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**STAFF REPORT:      ENGINEERING AND PUBLIC WORKS DEPARTMENT**



**REPORT TO:**                    **Committee of the Whole**  
**MEETING DATE:**           **August 18, 2014**  
**REPORT NO.:**                **EPW.14.054**  
**SUBJECT:**                    **Consideration of Sale of Un-named Town Lane Bisecting the Property Used for Moore's Motel**  
  
**PREPARED BY:**            **Reg Russwurm, Director of Engineering and Public Works**

**A.      Recommendations**

THAT Council receive Staff Report EPW.14.054, "Consideration of Sale of Un-named Town Lane Bisecting the Property Used for Moore's Motel";

AND THAT Council direct Staff to initiate the public notice procedures related to the consideration of declaring the unopened road allowance block surplus to the Town's needs.

**B.      Background**

As part of a Highway 26 Environmental Assessment, the Ministry of Transportation (MTO), are contacting landowners along the corridor to address various issues that concern the Ministry. The Moore's Motel site has an uncontrolled access from Highway 26 to Blue Mountain Drive. In June of this year the Ministry contacted the owners of Moore's Motel, 1217184 Ontario Inc. (the Zajkowski family), requesting the closure of their entrance onto Highway 26 and to use Blue Mountain Drive as their business entrance. Once the ownership of the entrance was understood by the Ministry, the Town was contacted about closing the entrance.

1217184 Ontario Inc. owns Lots 125 and Pt. Lots 126,133 in Plan 529. Plan 529 is a Judges' Plan registered in 1957 to clean up a number of land sales. The Plan included a number of narrow laneways in this area such as Blue Mountain Drive. There remain 2 laneways which were not officially opened. One of these laneways runs from Blue Mountain Drive to Highway 26 between Lots 125 and 126, bisecting the Moore's Motel property. This unopened road allowance has become an entrance and driveway for Moore's Motel over the years. The use of the laneway has been a legacy issue for the Town that has not been resolved. Plan 529 Sheet 4 is provided as Attachment #1

The contact from MTO highlighted the status of the highway entrance to the owners of the motel. In an interesting coincidence the owners of the motel are trying to sell the property and the status of the highway entrance has put an offer on the property in limbo. The owners of the motel believe they need the Highway 26 entrance to have a viable business.

Town Staff spoke with MTO's Ryan Mentley about the Moore's Motel entrance. MTO suggested that the motel should gain access to their property from the local municipal road, Blue Mountain Drive, rather than directly from the highway. It is typical that only properties without access to municipal roads have entrances directly off the highway. Town Staff suggested that in this case the municipal road is sub-standard and assess directly off the highway is appropriate for the commercial enterprise.

In a letter from the MTO addressed to Moores Motel to the attention of Monika Zajkowski, dated June 3<sup>rd</sup>, 2014 (Attachment #2), the MTO noted that consideration would be given to permit the conversion of the public road access to a commercial access for Moores Motel providing the following:

- The public lane must be closed by municipal by-law.
- The public lane shall be merged with the motel property, conveyed in the exact same name/ownership and amalgamated under a single property number.
- Site modified to prevent interconnection of Blue Mountain Drive and Highway 26.

On June 10, 2014, Ms. Zajkowski contacted the Town expressing an interest in obtaining ownership of the Town owned land. Staff provided Ms. Zajkowski the steps needed to move forward and noted the process would likely take upwards of a year to complete. Ms. Zajkowski then asked Town Staff if she could obtain a permit allowing the legal use of the laneway for the purpose of accessing the hotel.

Staff explained that there are two ways to acknowledge the use of Town lands in the time being before the transfer is done:

- 1) The Town can send a letter acknowledging past use of the lands, stating that the Town has no concerns with the continued use of the entrance off the highway in its current form other than issues identified by MTO, and that the intention is to start the process of disposing the use of the lands to the adjacent land owners at the appraised value; or
- 2) The use of the lands can be formalized through a Municipal Lands Use Permit, at a fee of \$200 with \$2,000,000 in general liability insurance.

Moving forward, in a letter to Moore's Motel from the Town dated June 17, 2014, Staff indicated that if Council made a decision to declare the land surplus to the Town's needs, a public notification process and a formal meeting to receive comments would advance. The motel owners would also be required to provide a deposit for the cost of the land appraisal.

Staff also noted that a condition of the sale of the laneway will be that the Town retain an easement for emergency access to Blue Mountain Drive.

Alternatively, if the Town does not declare the unopened road allowance surplus the Motel owners must enter into a Municipal Land Use Agreement with the Town. It is important to note that the laneway is an unopened road allowance and has been used without approval from the Town for some time. The laneway will have to be closed, presumably at Blue Mountain Road, to eliminate the uncontrolled access to the Highway. The operation of the Motel might be slightly affected as they would no longer have access off Blue Mountain Road and would be limited to one access off of Highway 26.

As Town Staff have confirmed that the Town has no use for the laneway, Staff are requesting Council's direction to initiate the public notice procedures related to the consideration of declaring the unopened road allowance surplus to the Town's needs.

### **C. The Blue Mountains' Strategic Plan**

Goal 2: Addressing the Town's municipal infrastructure needs.

### **D. Environmental Impacts**

None.

### **E. Financial Impact**

The proponent will be required to provide a deposit for the land appraisal. Any funds for the ultimate sale of the lands will be placed in Roads Reserves.

### **F. In Consultation With**

Michael Campbell, Construction Coordinator

### **G. Attached**

- 1) Plan 529 Sheet 4 showing location of Town lands in question.
- 2) Letter from the MTO dated June 3, 2014

**Reg Russwurm**  
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June 3, 2014

Moore's Motel  
209797 Highway 26  
The Town of Blue Mountains, ON  
L9Y 0K9

Attention: Monika Zajkowski

**RE:** Access to Moore's Motel - 209797 Highway 26  
Lot 125, Plan 529 & Lot 126, 133 Plan 529  
Municipality of The Town of Blue Mountains, County of Grey

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Thank you for your inquiry to the Ministry of Transportation (MTO) regarding access to Highway 26 to the above noted property.

MTO has completed its review of your request for a commercial access from Highway 26 to the above noted property. The request has been considered and reviewed in accordance with the requirements of MTO's highway access management policies and criteria, and the permit requirements of the *Public Transportation and Highway Improvement Act* (PTHIA). The following outlines our comments.

Moore's Motel currently gains access to Highway 26 via the public lane owned by the Town of Blue Mountains.

MTO will consider permitting the conversion of the public road access to a commercial access for Moore's Motel provided the following:

- The public lane must be closed by a municipal by-law.
- The public lane shall be merged with the motel property, conveyed in the exact same name/ownership and amalgamated under a single property identification number.
- Site modified to prevent interconnection of Blue Mountain Drive and Highway 26.

Should you have any questions regarding the above, please contact our office.

Yours truly,

A handwritten signature in black ink, appearing to read "R. Mentley".

Ryan Mentley  
Corridor Management Officer (A)  
Corridor Management Section  
MTO - West Region, London