

DATE: May 27, 2013

REPORT TITLE: **PROPOSED ROAD CLOSURE, TRANSFER OF REGION OWNED LANDS AND ACCESS AGREEMENT IN CONNECTION WITH REGIONAL ROAD 4 (DIXIE ROAD) RECONSTRUCTION FROM REGIONAL ROAD 9 (KING STREET) TO REGIONAL ROAD 12 (OLDE BASE LINE ROAD) - TOWN OF CALEDON, WARD 2, CAPITAL PROJECT 03-4010**

FROM: R. Kent Gillespie, Commissioner of Employee and Business Services
 Dan Labrecque, Commissioner of Public Works

RECOMMENDATION

1. That the lands described as Part of Lot 34, Concession 3, East of Hurontario Street and Part of the Original Road Allowance between Concessions 3 and 4, East of Hurontario Street, Town of Caledon (formerly Township of Chinguacousy), Regional Municipality of Peel, being more particularly identified as Parts 1, 2, 7, 8, 9, 10, 11, 13, 15, 18, 19, 24 and 25 on Reference Plan 43R-34870 be stopped up, closed and deprived of its character as public highway or street;

And further, that the necessary by-law be presented for enactment;

And further, that the notice of the proposed by-law and proposed conveyance of land be advertised in accordance with Regional Policy.

2. That the lands described as Part of the Original Road Allowance between Concessions 3 and 4, East of Hurontario Street, Town of Caledon (formerly Township of Chinguacousy), Regional Municipality of Peel, being more particularly identified as Parts 10, 11 and 15 on Reference Plan 43R-34870 be declared surplus to the needs of The Corporation of The Regional Municipality of Peel upon passing of a by-law to stop up, close and deprive the land of its character as public highway or street.
3. That The Regional Municipality of Peel (as Vendor) enter into an agreement with Jackie Leggo and Yolán Esther Leggo (as Purchaser) for the gratuitous conveyance of lands described as Part of the Original Road Allowance between Concessions 3 and 4, East of Hurontario Street, Town of Caledon (formerly Township of Chinguacousy), Regional Municipality of Peel, being more particularly identified as Parts 10, 11 and 15 on Reference Plan 43R-34870;

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And further, that the access over lands described as Part of the Original Road Allowance between Concessions 3 and 4, East of Hurontario Street, Town of Caledon (formerly Township of Chinguacousy), Regional Municipality of Peel, being more particularly identified as Parts 12, 16 and 22 on Reference Plan 43R-34870, and Part of Lot 34, Concession 4, East of Hurontario Street, Town of Caledon (formerly Township of Chinguacousy), Regional Municipality of Peel, being more particularly identified as Part 23 on Reference Plan 43R-34870, for the purpose of access to Dixie Road (the "Access") be permitted;

And further, that The Regional Municipality of Peel enter into an Access Agreement with Jackie Leggo and Yolana Esther Leggo for the Access on terms and conditions satisfactory to the Commissioner of Employee and Business Services and the Regional Solicitor;

And further, that the necessary by-law be presented for enactment;

And further, that any documents relating thereto or required to complete this transaction be executed by the Region's duly authorized signing officers.

REPORT HIGHLIGHTS

- The Region of Peel has undertaken a project to improve Dixie Road between King Street and Olde Base Line Road in the Town of Caledon (Capital Project 03-4010).
- As part of this project, Dixie Road shifted to the east to align with Horseshoe Hill Road at Olde Base Line Road. The project design included the construction of a roundabout within this intersection.
- Council approval is required to stop up and close, declare a portion of the old road allowance as surplus to the needs of the Regional Corporation and transfer a portion of the closed road allowance to the abutting property owner on the west side of Dixie Road located at 15388 Dixie Road, Caledon.

DISCUSSION

1. Background

The Region has completed improvements to Dixie Road from King Street to Olde Base Line Road as outlined in the 2004 Environmental Study Report. As part of this project Dixie Road shifted to the east at the intersection of Olde Base Line Road to align Dixie Road with Horseshoe Hill Road to the north. The project design also included the construction of a roundabout within this intersection.

