



2021 Division Road North
Kingsville, Ontario N9Y 2Y9
(519) 733-2305
www.kingsville.ca
kingsvilleworks@kingsville.ca

Date: April 14, 2021
To: Mayor and Council
Author: Vicky Sawatzky, Tax Collector
RE: Conveyance of Property on Cedar Creek
Report No.: FS-2021-09

RECOMMENDED ACTION

That Council authorize the conveyance of the shoreline portion of a Cedar Creek water lot (PIN 75181-0230) to abutting property owners for the construction or rehabilitation of breakwalls; and that the cost to administer the tax sale and any additional "out of pocket" expenses incurred by the Town in the acquisition or conveyance of the land shall be recovered from the benefiting landowners.

BACKGROUND

In November of 2018, three property owners along Cedar Island Drive approached the Town in hopes of finding a solution to issues they encountered while attempting to protect their properties from rising water levels.

The three property owners had applied for permits with ERCA to construct breakwalls along Cedar Creek. It was through this process that they discovered that the land where the breakwalls were to be constructed did not form part of their property. In order to approve the permits, ERCA required consent from the owner of the land where the breakwalls were to be located. The property in question, as identified by the green lines in the map below, was registered to the Estate of Jacob Wigle and the Town had been unable to locate the Executor of the estate to obtain their consent.



As the owner of this water lot had not paid their property taxes for several years, it was decided that the Town would proceed with a tax registration and subsequent tax sale. Given the limited use for the property, it was unlikely that anyone would purchase it and therefore the Town would then be in a position to gain ownership. As the owner, the Town would then be able to convey the necessary land to the abutting property owners so they can proceed with their break wall construction or rehabilitation.

DISCUSSION

The tax sale took place on April 8, 2021 at 3:00 pm. As there were no tenders submitted, the Town has begun the process to assume ownership of the land. The next step is to proceed with conveying the portions to the affected land owners.

In consultation with Robert Brown, Manager of Planning Services, this process will require the preparation of a reference plan to convey each individual piece to the applicable owners. A planning application will not be required, however there will be costs associated with the legal and survey work required to convey the land.

The professional fees to administer the tax sale as well as any additional “out of pocket” expenses incurred by the municipality should be recovered from the benefitting property owners. The fees to administer the tax sale are estimated to be \$7,000. A survey for

the entire water lot parcel is estimated to cost approximately \$10,500 and the necessary legal work is estimated at \$550 per property.

LINK TO STRATEGIC PLAN

Promote the betterment, self-image and attitude of the community.

Link to Council 2021-2022 Priorities

- ☐ COVID-19 and the health and safety of the community
- ☐ Customer Service: Training, Technology, Staff, Review Standards/Level of service
- ☐ Housing: Affordability (lot sizes, developer incentives, second dwellings, density, etc.)
- ☐ Greenhouse: lights & dark sky, odours (site plan compliance, bylaws, other tools)
- ☐ Programming Increase: Youth and Seniors
- ☐ A development plan for Downtown Kingsville / Main Street
- ☐ Financial savings: Schools closings, Migration Hall
- ☐ Economic Development: strengthen tourism/hospitality
- ☐ COVID - economic recovery
- ☐ Communications: Strategy – Policy (social media), Website refresh and other tools, Public engagement
- ☐ Housing: Migrant Worker Housing – Inspections (Building/Fire), regulate, reduce, or increase
- ☐ Committees / Boards: Review and Report
- ☐ Policy Update: Procedural Bylaw
- ☐ Economic Development: diversify the economy, create local jobs, industrial, Cottam
- ☐ Infrastructure (non-Municipal): Union Water expansion & governance
- ☐ Infrastructure (Municipal): Asset Management Plan update, the infrastructure funding deficit
- ☒ No direct link to Council priorities

FINANCIAL CONSIDERATIONS

It is proposed that all costs associated with this transaction be recovered from the benefiting landowners, therefore, there would be no financial implications to the Municipality.

CONSULTATIONS

Manager of Planning Services

Vicky Sawatzky

Vicky Sawatzky, BBA
Tax Collector

Ryan McLeod

Ryan McLeod, CPA, CA
Director of Financial and IT Services