



Staff Report

Report To: Council
Report From: Jamie Eckenswiller, Director of Legislative Services/Clerk
Meeting Date: September 19, 2023
Subject: Request for Land Exchange – Canadian Lemkos Association

Recommendations:

THAT in consideration of staff report 'Request for Land Exchange – Canadian Lemkos Association, council:

1. Declares the 2.5-acre parcel of land located south of Concession 10 NDR and adjacent to 501818 Concession 10 NDR surplus to the needs of the municipality;
2. Directs staff to obtain a survey of the 2.5-acre parcel of land located south of Concession 10 NDR and adjacent to 501818 Concession 10 NDR;
3. Directs staff to facilitate a land exchange between the Municipality of West Grey and the Canadian Lemkos Association as outlined in the report, subject to the following conditions:
 - i. That the Canadian Lemkos Association be required to enter into a site plan agreement with the Municipality of West Grey, to the satisfaction of the municipality, for the use of the subject lands;
 - ii. That the site plan agreement between the Canadian Lemkos Association and the Municipality of West Grey be registered on title;
 - iii. That the Canadian Lemkos Association be required to obtain a survey of the lands to be exchanged with West Grey.

Highlights:

- West Grey has had a long-standing land use conflict with the Canadian Lemkos Association (CLA) on property located at 501818 Concession 10 in the geographic Township of Bentinck.
- CLA has expressed willingness to entertain a land exchange with West Grey.
- West Grey's land sale bylaw does not apply to lands being exchanged with a landowner that requires the acquisition of that owner's lands for municipal purposes.

- A site plan agreement registered on title of the subject lands is a recommended condition of the proposed land exchange.
- The exchange of lands will provide West Grey with a parcel of land that may be disposed of to recoup some of the costs associated with the land exchange.

Previous Report/Authority:

[23-2008 – Real Property Disposal Bylaw](#)

Analysis:

The Municipality of West Grey has had a long-standing land use conflict with the property located at 501818 Concession 10 in the geographic Township of Bentinck. Specifically, the recreational uses on Block 60 of Plan 1097. The subject lands are presently owned by the Canadian Lemkos Association (CLA) and used by the CLA's members for camping and holiday gatherings throughout the year, with some events drawing in as many as 150 people which has created land use conflicts with permanent residents.

In 1994, the CLA sold a portion of their lands (approximately 2.5 acres in size) to the former Township of Bentinck for the purposes of road widening. Ultimately, the lands sold to Bentinck were not required for road-widening purposes but were legally transferred to the municipality and remain under municipal ownership. In May 2023, the CLA delegated council requesting that these lands be transferred back to the CLA as they were not used as intended. As per bylaw 23-2008, West Grey's land disposition bylaw, West Grey does not have the legal authority to simply 'return' the lands to the CLA.

Section two of the land sale bylaw stipulates that the bylaw shall not apply to certain classes of lands owned by the municipality, provided that the municipality declares the real property to be surplus to the needs of the municipality through resolution and provides notice of its intention to dispose of the real property at least 10 days in advance of the bylaw approving the sale coming forward. More specifically, section 2.1(h) of the bylaw notes that the bylaw shall not apply to "lands being exchanged with any landowner as part of a procedure that requires the acquisition of that owner's lands for municipal purposes and is deemed to be beneficial to the municipality." As noted previously, the CLA holds events on their property that draw in crowds of up to 150 people. West Grey is desirous in creating a buffer between the residential property and the CLA lands, and as part of that process, would like to acquire a piece of the CLA's lands.

Following the CLA delegation to council, staff met with representatives of the CLA to outline options to move forward with the transfer of land in accordance with the land sale bylaw through the exchange of lands with the CLA for municipal purposes. The CLA has

noted that they are willing to exchange a driveway located near the southeast corner of the property that is situated between two residential lots (lots 12 and 13) for the 2.5-acre parcel formerly owned by the CLA.

Staff are recommending that should council wish to proceed with a land exchange, a site plan agreement that is registered on title be a condition of the exchange. As previously noted, the CLA hosts annual events and has stored trailers on the site, some of which have been located on municipally owned lands. A solution to resolve the land use conflict is to establish a site plan agreement for the lands, a solution the CLA has agreed to. The site plan agreement will acknowledge the events that are held annually and will limit the number of trailers permitted on the property to a total of 12 but will still permit tent camping. The site plan agreement will not limit the number of trailers permitted during the Civic Holiday long weekend for the celebration the CLA refers to as 'Vatra', but rather, will limit the total number of attendees to 150 persons. The site plan agreement would also establish a minimum setback of 30 meters from all property lines. Once registered on title, the site plan agreement will serve as notice to adjacent landowners regarding the approved site uses and the limitations associated with those uses, thus limiting current and future land use conflicts.

Financial Implications:

Should council wish to facilitate a land exchange with the CLA, the lands that West Grey will be exchanging will need to be surveyed to facilitate the transfer. It is anticipated that the cost of a survey of these lands may range between \$8,000 - \$15,000. Additional legal costs to facilitate the exchange of the lands will also be required and are anticipated to range between \$1,000 - \$3,000.

Should council proceed with the exchange, West Grey will acquire a piece of land that may be sold to offset some of the cost associated with the land exchange transaction.

Communication Plan:

Following the presentation of this report, staff will reach out to the CLA respecting the next steps in the process.

Consultation:

Municipal Solicitor

Director of Infrastructure and Development/CBO

Chief Administrative Officer

Attachments:

- CLA land exchange proposal
- Map of proposed land exchange

Recommended by:

Jamie Eckenswiller, AMP

Director of Legislative Services/Clerk

Submission approved by:

Laura Johnston, Chief Administrative Officer

For more information on this report, please contact Jamie Eckenswiller, Director of Legislative Services/Clerk at clerk@westgrey.com or 519-369-2200.