The easterly shift and the newly aligned Dixie Road left a section of old road allowance closed to traffic and thereby creating a gap between the new road allowance and a residential property to the west. The property is known municipally as 15388 Dixie Road and is owned by Jackie Leggo and Yolana Esther Leggo.

The shift and new elevation of the road resulted in an access restriction to the owners' existing driveway. As part of the road construction, it was necessary to create a new access

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to allow the owners safe ingress and egress onto a Dixie Road further south of the intersection. The new access is entirely within the Region's old road allowance.

Subject to Council approval, it is proposed to transfer a portion of the old road allowance to the Leggo's in order to extend the frontage of their property line and shift the limits of the Region's old road allowance away from the residence.

Although the Region's Official Plan designates Dixie Road as a 36 metre right of way at this location, the Region will retain a 45 metre width for any unforeseen long term future requirements. The proposed lands to be closed and declared surplus are beyond the 45 metre retention.

The proposed lands to be transferred, identified as Parts 10, 11 and 15 on Reference Plan 43R-34870, total approximately 0.06 of an acre (0.02 hectare) and are shown on the Appendix I (as attached).

It is also proposed to close portions of old road allowance north and south of these lands and create 0.3 metre reserves; all of which will remain in the Region's ownership.

The owners have signed an Offer to Purchase Agreement and an Access Agreement prepared by the Region. The Access Agreement is for the purpose of ingress and egress to the owners' lands. The access area, identified as Parts 12, 16, 22 and 23 on Reference Plan 43R-34870, is also shown on Appendix I.

The Offer to Purchase Agreement is in the Region's standard form with additional clauses shown on Appendix II (as attached).

Public Works have been circulated regarding the above and have no objections.

2. Road Closure and Transfer of Lands

The Region owned land, dedicated as road allowance, must be stopped up, closed and deprived of its character as public highway or street, by enacting a by-law prior to being declared surplus.

Notice to the public of the proposed road closure will be given by publication of the notice once in a newspaper having general circulation within the area municipality. Notice of the proposed road closure will be advertised in the Caledon Enterprise on Thursday, June 20, 2013 and by posting on the Notice Page of the Region's Web Site from June 20, 2013 to July 4, 2013 inclusive.

All local utilities were circulated and there were no requests for any easements within the proposed road closure areas.

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3. Transfer of Land

The subject lands must be declared surplus prior to Council approving the transfer of land. Regional By-law 23-95 established procedures governing the sale and disposition of real property. As such, the following applies with regard to the proposed transfer.

1. In accordance with By-law 23-95, Section 3, the subject lands are classified as having no general demand or market.
2. In accordance with Section 4 (a), the subject land is except from the requirement to obtain an appraisal.
3. In accordance with Section 4(b), the only transferee is Jackie Leggo and Yolana Esther Leggo.
4. Notice of the proposed transfer will have been given in accordance with Section 4(c) and (d) of Regional By-law 23-95.

Notice to the public of the proposed transfer will be given by the posting of a Public Notice from June 27, 2013 to July 4, 2013 inclusive in the front lobby of Suite A and B of Regional Headquarters at 10 Peel Centre Drive, Brampton and on the Notice Page of the Region's Web Site, as designated by the Regional Clerk.




R. Kent Gillespie
Commissioner of Employee
and Business Services



Dan Labrecque
Commissioner of Public Works

Approved for Submission:



D. Szwarc, Chief Administrative Officer

For further information regarding this report, please contact Gayle Gorman at extension 7624 or via email at gayle.gorman@peelregion.ca

