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**To:** Council  
**From:** Loriann Harbers, Director of Corporate Services  
**Date of Meeting:** March 8, 2023  
**Subject:** Request to Close and Sell an Unopened Road Allowance Section – Helmer Road

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**Recommendation:**

That Council instructs staff to proceed with the procedures outlined in the Permanently Close and Sell an Unopened Road Allowance Policy as it relates to a proposal for the purchase of an unopened portion of Helmer Road;

And further, that Council concurs with the following;

That a section of an unopened road allowance described as the Road Allowance Between Lots 6 and 7, Concession 6, Geographic Township of Osnabruck (AKA Hoople Road), Township of South Stormont, Being Part of PIN 60228-0076 (approximately 1,400 meters, be declared surplus;

And furthermore, that the required notice be given of Council's intention to consider the necessary by-law(s).

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**Executive Summary:**

This report provides an overview of a request to close and sell an unopened road allowance. The proponent, Alain Leduc intends to use the property to gain access to farmland abutting the unopened road allowance identified in this report. The request is attached to this report.

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**Background:**

A request to close a portion of the Helmer road allowance was received in early 2023. Mr. Leduc explains that due to high volumes of traffic on County Road 12 and limited line of site to the south of the farm entrance a safety concern has been realized. Accessing the farm from the Hoople Seventh Road would be a safer option.

Pursuant to the Township's Policy (Permanently Close and Sell an Unopened Road Allowance, A-01-2005), the request has been circulated to each department for review and comment. As a result, municipal staff are supportive in principle. The acquisition of the unopened road allowance will be a significant component considering the applicant's overall objectives.

Part of the road allowance contains lands affected by a municipal drain, however, would not be affected by the intended use.

As there are affected residents at both the North and South end of Helmer Road, there will be a need to negotiate turnaround options to ensure Township maintenance operations are not affected should the sale proceed.

The owner intends to acquire a section of the unopened road allowance section as illustrated on the map below, it is approximately 1400 meters in length and equates to approximately 4.15 acres +/-.



If Council desires to proceed with a future transaction, the section of the unopened road must be declared surplus to the needs of the municipality; this has been included in the recommendation in this report.

Moreover, pursuant to the Municipal Act, no appraisal is required when selling an unopened road allowance.

### **Discussion and Next Steps:**

Pursuant to the Township's Policy to Permanently Close and Sell an Unopened Road Allowance, the request to purchase was received in writing with confirmation of understanding that they are responsible for (Survey, Advertisement, Legal, Title Search etc.) costs associated with the transaction regardless if they're successful in acquiring the subject parcel.

The request has been circulated to pertinent Township departments for commentary and it has been determined that the request is satisfactory for the intended use.

If Council instructs staff to proceed, a notice will be advertised in a local newspaper for three consecutive weeks advising the public of Council's intention(s), it will provide an opportunity for residents to submit input on the matter.

Notice will also be sent, via first class mail, to the adjoining property owners (15) inviting their commentary, either in support of, or opposition to the closure and sale of the road, prior to the by-law being passed.

Council will have the opportunity to consider comments made prior to passing a by-law authorizing the closure and sale.

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**Options:**

1. Council direct staff to proceed with the provisions of the applicable Township policies and prepare the necessary by-law(s) for Council's consideration. This will include all comments received as a result of advertising and notifying adjoining property owners.
2. Council does not authorize staff to proceed with provisions outlined and advise property such.
3. Other.

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**Financial Impact:**

1. Should Council authorize the sale of the roadways, revenue would be received in the amount of the purchase price (\$750 per acre / approximately \$3100.00+/- ).
2. Should Council authorize the sale of the road, all expenses associated with the sale would be the responsibility of the purchaser.

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**Risk and Asset Management Considerations:**

This report recommends Council proceed with provisions outlined in established policies. There is minimal risk at this point, as public comment will be provided when the by-law is presented for consideration.

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**Others Consulted:**

Deputy Director of Public Works - Mohammed Alsharqawi  
Director of Planning and Building - Karl Doyle  
Director of Recreation - Kevin Amelotte