



Committee of the Whole Report

Report Number:	RS2024-010
Meeting Date:	May 7, 2024
Title:	Proposed Surplus Declaration, Closure, and Sale of a Portion of Road Allowance adjacent to 316 County Road 8, Fenelon Falls
Description:	Proposed Surplus Declaration, Closure, and Sale of a Portion of Road Allowance legally described as Part of Lots 22-23, Concession 9, being a Forced Road Through Lying Southeast of Rosedale Drive and Northwest of West Street, in the Geographic Village of Fenelon Falls, City of Kawartha Lakes, being Part of PIN: 63160-0423 (LT)
Author and Title:	Laura Carnochan, Law Clerk – Realty Services

Recommendations:

That Report RS2024-010, **Proposed Surplus Declaration, Closure, and Sale of a Portion of Road Allowance adjacent to 316 County Road 8, Fenelon Falls**, be received;

That the subject property, being a portion of road allowance adjacent to 316 County Road 8, Fenelon Falls and legally described as Part of Lots 22-23, Concession 9, being a Forced Road Through Lying Southeast of Rosedale Drive and Northwest of West Street, in the Geographic Village of Fenelon Falls, City of Kawartha Lakes, being Part of PIN: 63160-0423 (LT), be declared surplus to municipal needs;

That the closure of the portion of road allowance and sale to the adjoining landowners be supported, in principle, in accordance with the provisions of By-Law 2018-020, as amended, and the Municipal Act, 2001, and subject to the parties entering into a conditional Agreement of Purchase and Sale (including a condition that the subject portion of road allowance merge with the purchaser's adjacent property on closing);

That, if one of the adjacent landowners decides they do not wish to proceed with purchasing their respective portion of the road allowance, the entirety of the road

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

allowance be sold to the remaining purchaser (with the City to retain any portions of the road allowance necessary to allow continued legal access to the public highway known as County Road 8);

That Council set the value of the land at the set price of \$2.50 per square foot of interior road allowance;

That staff be directed to commence the process to stop up and close the said portion of road allowance;

That a by-law (with any amendments deemed necessary) to close the road and authorize its disposition shall be passed, if appropriate;

That a deeming by-law be passed contemporaneously with the disposition by-law, if required;

That the Mayor and Clerk be authorized to sign all documents to facilitate the road closing and conveyance of the lands; and

That these recommendations be brought forward to Council for consideration at the next Regular Council Meeting.

Background:

The Land Management Team received a request from the owner of the property municipally known as 316 County Road 8, Fenelon Falls to purchase the portion of road allowance that is adjacent to their property.

The Land Management Team reviewed this request at its meeting on January 10, 2022 and had no general objections to the request. Public Works did note that there may be a pipe located within the subject portion of road allowance, the location of which would need to be verified prior to supporting the sale. Public Works completed its investigation of infrastructure in the area in the summer of 2023 and confirmed that no infrastructure was located within the subject road allowance, and therefore, had no concerns with the sale.

Public Notice advertising the potential surplus declaration and sale of the subject portion of road allowance was completed by posting said notice on the City of Kawartha Lakes website commencing on February 5, 2024. A letter was also sent to the other adjoining landowner, located at 308 County Road 8, advising of the proposed sale.

Upon receipt of the letter, the owner of 308 County Road 8 reached out to Realty Services to advise that they were interested in purchasing half of the road allowance. More specific details of the associated costs and approximate land value have been provided, and the landowner has confirmed his interest in purchasing a portion of the road allowance. The applicant (316 County Road 8) has continued to express interest in purchasing the entirety of the road allowance.

The purpose of this report is to advise Council that the Land Management Team recommends that the subject property be declared surplus to municipal needs and that approval be given, in principle, for the closure and sale of the requested portion of the road allowance to the adjoining landowner.

Rationale:

The Land Management Team has determined that this portion of the road allowance is not required for municipal purposes.

Prior to receipt of correspondence from the owner of 308 County Road 8, the Land Management Team only contemplated selling the subject road allowance to the applicant, 316 County Road 8. However, as it is standard practice to sell road allowances to all adjacent landowners, if interested, Realty Services staff recommend a sale to both parties. Given the location of a driveway on the subject road allowance,

for access to 316 County Road 8, the road allowance would be split to ensure that the entirety of the driveway is located on property to be purchased by the owner of 316 County Road 8. A portion of the road allowance would likely need to be retained by the City in order to ensure that continued access to County Road 8 is granted over public highway lands, as opposed to lands owned by 308 County Road 8. An appropriate split can be coordinated during the survey stage, in consultation with both purchasers.

The interested parties own property which borders the subject portion of road allowance. As a result, pursuant to the City's By-Law to Regulate the Disposition of Municipal Real Property (By-Law 2018-020, as amended) that portion of the road allowance can be conveyed to the adjoining landowner.

The subject road allowance does not lead to water, it borders private property, and therefore, the stop up, closure and sale would not contravene section 8.00 of By-Law 2018-020, as amended.

As per section 4.04 of By-Law 2018-020, as amended, an appraisal is not required for closed road allowances being sold to an adjacent landowner, as long as the price set out in Schedule C of By-Law 2018-020 is recovered (in this case, \$2.50 per square foot of interior road allowance).

Other Alternatives Considered:

Council may decide not to sell the road allowance and derive no financial benefit whatsoever. That would be inconsistent with past practice and is not recommended in this circumstance.

Council could decide to require an appraisal and dispose of the subject portion of road allowance for appraised value. This is not recommended, given that Council approved an amendment to By-Law 2018-020 which updated the set prices for road allowances to better reflect current land values. Further, requiring an appraisal adds time to the overall disposition process, as well as extra expense to the purchaser.

Council could decide to only sell the road allowance to the original applicant, being the owner of 316 County Road 8. This would be inconsistent with past practice (when two adjoining landowners are interested purchasing the road allowance) and is not recommended in this circumstance. It is recommended, as set out in the recommendations above, that if either party decides they no longer wish to proceed with the transaction, that the remaining party be eligible to purchase the entirety of the road allowance (with the City to retain any portions of the road allowance necessary to

allow continued legal access to the public highway known as County Road 8 for the other party).

Alignment to Strategic Priorities

The recommendations set out in this Report align with the following strategic priority:

- Good Government
 - Effective management of the municipal building and land portfolio

Financial/Operation Impacts:

The parties will be asked to enter into a conditional Agreement of Purchase and Sale with a non-refundable \$1,000.00 deposit to cover initial road closing costs. All costs of the transaction, plus a \$1,500.00 fee to cover the City's staff time expenses will be paid for by the purchaser.

If Council sets the value of the land at the set price of \$2.50 per square foot of interior road allowance, the City will receive a net revenue of approximately \$30,000.00 (split between the parties, based on the amount of land each party ultimately purchases), which will be placed in the Property Development Reserve.

Consultations:

Land Management Team

Attachments:

Appendix A – General Location Map



Appendix A -
General Location Map

Appendix B – Aerial Map



Appendix B - Aerial
Map.pdf

Appendix C – Map



Appendix C -
Map.pdf

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