

Type of Decision									
Meeting Date	Friday, February 22, 2013				Report Date	Thursday, February 21-13			
Decision Required	X	Yes		No	Priority	X	High		Low
Direction	x	Information Only			Type of Meeting	X	Open		Closed
REPORT TITLE									
Yates Road Closure Report #22/02/13/1204									

Subject: A brief report on the issue of closing Yates road past Logger's Road.

RECOMMENDATION: That Council adopt the following resolution agreeing to postpone this issue to some time in the future.

WHEREAS the Municipal Act has quite specific rules to follow respecting roads;

AND WHEREAS the eventual ownership and use of the property at the end of Yates Road which currently belongs to the CP Railway is unknown and may be for some time;

THEREFORE BE IT RESOLVED THAT the Council of the United Townships of Head, Clara & Maria defers making a decision on the fate of Yates Road until a time in the future where the use of the CP Rail lands is made known.

BACKGROUND/EXECUTIVE SUMMARY: Yates Road currently provides access to two separate parcels on land, one being the CP Rail yard and the other that of a private landowner. It also provides access to Crown lands.

As per the Municipal Act as it relates to roads and road closures:

1. If closing would remove the sole method of ingress and egress to a private parcel of land the affected land owner would have to agreed to the bylaw. Compensation may be an issue. It may be possible to stop up the road and sell the land to the adjacent property owner. With legal precedent upholding this section and the new Municipal Act removing it – it is recommended that legal advice be obtained.
2. The by-law would have to be approved by the Crown as it abuts Crown land.
3. We do not at this time know the future ownership or potential use of the railroad land. The land is large enough for construction. This parcel is wider than and separate from the corridor and may be eligible for severance, separate sale and eventual residential/commercial use.

It is staff opinion that making a decision like this at this time is premature.

Options/Discussion: - none

Financial Considerations/Budget Impact: - none

Policy Impact: - according to policy

Others Consulted: <http://www.rslawyers.com/pdf/injurious.pdf>; http://www.elaws.gov.on.ca/html/statutes/english/elaws_statutes_01m25_e.htm#BK40;
<http://www.cobbjones.ca/library.php?article=27>;

Approved and Recommended by the Clerk

Melinda Reith,

Municipal Clerk

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