

## Acquisition of Land Procedure

**Approved by:** By-law 4866-14

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**Scheduled for Review by:** 2017

**Procedure Number:** G-GEN-003-002    **Parent Policy:** G-GEN-003

**Author:** Clerk's Department

### References and Related Documents

[Municipal Act 2001](#), Section 270

[G-GEN-003 Sale and Acquisition of Land Policy](#)

[G-GEN-003-001 Sale of Land Procedure](#)

### Forms

### Purpose

To define the procedures to be followed for all acquisitions of Real Property by the County of Grey.

### Scope

This procedure covers all acquisitions of Real Property by the County of Grey.

### Procedure

#### *1) General Real Property Purchases*

- a) County Council approval must be sought before County staff negotiates the purchase of any Real Property. The authority to negotiate as an agent for County Council must first be provided. County Council may delegate the authority to the Chief Administrative Officer or a relevant department Director.
- b) Staff who are delegated the authority to negotiate the purchase of Real Property are entitled to rely on additional County staff to assist with the negotiations;

however, the staff member who is the person in the office that is delegated the authority is responsible for ensuring the negotiations are carried out in compliance with the delegation granted.

- c) The authority granted will be limited to the negotiation of an agreement of purchase sale as an agent for County Council which will not be binding until approved by County Council and executed by the Warden and Clerk.
- d) The final agreement of purchase and sale will be ratified by by-law of County Council.
- e) The responsibility for receiving staff reports and making recommendations for the acquisition of Real Property under this policy for County Council approval is the appropriate Standing Committee.

## *2) Real Property Purchases by Expropriation*

- a) Where it is deemed necessary, expropriation may be authorized by County Council. In these circumstances the requirements of the Expropriation Act will be followed.

## *3) Road Purposes Purchases*

- a) The Director of Transportation Services or his/her designate is authorized to negotiate in accordance with this procedure the purchase of Real Property that is in his opinion required for road purposes. For negotiations beyond the scope of this procedure all offers will be without prejudice to the County of Grey until endorsed by County Council.
- b) In the event that it appears to County Council that a larger amount of Real Property can be acquired from any particular owner at a more reasonable price and on terms more advantageous than those upon which the immediately required Real Property can be acquired, County Council may direct that such larger amount be acquired.
- c) Recommendations to purchase property for road purposes shall be presented to the Standing Committee and recommended to County Council.
- d) With the exception of 3(b), the Warden and Clerk are authorized to execute all necessary documents related to Real Property acquisitions for road purposes once approved by County Council and is exempt from the requirement of a by-law in Section 1(d).

## *4) Real Property Acquired as a Result of a Land Severance*

- a) For severances of properties on County roads:
  - i. a road widening of 5.2 metres (17 feet) is to be conveyed in support of the County's long term goal of acquiring 30.5 metres (100 feet) right of way widths throughout its road system. For severances, road widening will be

conveyed to the County on both the severed and retained parcels which will be added as a condition of consent. For properties located within settlement areas the required road widening will be determined by the Director of Transportation Services or his/her designate;

- ii. a road widening of greater than five (5) metres will be conveyed if in the County's sole opinion future right-of way requirements will exceed 30 metres. For severances, road widening will be conveyed to the County on both the severed and retained parcels which will be added as a condition of consent;
  - iii. geometric considerations will meet the current standards as outlined in the Geometric Design Standards for Ontario Highways;
  - iv. the landowner shall bear all the costs of the conveyance.
- b) Acquisitions under Section 4 are exempt from requirements of 1(a), 1(c), 1(d) and 3(c) and the Warden and Clerk are authorized to execute all necessary documents to acquire Real Property as a result of a land severance.
- c) Any exceptions to the requirements of 4(a)(i) and 4(a)(ii) would need to be considered and approved by County Council.

#### *5) Approved Guidelines for Purchasing Property for Roads' Purposes*

The value of Real Property being purchased for road strip widening is dependent of several factors including:

- Usage of the existing property
- Size of the existing parcel of land
- Residential setback
- Damages for Injurious Affection

#### *6) Determination of Level of Compensation*

- a) Compensation paid to a Person for Real Property acquired by the County for roads related purposes shall be as set out in Schedule "A" attached hereto.
- b) Where deemed appropriate the Director of Transportation or his designate is hereby authorized to negotiate beyond the approved schedule, without prejudice, on an individual basis and no negotiation shall be binding on the County until reported to the Standing Committee for its consideration and endorsement by County Council.

Schedule "A" to Acquisition of Land Procedure G-GEN-003-002

Type of Compensation	Compensation		Comments
	All municipalities except Town of Blue Mountains	Town of Blue Mountains	
Road Widening as a condition of severance	\$2.00	\$2.00	Condition of severance
Road widening – standard 5 met res (17 foot) parcel – 0.08 hectares (0.2 acres) of frontage and greater	\$ 12,600/hectare (\$5,100.00/acre) or \$6.50 per running metre	\$ 18,525/hectare (\$7,500.00/acre) or \$9.50 per running metre	
Road widening – standard 5 metre (17 foot parcel – less than 0.08 (less than 0.2 acres) of frontage	\$1,000	\$1,000	
Fence Allowance	\$12.00 per metre	\$12.00 per metre	To be provided for relocation of an existing "good condition" farm fence. A "good condition" fence is defined as one that is capable of holding livestock and will be at the discretion of County staff
Daylight Corners – measurement of 15 metres (50 feet) adjacent to an intersecting road	\$200.00	\$200.00	The \$200 flat rate is in addition to the road widening paid per metre noted above.
Tree Compensation	Tree planting to maximum of \$1,500	Tree planting to maximum of \$1,500	To be negotiated by the Director of Transportation Services and his/her designate.