Planning and
Economic Development

Jason H. Trottier, BBA, CPA, CMA
CAO/Treasurer

Enc. Correspondence from Stewart and Nancy Millar – March 23, 2021 Regular meeting of the Council of the Municipality of East Ferris.

Schedule A



Municipally Owned Road Allowance



Lands Owned by the Millar's