



CITY OF
ST. CATHARINES

Corporate Report

Report from Transportation and Environmental Services, Geomatics

Date of Report: July 25, 2014

Date of Meeting: August 11, 2014

Report Number: TES-223-2014

File: 77.44.99

Subject: Stopping up and Closing and Release of the City of St. Catharines' Interest in Part of the Road Allowance between Concessions 9 and 10, Lot 23 and Part of the Road Allowance between Lots 22 and 23, Concession 10 lying within PIN 46414-0015 (LT) in the former Geographic Township of Grantham, now in the City of St. Catharines, Regional Municipality of Niagara

Recommendation

That Council refer the report from Transportation and Environmental Services, Geomatics, dated July 25, 2014 regarding the stopping up and closing and release of the City of St. Catharines' interest in Part of the Road Allowance between Concessions 9 and 10, Lot 23 and Part of the Road Allowance between Lots 22 and 23, Concession 10 lying within PIN 46414-0015 (LT) in the former Geographic Township of Grantham, now in the City of St. Catharines, Regional Municipality of Niagara, to City Council for consideration after the public meeting scheduled for August 25, 2014; and

That the required public notice be given in accordance with By-law 2007-310 as amended by By-law 2010-116. FORTHWITH

Staff Recommendation

That Council authorize the stopping up and closing of Part 1, on Appendix 1 forming part of the original road allowance lying between Concessions 9 and 10 across Lot 23, and Part 3, on Appendix 1 forming part of the original road allowance between Lots 22 and 23, Concession 10 in the former Geographic Township of Grantham, now in the City of St. Catharines, Regional Municipality of Niagara and;

That the City release or convey any interest in the subject parts of the road allowances forming part of PIN 46414-0015 (LT) and;

That the City Solicitor be directed to prepare the necessary by-law and documents. FORTHWITH

Background

We received a formal request from Schwarz Law LLP. Solicitors for the Chicago Title Insurance Company for the stopping up and closing part of the original road allowance

lying between Concessions 9 and 10, Lot 23 and part of the original road allowance lying between Lots 22 and 23, Concession 10 in the Geographic Township of Grantham, now in the City of St. Catharines, Regional Municipality of Niagara more particularly described as Parts 1 and 3, respective of order as shown on Appendix 1 and further that the City of St. Catharines release or convey any residual interest it may have in PIN 46414-0015 (LT).

This report is being prepared using a preliminary copy of a reference plan prepared by William A. Mascoe, OLS and attached as Appendix 1 because the examiner of surveys for the Niagara North Land Registry Office will have to examine the documentation and approve the plan prior to deposit and this process may take several weeks to complete. The applicant will supply copies of the final deposited plan to be used for registration of the necessary documents.

The owner of PIN 46414-0015 (LT) and municipally known as 29 Power Glen first became aware of the problem with the title this spring when they had a site grading plan and topographic survey completed by an OLS as part of an application for a building permit. This plan disclosed that the location of the original road allowances were not consistent with the plan attached to the original transfer registered as Instrument RO245329 that created the subject parcel due to an error in the earlier survey.

The stopping up and closing of the subject road allowances will allow the Solicitors for the Chicago Title Insurance Company to rectify the title problems associated with PIN 46414-0015 (LT) and the owner will then be able to proceed with his building permit application.

Report

The original road allowances in the Geographic Township of Grantham were established by survey in a regular grid pattern in the late 1700's without any consideration of the topography and how it would impact the future construction of roads or development. In this particular area it was more practical to construct Power Glen Road formerly known as Old Pelham Road or Old Pelham Stone Road along the top of the Twelve Mile Creek valley and Crown Mills Road where it meander up the slope from the Crown Mills / Reynoldsville located on Twelve Mile Creek to intersect with Old Pelham Road.

In 1939, the Township of Grantham conveyed parts of the original road allowance between Concession 9 and 10, in Lots 22 and 23, in the Geographic Township of Grantham to Clifford G. Hooper in lieu of Old Pelham Road and was registered as Instrument Number 18392.

In 1955, the Township of Grantham passed a By-law Number 1596, registered as Instrument 5985 in June of 1956 correcting Instrument Number 18392 and again authorizing the sale and conveyance of the original road allowance lying between Concessions 9 and 10 within Lot 23 in the Geographic Township of Grantham in lieu of Old Pelham Road.