Authored By: D. Andrews

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c. Legislative Services

mn P. O'Connor, Regional Solicitor

D D. Albanese, Director of Transportation

S S. Hall, Director of Real Property Asset Management

G G. Gorman, Manager of Real Estate

w K. Lockyer, Regional Clerk

RC-10110.00

Attachments

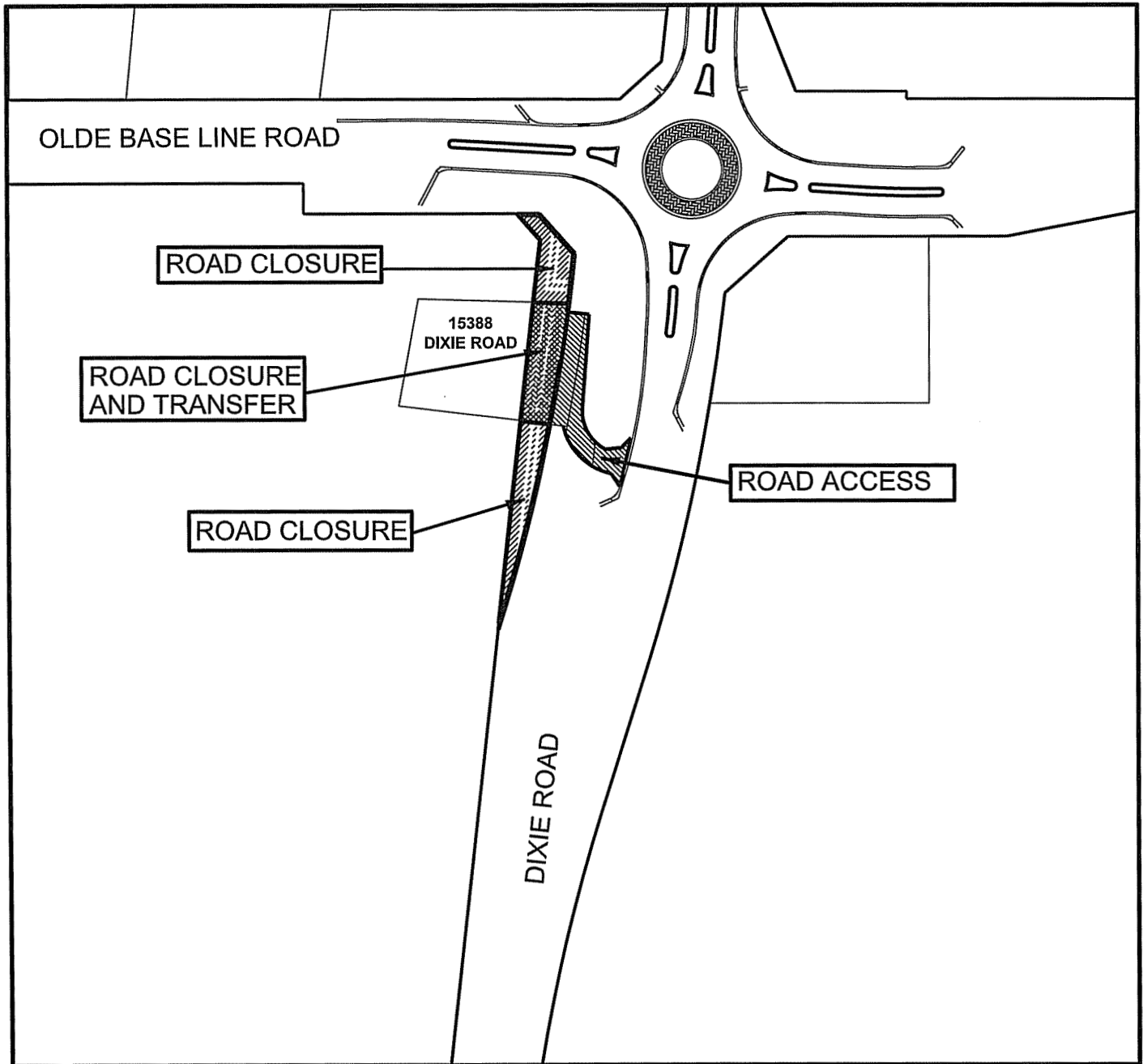
MA-A1-6

APPENDIX I

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APPENDIX II

1. The Purchaser is the owner of lands located on the west side of Dixie Road, south of Olde Base Line Road, more particularly described as Part of Lot 34, Concession 3 East of Hurontario Street, Town of Caledon (formerly Township of Chinguacousy), Regional Municipality of Peel, as in Instrument RO723657 (the "Purchaser's Lands"). The Purchaser shall, at its sole cost and expense, within 30 days of the Closing Date, make the necessary application to the Land Registry Office to consolidate title to the Lands and the Purchaser's Lands.