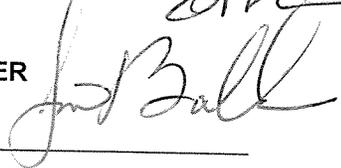

TO: GENERAL COMMITTEE

SUBJECT: ACCEPT TRANSFER OF LAND AND GRANT EASEMENT TO FACILITATE ACCESS FOR RESIDENT

PREPARED BY AND KEY CONTACT: Z. WALPOLE, SOLICITOR X4511

SUBMITTED BY: I. PETERS, DIRECTOR OF LEGAL SERVICES 

GENERAL MANAGER APPROVAL: E. ARCHER, GENERAL MANAGER OF CORPORATE SERVICES 

CHIEF ADMINISTRATIVE OFFICER APPROVAL: JON M. BABULIC, CHIEF ADMINISTRATIVE OFFICER 

RECOMMENDED MOTION

1. That the City of Barrie accept from Michal Goralski the dedication of land legally described as Part of Block A, Plan 602, Innisfil being Part 2, Reference Plan 51R- 38102; Barrie as shown in Appendix "A" of Staff Report LGL020-11 (the "access lands").
2. That the City of Barrie transfer an easement across the access lands to the adjoining property owners, being Jody and Jennifer Fiegehen.

PURPOSE & BACKGROUND

3. The purpose of this staff report is to recommend that Council facilitate the private access arrangements made between Michal Goralski and Jennifer and Jody Fiegehen, residing at 42 Brennan Avenue and 42A Brennan Avenue, respectively.
4. The Fiegehens originally had two access routes to their property, both of which were secured by easements. The first was an easement across the southerly portion of 42 Brennan Avenue (Mr. Goralski's property).
5. The second was, and is, an access easement across Kempview Lane (the "Kempview Lane easement"). The lands encompassed by the Kempview Lane easement are owned by the City of Barrie but are not part of the municipal road system; these lands have not been assumed by the City. The Kempview Lane easement provides a narrow route for the Fiegehens to access the land at 42A Brennan Avenue from the north but does not permit a vehicle to turn around.
6. Mr. Goralski and the Fiegehens entered into an agreement where the Fiegehens agreed to release the existing access easement they had across the front lot of 42 Brennan Avenue, in return for Mr. Goralski dedicating a portion of his rear lot to the City of Barrie - to become part of Kempview Lane. The addition of land to Kempview Lane would facilitate the Fiegehens access to their property by widening the existing Kempview Lane easement.
7. The Fiegehens released their access easement across the front lot of 42 Brennan Avenue on July 20, 2009. They have been accessing their property at 42A Brennan Avenue by using the Kempview Lane easement and by crossing a portion of the rear lot of Mr. Goralski's property.

8. By correspondence dated September 12, 2011 Mr. Goralski and the Fiegehens have jointly requested that the City of Barrie accept a dedication of the lands illustrated in Appendix "A" and grant an access easement (right of way) to the Fiegehens across this land.
9. Mr. Goralski has entered into an agreement of purchase and sale to sell his property and needs to finalize his arrangements with the Fiegehens in order to complete the sale. The sale is scheduled to close on September 30, 2011.

ANALYSIS

10. The Kempview Lane easement which the Fiegehens cross to access their property has not been assumed by the City of Barrie as part of its road system. The additional land to be dedicated from Mr. Goralski will also be owned by the City of Barrie but will not form part of the road system. The proposed transaction will simply formalize and legalize the existing arrangements.
11. The proposed transaction does not raise any additional legal liabilities for the City of Barrie. The Fiegehens existing property insurance, which currently includes the Kempview Lane easement, will also cover the lands to be dedicated by Mr. Goralski.
12. All appropriate City Departments have been circulated with the application and no objections or concerns were presented.