In 1941, the Township of Grantham passed By-law Number 744, registered as Instrument Number 18963 authorizing the stopping up, closing and selling of part of the original road allowance between Lots 22 and 23, Concession 10 in lieu of Crown Mills Road. This by-law described all of the road allowance lying south of its intersection with the limit of Crown Mills Road but contrary to the plan attached to the by-law and the description therein the westerly limit of said road allowance did not intersect with Crown Mills Road leaving the sliver of land shown as Part 3, on Appendix 1

In 1972, Clifford G. Hooper conveyed by Instrument Number 245329 a part of Lot 23, Concession 10 with a plan attached that was prepared by an OLS showing the northerly limit of the parcel coincident with the southerly limit of Old Pelham Road and the easterly limit coincident with the westerly limit of Crown Mills Road. Appendix 2 is a copy of this plan which was used in the preparation of the description that has been carried forward into PIN 46414-0015 (LT) and the reason the original road allowances were excluded.

In order formalize the Township of Grantham's intent to convey the road allowances in lieu of the roads as constructed and to remove the cloud on the applicants title we are recommending that Council authorize the stopping up and closing of that part of the original road allowance lying between Concessions 9 and 10, Lot 23, shown as Part 1, on Appendix 1 and that part of the original road allowance lying between Lots 22 and 23, Concession 10, and shown as Part 2, on Appendix 1 in the former Geographic Township of Grantham, now in the City of St. Catharines, Regional Municipality of Niagara.

Financial Implications

The cost of processing this request is less than \$200 for registration of the necessary By-law and documents in the Land Registry Office for Niagara North.

Notification

It is in order to notify Ms. Samantha Higgins, J.D. of Schwarz Law LLP, 1984 Yonge Street, Toronto, ON M4S 1Z7 of the City of St. Catharines intention to stop up and close as it applies to the owners claim.

Submitted by:

David Stringer, P.Eng. OLS
Manager of Geomatics, Transportation and Environmental Services

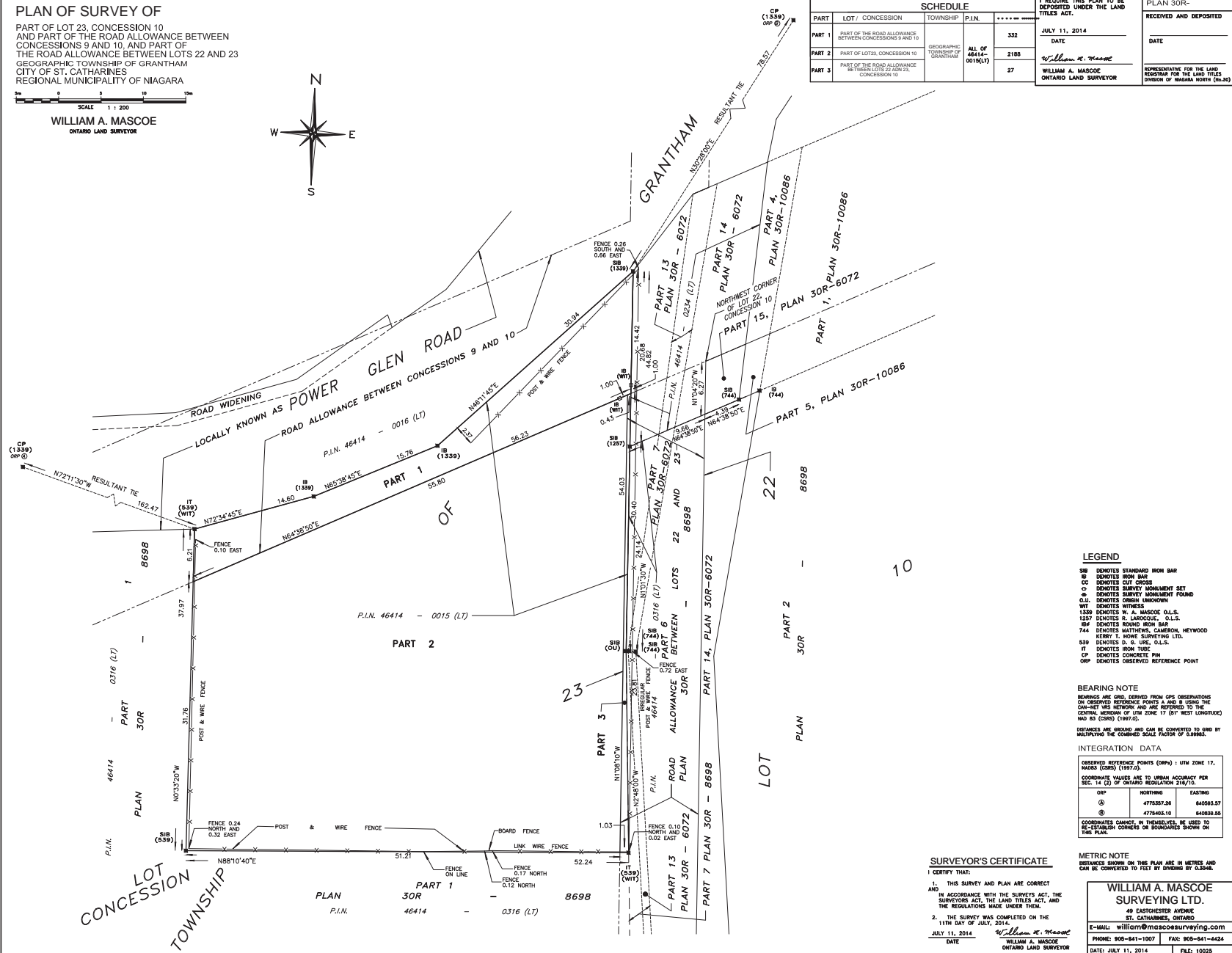
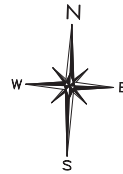
Approved by:

Dan Dillon, P.Eng.
Director, Transportation and Environmental Services

PLAN OF SURVEY OF

PART OF LOT 23, CONCESSION 10
AND PART OF THE ROAD ALLOWANCE BETWEEN
CONCESSIONS 9 AND 10, AND PART OF
THE ROAD ALLOWANCE BETWEEN LOTS 22 AND 23
GEOGRAPHIC TOWNSHIP OF GRANTHAM
CITY OF ST. CATHARINES
REGIONAL MUNICIPALITY OF NIAGARA

SCALE 1 : 200
WILLIAM A. MASCOE
ONTARIO LAND SURVEYOR



SCHEDULE				I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.	PLAN 30R- RECEIVED AND DEPOSITED
PART	LOT / CONCESSION	TOWNSHIP	P.L.N.		
PART 1	PART OF THE ROAD ALLOWANCE BETWEEN CONCESSIONS 9 AND 10	GEOGRAPHIC TOWNSHIP OF GRANTHAM	332	JULY 11, 2014	DATE
PART 2	PART OF LOT 23, CONCESSION 10		2188	DATE	DATE
PART 3	PART OF THE ROAD ALLOWANCE BETWEEN LOTS 22 AND 23, CONCESSION 10		27	WILLIAM A. MASCOE	REPRESENTATIVE FOR THE LAND REGISTRY FOR THE LAND TITLES DIVISION OF NIAGARA NORTH (SL-28)

LEGEND

SIB DENOTES STANDARD IRON BAR
IB DENOTES IRON BAR
CC DENOTES CUT CROSS
SIB DENOTES SURVEY MONUMENT SET
SIB DENOTES SURVEY MONUMENT FOUND
O.U. DENOTES ORIGIN UNKNOWN
WT DENOTES WITNESS
1389 DENOTES W. A. MASCOE O.L.S.
1237 DENOTES R. LAROCQUE O.L.S.
894 DENOTES ROUND IRON BAR
744 DENOTES MATTHEWS, GAMBON, HEYWOOD
KERRY T. HOWE SURVEYING LTD.
539 DENOTES D. S. IRE O.L.S.
IT DENOTES IRON TUBE
CP DENOTES CONCRETE PIN
ORP DENOTES OBSERVED REFERENCE POINT

BEARING NOTE

BEARINGS ARE GRID, DERIVED FROM GPS OBSERVATIONS ON OBSERVED REFERENCE POINTS A AND B USING THE CAN-NET VRS NETWORK AND ARE REFERRED TO THE CENTRAL MERIDIAN OF UTM ZONE 17 (81° WEST LONGITUDE) AND 83 (CGRS) (1987.0).

DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING THE CORRECTED SCALE FACTOR OF 0.99999.

INTEGRATION DATA

OBSERVED REFERENCE POINTS (ORP) : UTM ZONE 17, WALES (CGRS) (1987.0).

COORDINATE VALUES ARE TO UTM ACCURACY PER SEC. 14 (2) OF ONTARIO REGULATION 216/10.

ORP	NORTHING	EASTING
①	4773357.35	640583.57
②	4773403.10	640583.55

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

METRIC NOTE

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT, THE LAND TITLES ACT, AND THE REGULATIONS MADE UNDER THEM.
- THE SURVEY WAS COMPLETED ON THE 11TH DAY OF JULY, 2014.

JULY 11, 2014
DATE
WILLIAM A. MASCOE
ONTARIO LAND SURVEYOR

WILLIAM A. MASCOE
SURVEYING LTD.

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ST. CATHARINES, ONTARIO

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DATE: JULY 11, 2014 FILE: 10025

