SUBJECT: Parsonage Road - Original Road Allowance between the Geographic Townships of Ancaster and Brant (PW09025/PED09096) - (Ward 14)

RECOMMENDATION:
That the Mayor and City Clerk be authorized and directed to execute any necessary documents including transfers or agreements with The Ministry of Transportation to acquire the lands known as Parsonage Road. All documents are to be in a form satisfactory to the City Solicitor, and that any Legal Services expenses or other administrative expenses be charged to Account Number 55785-560210.

Gerry Davis, CMA
Acting General Manager
Public Works Department

Tim McCabe
General Manager
Planning and Economic Development Department

Gord McGuire
Extension 2439
Bill Farkas
Extension 7019
EXECUTIVE SUMMARY:
The City of Hamilton is requesting a transfer from the Ministry of Transportation (MTO) of part of the original road allowance between the Former Township of Ancaster and the City of Brantford to clarify its title. The portion of the road allowance described as Part 1 on the MTO Plan P-3070-88 and registered as Part 1 on Plan 62R-3768 would allow the City of Hamilton to properly manage the limits of the road allowance; clarify and correct title to City lands; resolve issues pertaining to access to adjoining agricultural lands and address maintenance concerns.

BACKGROUND:
There is a section of Original Road Allowance locally known as Parsonage Road that has been the subject of some resident complaints and concerns about access to agricultural lands.

This land at issue is shown on the attached plan as Part 1, Plan 62R - 3768. Shown as Appendix “A” to Report (PW09025/PED09096).

Title to the road allowance along the limit of Ancaster Township and Brant has caused difficulty for many owners. Discussions with Land Surveying firms in Brantford noted there were periods where local surveyors ignored the road allowance on their surveys.

It is a long settled fact there is an original road allowance in that location, as shown on the plan created by Ministry of Transportation and Communications in 1977.

Title to the Road Allowance between townships as determined by a search of the Registry Office records is currently in the hands of private owners and the MTO. The Ministry is the owner of record of Part 1. The Ministry acquired the lands in conjunction with acquisition of lands for the 403 extension from Ancaster to Brantford. They are no longer required for Ministry purposes.

This issue can be corrected through the acquisition of the lands held by MTO, namely Part 1, 62R-3678.

MTO has responded and noted that upon a resolution of Council they will transfer the lands we requested back to the City to clarify our title.

ANALYSIS/RATIONALE:
Since the City is currently not the registered owner of the Road Allowance, and in order to address concerns over access to the agricultural lands to the east of the proposed land acquisition the City of Hamilton should clarify its title by acquiring the portion of land currently registered to the MTO. The City will then be in a position to mitigate concerns over access to agricultural lands and maintenance concerns, while correcting title to City lands.

Currently the owner of the lands to the South, in Brant County, objects to local residents accessing agricultural lands to the east. Acquiring correct title to the Road Allowance will allow the City to fulfill its mandate as the manager of Rights of Ways within City Limits.
ALTERNATIVES FOR CONSIDERATION:
N/A

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial: There is no direct cost to the City of Hamilton, as the City will accept transfer without compensation. This road is 200 m in length and operating costs on an annual basis are estimated to add approximately $3,000 to the operating budget.

Staffing: Staff will take the necessary steps to complete the transfer.

Legal: Legal Services will be required to assist in the preparation of the necessary documents required to complete the recommendation set out herein.

POLICIES AFFECTING PROPOSAL:

Public Works Strategic Plan:

The acceptance of this land supports the local agricultural community by allowing seasonal access to agricultural lands.

This recommendation is consistent with the Real Estate Management Portfolio Strategy Plan, as approved by Council on November 24, 2004.

RELEVANT CONSULTATION:

Legal Counsel has reviewed this matter and concurs with the recommendation.

CITY STRATEGIC COMMITMENT:

By evaluating the “Triple Bottom Line”, (community, environment, economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

Community Well-Being is enhanced. ☑ Yes ☐ No

Environmental Well-Being is enhanced. ☑ Yes ☐ No

Economic Well-Being is enhanced. ☑ Yes ☐ No

Does the option you are recommending create value across all three bottom lines? ☑ Yes ☐ No

Do the options you are recommending make Hamilton a City of choice for high performance public servants? ☐ Yes ☑ No