

Corporate Report

Report from Transportation and Environmental Services, Geomatics

Date of Report: April 16, 2013

Date of Meeting: April 29, 2013

Report Number: TES-040-2013

File: 77.44.99

Subject: Stopping up and Closing of Original Road Allowance lying between Concessions 1 and 2 Across Lot 23 in Former Township of Grantham where Crosses Original Henley Island

Recommendation

That Council authorize the stopping up and closing of the original road allowance lying between Concessions 1 and 2 across Lot 23 in the former Township of Grantham, now in the City of St. Catharines, Regional Municipality of Niagara; and

That the required public notice be given in accordance with By-law No. 2007-310, as amended by By-law No. 2010-116; and

That the City release any interest in the subject road allowance lying within Port Dalhousie Lot 633 being Part 9, Plan 30R-9355 (PIN 46188-0865(LT)); and

Further, that the City Solicitor be directed to prepare the necessary by-law and documents.

Background

The City of St. Catharines has received a request from Victor F. Muratori, Q.C. of Sullivan Mahoney who are solicitors for the Canadian Henley Rowing Corporation (CHRC) regarding the stopping up and closing of the unimproved original road allowance lying between Concessions 1 and 2, across Lot 23, Township of Grantham where it crosses the original Henley Island, being Port Dalhousie Lot 633, and shown as Part 9, 30R-9355, now owned by CHRC.

Report

The original road allowance lying between Concessions 1 and 2 across Lot 23 in the Township of Grantham was established in 1788 prior to the Welland Canals Company flooding of a section of the Twelve Mile Creek valley that is now known as Martindale Pond. The Town of Port Dalhousie closed the original road allowances lying within the municipality by Port Dalhousie By-law No. 860 (Instrument Number 4884('50)), but only that part of Henley Island lying north of the road allowance was within the Town of Port Dalhousie, and the subject road allowance was not dealt with at that time.

This road allowance, as outlined on Appendix 1, is no longer accessible by land with the exception of the section located on Henley Island. This section of road allowance is recorded in Canadian Henley Rowing Corporation's deed subject to the interest of the municipality because the Registry Office has no record of a formal stopping up and closing of said road.

It is recommended that the subject road allowance be stopped up and closed to remove the cloud on title in anticipation of the proposed PAN-AM games and the possibility that the CHRC, together with other organizations, may construct a new training facility that may be partially located on part of the original road allowance.

The most cost effective manner of dealing with this matter is to register a by-law stopping up and closing the entire road allowance and the subsequent registration of an application to amend the Land Titles record for the CHRC parcel recorded as PIN 46188-0865(LT) in the Land Registry Office for Niagara North to remove the 'subject to interest of the municipality' recorded therein.

Financial Implications

The cost of processing this request is less than \$200 for registration of the necessary by-law and application to amend the Parcel Record at the Land Registry Office for Niagara North.

Notification

It is in order to notify Mr. Victor F. Muratori, Q.C. of Sullivan Mahoney, 40 Queen Street, P.O. Box 1360, St. Catharines, ON, L2R 6Z2, of the City of St. Catharines intention to stop up and close as it applies to his clients land.

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APPENDIX 1
ROAD ALLOWANCE BETWEEN CONCESSIONS 1 & 2

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