

To: Mayor and Council  
From: Paul Gipps, CAO

Meeting Date: January 21, 2025  
Meeting Type: Regular Council Meeting

Prepared by: James Robertson, Land Agent  
Department: Corporate Services

Title: Road Closure | RC2023-025 | 15851 Trask Road

Description: Road Closure Bylaw (RC2023-025) 1237, 2024 to remove highway dedication adjacent to 15851 Trask Road.

## RECOMMENDATION

Council Decision

## EXECUTIVE SUMMARY

The owners of 15851 Trask Road have applied to close a section of McLaren Road adjacent to their property and purchase that portion of the closed road. The land is a 20 metre wide road, 636.5 m<sup>2</sup> in area, that provides vehicular access to only 15851 Trask Road and no other properties. The proposed road closure is identified on Map 1 (Proposed Road Closure). Should Council proceed with the road closure and sale, the property owner will be required to consolidate the closed road with his existing property to form a single parcel.

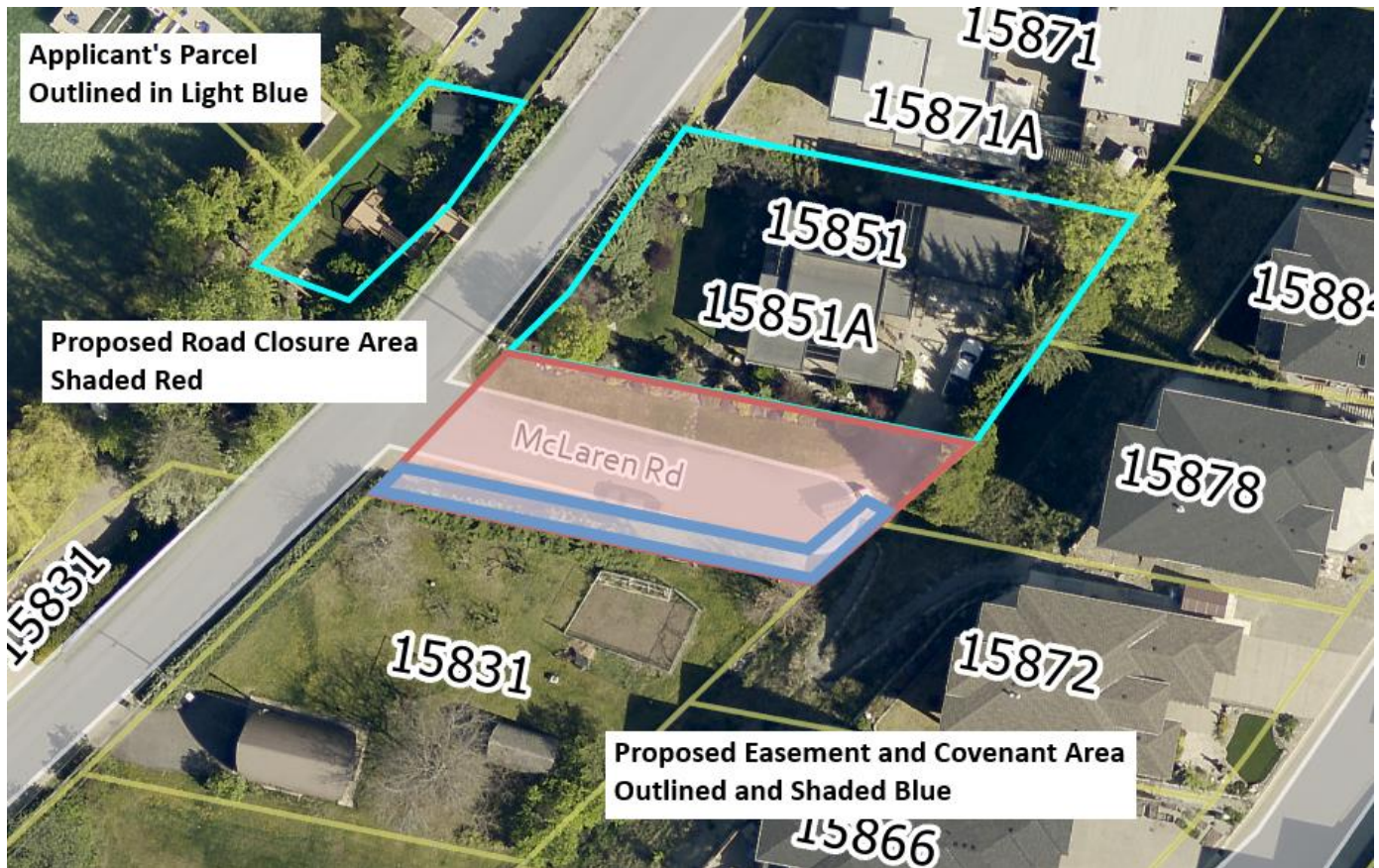
## MAP 1 – PROPOSED ROAD CLOSURE



The proposal includes registration of a Highway Reservation Covenant (the "Covenant") and Easement along the south side of the proposed road closure area, shown outlined in blue on Map 2. The Covenant connects to an existing Highway Reservation Covenant registered on the titles of 15872 and 15878 Claridge Drive (outlined in red on Map 3) and allows future District use of the covenant areas. The Covenant area outlined in blue on Map 2 also includes registration of an Easement allowing the owners of 15872 Claridge Drive to access Trask Road through the road closure area and access to the owners of 15831 Trask Road to trim their hedges located adjacent to the closed road area.

