



Town of Niagara-on-the-Lake

1593 Four Mile Creek Road
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REPORT #: CAO-24-053 **COMMITTEE DATE:** 2024-12-03
REPORT TO: COTW-General **DUE IN COUNCIL:** 2024-12-10
SUBJECT: Road Closure – 1634 Four Mile Creek Road

1. RECOMMENDATION

It is respectfully recommended that:

- 1.1 Council approve stopping up and closing a portion of road allowance located within the boundaries of the property located at 1634 Four Mile Creek Road in Virgil and direct staff to present the draft by-law attached as Appendix I.

2. EXECUTIVE SUMMARY

Under the Municipal Act, a municipality must pass a by-law to stop up and close a road allowance prior to conveyance of the road allowance to a third party. In this situation, the road allowance identified as Part 3 on the survey in Appendix II was conveyed at some point in the past to the adjoining property owner at 1634 Four Mile Creek Road; however, the requisite road closure by-law was never enacted. This is a housekeeping issue in that ownership of the road allowance is already in the name of the adjoining property owner and forms a part of their existing property. The road allowance in question does not extend onto the lands of the neighbouring properties on Four Mile Creek Road.

3. PURPOSE

The purpose of this report is to obtain authorization for a by-law to stop up and close a road allowance on lands previously conveyed to the adjoining property owner and identified as Part 3 on the survey in Appendix II to this report.

4. BACKGROUND

The issue of the road allowance encompassed within the boundaries of the property located at 1634 Four Mile Creek Road arose when the owners of the property approached the Town to inquire about constructing a home on the property. Although the lands comprising the road allowance were previously conveyed to the property owners of 1634 Four Mile Creek Road using a metes and bounds description, a road closure by-law was not registered. Town's legal counsel has recommended that the by-law to stop up and close be enacted.

5. DISCUSSION / ANALYSIS

As the lands comprising the road allowance have already been conveyed, the proposed by-law is to bring this matter into conformity. The road allowance is no longer owned by the

municipality and was conveyed some time ago. Legal counsel has advised that legislated public notice provisions to stop up and close a road are not applicable in this instance. The road allowance does not continue onto any of the neighbouring properties. The road allowance is entirely landlocked by adjoining property owners.

6. STRATEGIC PLAN

The content of this report supports the following Strategic Plan initiatives:

Pillar

2. Good Governance

Priority

4.2 Customer Experience

Action

Other

7. OPTIONS

7.1 Option 1: Council authorizes the stop up and closure of a portion of road allowance located on lands at 1634 Four Mile Creek Road in Virgil, Ontario
(Recommended)

7.2 Option 2: Council does not authorize closure of a portion of road allowance located at 1634 Four Mile Creek Road. *(Not Recommended)*

8. FINANCIAL IMPLICATIONS

There are no financial implications to the stop up and closure of the road allowance. Survey and registration costs were borne by the property owner.

9. ENVIRONMENTAL IMPLICATIONS

There are no environmental impacts to this road closure.

10. COMMUNICATIONS

As the road allowance was previously conveyed to the adjoining property owner, legal counsel has advised that the stop up and closure of the road allowance need not be advertised.

11. CONCLUSION

Staff recommends adoption of a by-law to formally stop up and close the road allowance shown as Part 3 on the survey in Appendix II to rectify this outstanding issue.

12. PREVIOUS REPORTS

NA.

13. APPENDICES

- Appendix I – Draft Road Closure By-law
- Appendix II – Plan 30R16322

Respectfully submitted:

Prepared by:



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Clerk

Submitted by:



Bruce Zvaniga
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