

CORPORATION OF THE TOWNSHIP OF TUDOR AND CASHEL

May 31, 2012

Municipal Building

Reeve Donaldson called the Special meeting of Council to Order at 2:00 p.m. on the above noted date, with all members present with the exception of Gerry Phillips. The special meeting was requested by Joshua J. Gleiberman, a solicitor acting on behalf of Sharon and Shawn Whitsitt who own property at 144 Egan Creek Road in the Township. The meeting was opened with a minute of silence. No potential conflict of interest was declared.

Staff Present: B. Crocker, Clerk-Treasurer

The Clerk advised that information received from the solicitor indicated that Mr. and Mrs. Whitsitt are trying to sell their property. It was discovered that Teranet made an error when the property title information was transferred into the Land Titles Division of the Registry Office. The Clerk advised that Teranet is the company that was hired to transfer all properties into the Land Titles Division for the County of Hasting. Teranet transferred the township owned shoreline road allowance along this particular area to Libuse Cholasta. The Registrar at the Land Titles Division confirmed that the Registry Office could not unilaterally take away land from Mrs. Cholasta, even though it was placed erroneously in her Deed. The Registrar indicated that a new reference plan (survey) would have to be done to describe that piece and then Mrs. Cholasta would have to convey it back to the Township.

Mr. Gleiberman was requesting a resolution from Council to approve the draft plan of survey for the Whitsitt property which also showed part of the cottage and deck on the shoreline road allowance. Because of part of the cottage encroaching on the shoreline road allowance, Mr. Gleiberman was also requesting a resolution from the township to sell that part of the shoreline road allowance to Mr. and Mrs. Whitsitt which included the encroaching cottage plus a 10 foot buffer.

Council reviewed the draft survey and documentation from the solicitor and after much discussion, the following resolution was adopted:

MOTION: (2011-125) WALKER – MARTIN

WHEREAS Council has been advised that the township owned shoreline road allowance located in front of property at Part Lot 25, Concession 4, Geographic Township of Cashel, has been erroneously transferred to Libuse Cholasta;
AND WHEREAS the Registrar for the County of Hastings has confirmed that the Registry Office cannot unilaterally take away land from Mrs. Cholasta, even though it was placed erroneously in her Deed;
AND WHEREAS the Registrar has indicated that a new reference plan will have to be completed to describe that piece and then Libuse Cholasta would have to convey it back to the Township;

AND WHEREAS Council has been advised that Shawn and Sharon Whitsitt who own property along this particular stretch of shoreline road allowance in Part Lot 25, Concession 4 are trying to sell their property;
AND WHEREAS Mr. and Mrs. Whitsitt's solicitor has been informed of the error on title with the shoreline road allowance in front of this property;
AND WHEREAS Mr. and Mrs. Whitsitt's solicitor has advised that part of the Whitsitt property encroaches on the shoreline road allowance;
AND WHEREAS the Township has been requested to sell that part of the encroachment plus a 3 metre buffer around the cottage encroachment to Mr. and Mrs. Whitsitt;
NOW THEREFORE after reviewing the draft Plan of Survey provided by P.A. Miller Surveying and after reviewing the correspondence from Mr. and Mrs. Whitsitt's solicitor, the following resolution is hereby adopted:

THAT Council approves the draft Reference Plan of survey, as submitted by P.A. Miller Surveying in regards to property owned by Sharon and Shawn Whitsitt at Part Lot 25, Concession 4, Geographic Township of Cashel which outlines that part of the Whitsitt property that encroaches on the shoreline road allowance plus a 3 metre buffer around the encroachment;
AND FURTHER THAT once the shoreline road allowance has been transferred back to the Township from Libuse Cholasta, Council agrees to sell that part of the property shown on the draft Reference Plan of Survey as provided by P.A. Miller Surveying, described as PART 2 thereon, to Sharon and Shawn Whitsitt in order to clear title to this property because of the encroachment onto the shoreline road allowance;
AND FURTHER THAT Council agrees to sell that part of the shoreline road allowance to Mr. and Mrs. Whitsitt for a fee of \$500.00 plus any legal or administrative or survey fees that are incurred during this transaction by the township.

MOTION: (2011-126) MARTIN – CLARKE

THAT Council adjourns the special meeting, to meet again at the next regular meeting of Council or at the call of the Reeve.

Adjourned: 2:20 p.m.