The applicant has provided a road closure plan, consolidation plan, Easement plan, covenant plan and property valuation appraisal (Attachment A) to the District. The appraisal value of the land, given the effects of the Easements and Highway Reservation Agreement and its marginal utility, is \$168,000.00 which is the amount offered by the applicant. The proposed sale of land does not include any land with water frontage.

#### MAP 2 – PROPOSED EASEMENT and COVENANT AREA



#### DISCUSSION/ANALYSIS

The applicant's primary reason for approaching the District is the driveway is regularly blocked by lake users in the summer. The owner of 15872 Claridge Drive also indicated their access gate to McLaren Road is regularly blocked in the summer. Ad hoc parking outside of designated parking areas is not encouraged. There are approximately 250 parking spaces in 4 locations providing public access to water plus 40 regular and 40 double length spaces at the Oyama Boat Launch and an additional 100 (estimated) to be constructed along Oyama Road upon completion.

The portion of road under consideration provides vehicle access to 15851 Trask Road and no other parcels. Three parcels, other than the applicants, border the subject area including 15872 Claridge Drive which has developed a walkway from their rear yard to McLaren Road. The applicant has agreed to accommodate the neighbouring properties by granting an Easement to both the owners of 15872 Claridge Drive and 15831 Trask Road. The owner of 15872 Claridge Drive has provided written comments regarding this proposal (Attachment B) while the owner of 15831 Trask Road has not.

### IMPACTS ON INFRASTRUCTURE, SERVICES AND STAFF CAPACITY

The property owner will be required to relocate their water shut off valve from McLaren Road to Trask Road at their expense (approximately \$4,500) to ensure that the valve remains on District property. District staff will perform the work once the property has been transferred.

The proposed consolidation does not permit any subdivision or additional development until a community sewerage system becomes available. Future subdivision or development of a consolidated lot, or sale of the land as a parcel are all impacted by significant constraints including a small building envelope, no development without sewer availability, no waterfront access as compared to adjacent properties, statutory rights of way restricting use on portions of the property and the requirement to relocate/provide access to 15851 Trask Road from McLaren Road.

### MAP 3 – EXISTING HIGHWAY RESERVATION COVENANT



## APPLICABLE LEGISLATION, BYLAWS AND POLICIES

Section 40 of the *Community Charter* allows Council, by bylaw, to close all or part of a highway that is vested in the municipality. Section 26 of the *Community Charter* requires notice of disposition to include a description of the land or improvements, the nature and, if applicable, the term of the proposed disposition; the person acquiring the property and the consideration to be received for the disposition. Section 94 of the *Community Charter* requires the notice described above to be published twice in a local newspaper.

Council has the ability to negotiate as part of their fundamental powers and privileges and may accept or reject an offer submitted for the proposed road closure. Market Value is determined by a seller and buyer negotiating an arms length transaction in the open market with the standard review of reasonableness.

PROPERTY INFORMATION	
File #	RC2023 - 025
Civic Address:	15851 Trask Road
Legal Description:	Lot 3 Section 12 Township 14 ODYD Plan KAP8428
PID:	009-818-731
Roll #	1898000
Charges on Title	None
Parcel Size:	1173.6 m <sup>2</sup> / 0.29 ac / 0.12 ha
Consolidated Parcel Size:	1809.1 m <sup>2</sup> / 0.45 ac / 0.18 ha
ALR:	No
Zoning:	RU1
DP Areas:	Natural Environment; Agri Tourism, GHG Reduction, Industrial, Commercial, Multiple Unit
Water:	Municipal
Sewer:	On site septic

## FINANCIAL IMPLICATIONS

Revenue from the proposed road closure and disposition will be allocated to the Land Reserve Fund.

<b>Revenue:</b>	Purchase Price	\$168,000.00 + GST
<b>Expenses:</b>	Legal	\$400.00 (estimated)
	Survey	\$700.00 (Covenant Plan)

## COMMUNICATION

This proposal was referred to all internal departments with no concerns noted.

## OPTIONS

- A. THAT Road Closure Bylaw (15851 Trask Road) 1237, 2024 be read a first, second, and third time.
- B. THAT Road Closure Bylaw (15851 Trask Road) 1237, 2024 be read a first and second time with the following amendments.
- C. THAT Road Closure Bylaw (15851 Trask Road) 1237, 2024 not be read and the file closed.

Respectfully Submitted.

**James Robertson, Land Agent**

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**Report Approval Details**

Document Title:	RC2023-025 Road Closure - 15851 Trask Road.docx
Attachments:	- Attachment A - RC2023-025 - Appraisal.pdf - Attachment B - RC2023-025 - Letter from adjacent property owner.pdf - Attachment C - RC2023-025 - Bylaw 1237, 2024.pdf
Final Approval Date:	Jan 16, 2025

This report and all of its attachments were approved and signed as outlined below:

**Reyna Seabrook, Director of Corporate Services - Jan 7, 2025 - 5:20 PM**

**Jeremy Frick, Director of Development Approvals - Jan 8, 2025 - 2:29 PM**

**Matt Vader, Director Parks, Recreation and Culture - Jan 8, 2025 - 2:35 PM**

**Matthew Salmon, Infrastructure & Development Engineering Director - Jan 9, 2025 - 1:00 PM**

**Paul Gipps, Chief Administrative Officer - Jan 16, 2025 - 4:46 PM**