ENVIRONMENTAL MATTERS

13. There are no environmental matters related to the recommendation.

ALTERNATIVES

14. There is one alternative available for consideration by General Committee:

Alternative #1 General Committee could refuse the request from Mr. Goralski and the Fiegehens and require Mr. Goralski to make an application to the Committee of Adjustment to grant an easement directly to the Fiegehens.

This alternative is not recommended as Mr. Goralski is in the midst of selling his property at 42 Brennan Avenue and a change in plans could impact the sale.

FINANCIAL

15. There are no financial implications for the Corporation resulting from the proposed recommendation. Mr. Goralski and the Fiegehens will be jointly responsible for all costs associated with the dedication of land and transfer of easement.

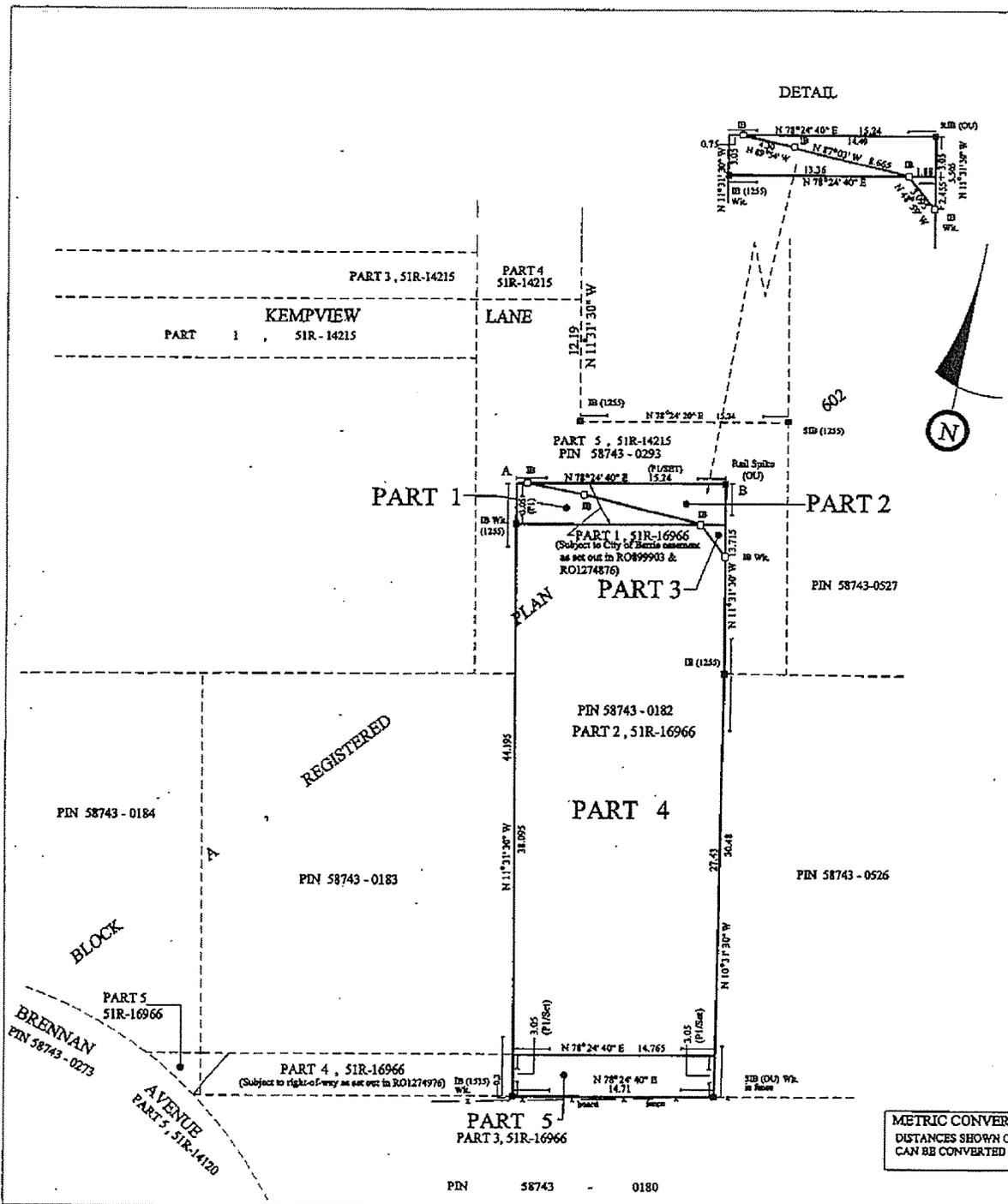
LINKAGE TO 2010-2014 COUNCIL STRATEGIC PLAN

