

Municipality of East Ferris

Report to Council

Report No.: PLAN-2025-02

Date: January 28, 2025

Originator: Greg Kirton, Director of Community Services

Subject: Champagne & Duquette Road Allowance Request

RECOMMENDATION

1. That Council for the Municipality of East Ferris approve the request from Raymond Champagne on behalf of Roger & Louise Champagne and Tim & Marie Duquette to authorize the closing and transfer of the original road allowance as outlined in this report and as per Section 66 of the *Municipal Act*.
-

BACKGROUND

A request was received from Raymond Champagne on behalf of Roger & Louise Champagne and Tim & Marie Duquette to authorize the closing and transfer of the original road allowance as outlined on the attached Reference Plan 36R15236. These original road allowances were not used for the construction of South Shore Road and instead land that was previously donated to the municipality by the adjacent land owners was used in their place. The attached letter from Raymond Champagne outlines the request as well as the historical land transfers.

The Champagne's have been completing a series of planning applications since 2021 to consolidate their land holdings and the municipal road allowances form a part of this undertaking.

East Ferris By-law 2218 outlines the procedure for the sale of land in the municipality and Fees and Charges By-law 2023-11 prescribes the appropriate land sale fees, which would be applied in most instances. The Champagne's and Duquette's are requesting that these fees be waived and that the land sale price be set at \$0.00. Surveying and legal fees would remain the responsibility of the Champagne's and Duquette's.

The basis for this request comes from Section 66 of the *Municipal Act*, which states:

“Highways not opened on original road allowance

66 (1) If, before January 1, 2003, a highway was opened on land in the place of all or part of an original road allowance and compensation was not paid for the land, the

owner of the land appropriated for the highway or the successor in title to the owner is entitled to the following:

1. If that person owns the land abutting on the allowance, the owner is entitled to the soil and freehold of the original road allowance and to a conveyance of the original road allowance.
2. If that person does not own the land abutting on the allowance and if the allowance is sold by the municipality, the owner is entitled to the part of the purchase price that bears the same proportion to the whole purchase price as the value of the part of the land occupied by the highway that belonged to the owner bears to the value of the land occupied by the highway. 2001, c. 25, s. 66 (1)."

In this instance, South Shore Road was opened on land that meets the criteria listed above and compensation was not paid to the original owners. As a result, the *Municipal Act* entitles the abutting landowners compensation in the form of the conveyance of the original unopened road allowance that abuts their property.

Based on this section of the *Municipal Act*, staff are of the opinion that the request from Raymond Champagne on behalf of Roger & Louise Champagne and Tim & Marie Duquette should be approved.

OPTIONS

1. Option 1

That Council for the Municipality of East Ferris approve the request from Raymond Champagne on behalf of Roger & Louise Champagne and Tim & Marie Duquette to authorize the closing and transfer of the original road allowance as outlined in this report and as per as per Section 66 of the *Municipal Act*.

2. Option 2

That Council choose not to approve the request from Raymond Champagne on behalf of Roger & Louise Champagne and Tim & Marie Duquette. This would result in the road allowance closure requiring a purchase price; however, this would be in contravention of Section 66 of the *Municipal Act*.

FINANCIAL IMPLICATIONS

The financial implications of this request would be that no revenue would be generated from the sale of the road allowance. This is offset by the existing location of South Shore Road being on land that was received at no charge. The *Municipal Act* requires that the original road allowance be provided at no charge to adjacent landowners when the road is relocated to land that was provided to the municipality at no cost. There will be no costs to the municipality associated with this process and surveying and legal fees will be covered by the Champagne's and Duquette's.

RECOMMENDATION

It is recommended that Council for the Municipality of East Ferris approve the request from Raymond Champagne on behalf of Roger & Louise Champagne and Tim & Marie Duquette to authorize the closing and transfer of the original road allowance as outlined in this report and as per as per Section 66 of the *Municipal Act*.

Respectfully Submitted,



Greg Kirton
Director of Community Services

I concur with this report,
and recommendation.



Jason H. Trottier, HBBA, MPA, CPA, CMA
CAO/Treasurer

Enc. Champagne Request Letter and Historical Records
Plan 36R15236