16. The recommendation(s) included in this Staff Report are not specifically related to the goals identified in the 2010-2014 City Council Strategic Plan.

APPENDIX "A"

Reference Plan illustrating Proposed Land Dedication

Being Part 2 on Plan 51R-38102



I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.

DATE *Aug. 24 2011*

PLAN 51R-38102
RECEIVED AND DEPOSITED

DATE *Sept. 07, 2011*

P.J. Mansfield
P.J. MANSFIELD

Asst. Dir. J. Hillier
LAND REGISTRAR FOR THE
LAND TITLES DIVISION OF
SIMCOE (No. 51)

SCHEDULE			
PART	LOT	PLAN	PIN
1			
2	PART OF BLOCK A	602	ALL OF 58743-0182
3			
4			
5			

PARTS 1 & 2 - SUBJECT TO EASEMENT AS SET OUT IN R0499903
PARTS 1,2,3,4 - SUBJECT TO EASEMENT AS SET OUT IN R01274976

PLAN OF SURVEY OF
PART OF BLOCK A
REGISTERED PLAN 602 (FORMERLY TOWNSHIP OF BRINSFEL)
CITY OF BARRIE
COUNTY OF SIMCOE
SCALE: 1:200

0 7.5 15 30 METRES

PETER J. MANSFIELD, OLS -2011

NOTES

BEARINGS SHOWN HEREON ARE UTM GRID BEARINGS (REFERRED TO CENTRAL MERIDIAN 81 W OF ZONE 17) AND ARE DERIVED FROM OBSERVATIONS BETWEEN MNR HORIZONTAL CONTROL MONUMENTS 001673109 AND 010460476.

LETTER	DENOTES	FOUND SURVEY MONUMENT
R		FOUND SURVEY MONUMENT
O		SET SURVEY MONUMENT
SIB		STANDARD IRON BAR
IB		IRON BAR
OU		ORIGIN UNKNOWN
MS		MEASURED
P1		PLAN 51R-16966

DISTANCES SHOWN ON THIS PLAN ARE ADJUSTED GROUND LEVEL DISTANCES AND CAN BE CONVERTED TO GRID DISTANCES BY MULTIPLYING BY A COMBINED SCALE FACTOR OF 0.99970691.

UTM (NAD83) COORDINATE TABLE		
POINT	NORTHING	EASTING
A	4914283.000	606412.021
B	4914286.060	606426.946

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:-

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM;
- THIS SURVEY WAS COMPLETED ON *Aug 24 2011*

DATE *Aug 24 2011*

P.J. Mansfield
P.J. MANSFIELD
ONTARIO LAND SURVEYOR

METRIC CONVERSION

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

P. J. MANSFIELD
Ontario Land Surveyor
58 CHEFFLAIN CRESCENT
BARRIE ONTARIO L4N 4L8
705 - 728 - 8832

KEMPVIEW LANE

WHITTY LANE

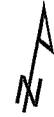
1

2

3

4

BRENNAN AVE



- 1. Neighbour to west (40 Brennan Ave)
- 2. 42 Brennan Avenue, owned by Goralski
- 3. Parcel to be dedicated to the City of Barrie and easement granted to 42A Brennan Avenue (owned by Fiegehen)
- 4. 42A Brennan Avenue (owned by Fiegehen)