

# **The Corporation of the City of Kawartha Lakes**

## **Additional Agenda**

### **Special Council Information Meeting**

**COW2019-01**

**Tuesday, January 22, 2019**

**Open Session Commencing at 1:00 p.m.**

**Council Chambers**

**City Hall**

**26 Francis Street, Lindsay, Ontario K9V 5R8**

#### **Members:**

**Mayor Andy Letham**

**Deputy Mayor Doug Elmslie**

**Councillor Ron Ashmore**

**Councillor Pat Dunn**

**Councillor Patrick O'Reilly**

**Councillor Tracy Richardson**

**Councillor Kathleen Seymour-Fagan**

**Councillor Andrew Veale**

**Councillor Emmett Yeo**

Accessible formats and communication supports are available upon request.

6. Report RS2019-003

**Proposed Surplus Declaration, Closure and Sale of a Portion of  
Shoreline Road Allowance (Jessie Avenue) Adjacent to 35 Rose Street,  
Fenelon  
(Report RS2019-013, Item 6.3 on the Agenda)**

**Correspondence:**

- Anne Nurse-Richardson and Mary Nurse
- Marjery Wiig
- Kirsten Partanen
- John and Grace Vitols
- Aimee Haynes
- Sharon and Steven Arruda
- Tammy Sisson
- Tara Moffatt
- Amanda MacArthur
- Nathaniel Clauser
- Ashton Clauser
- Cathy Flett
- Valerie Hazlett Parker and Tom Parker
- Susan Ridout and Mildred Ridout
- Lynda C. Moore
- Jordan Lavin
- Melinda Hazlett and Douglas Wishart
- Peter Clark
- Doug and Joanne Burns
- Bob Whittaker
- Frances Tucker Rich Whittaker
- George Baillie

## Sarah O'Connell

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**From:** Cathie Ritchie  
**Sent:** Thursday, January 03, 2019 11:15 AM  
**To:** Agenda Items  
**Subject:** FW: Pleasant Point proposed land purchase

**From:** Anne Nurse-Richardson [REDACTED]  
**Sent:** Thursday, January 03, 2019 10:47 AM  
**To:** Cathie Ritchie  
**Subject:** Pleasant Point proposed land purchase

Dear Mayor Andy Letham and Councillors Yeo, Seymour-Fagan, Elmslie, Veale, Dunn, Ashmore, O'Reilly and Richardson

We are writing as owners of [REDACTED] and [REDACTED] Rose Street with regards to the proposed change to Jessie Avenue at Pleasant Point from a road permitting lakefront access to include privately purchased parcels within the road system thus closing access to Jessie Avenue.

We are third generation members of a family who have been summer residents at Pleasant Point for over 90 years. During my lifetime, my family always looked forward to our summers being members of this close knit community. This is a trend which has continued with our own families. This community of cottagers - new and old - has always, and continues to be built on, lifelong friendships, comradery and authentic goodwill.

It would, in our opinion, be a travesty to have any portion of Jessie Avenue sold to any individual adjacent homeowner as it is truly one of the most unique and beautiful parts of the community. Most importantly, it is the conduit which ties the families together providing an opportunity for neighbours to socialize and catch up, and, for the children to pursue summer activities together. A sale to one homeowner could only lead to others. The next step would be building fences or installing hedges as owners now protect their private property.

Based on emails received, the issue that initiated the proposed purchase of the portion of Jesse Avenue does not really seem to be the desire for land itself, but more an attempt for protection from the unruly and disrespectful neighbours that are to the south of 35 Rose Street. This is a story that many residents of the community could comment on. The purchase of the portion of Jesse Avenue adjacent to 35 Rose Street will not help this situation!

We want to preserve the integrity of Pleasant Point for the next generation. Thank you for your consideration.

M. Anne Nurse-Richardson and Mary Nurse  
[REDACTED]



**Sarah O'Connell**

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**Subject:**

FW: Jesse Avenue - Pleasant Point

-----Original Message-----

From: [REDACTED]  
Sent: Thursday, January 03, 2019 1:43 PM  
To: Council  
Cc: [REDACTED]  
Subject: Jesse Avenue - Pleasant Point

I own [REDACTED] Rose Street on Pleasant Point. My Parents bought this Cottage forty years ago. Every summer I return to Pleasant Point from my home in Southern Alberta. Jesse Avenue is part of my Cottage experience along with kayaking, swimming and reading. It is a wonderful community of caring people who often visit on Jesse Avenue. Please do not make changes that would prevent us from walking on Jesse Avenue. Thankyou Margery Wiig

**Sarah O'Connell**

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**Subject:** FW: AGAINST 35 Jesse Ave. closure/sale proposal

Subject: AGAINST 35 Jesse Ave. closure/sale proposal

Dear Mr. Ashmore,

I recently saw the notice of the proposed Road Closure and Sale of the portion of Jessie Ave adjoining 35 Rose Street. As co-owner of both [REDACTED] Rose Street and Lot [REDACTED] (lake side of road opposite) I wish to speak vehemently against this closure and sale.

For over 100 years this has been a public right of way for all cottagers on what is now Rose Street. Personally I have come to [REDACTED] Rose Street since the summer of 1967. Walking along the "front path" has always been a part of cottage life and what has made the cottage community the friendly, dynamic place it is.

To restrict access on Jessie Avenue to the 36 cottages adjacent to the lake will change the character of this area for all cottage owners. Cottage owner have been using this pathway for the last 100 years and is the reason this is a unique area on Sturgeon Lake.

Allowing this sale to take place will restrict everyone on the Point from using the public access and open up the sale of other parts of Jessie Ave. The cottage experience would be greatly diminished were this to happen.

Please feel free to contact me for more information.

Kirsten Partanen

**Sarah O'Connell**

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**From:** [REDACTED]  
**Sent:** Friday, January 11, 2019 10:23 AM  
**To:** Agenda Items  
**Cc:** Clerks  
**Subject:** Proposed Shoreline Road Closure and Sale at Jessie Ave

January 11, 2019

Deputy Clerk  
City Clerk's Office  
City of Kawartha Lakes  
PO Box 9000  
12 Peet Street  
Lindsay, ON K9V 5R8

Re: Public Notice Proposed Shoreline Road Closure and Sale  
Jessie Ave on Plan 123, at 35 Rose Street

Good Morning Council,

We purchased a cottage at [REDACTED] Rose Street 10 years ago, being fully aware there is a shoreline road allowance running the length on the lakeside of all the cottages.

The past few years, more children and some adults are taking liberty and riding their bikes or four-wheelers along this 'right-of-way', totally disrespecting our privacy and our safety concerns. Also residents not even living on Rose Street continue to walk here, many living on Pleasant Point Road, and swimmers, boaters and visitors which come to the new floating dock at the end of Pleasant Point Road.

We are also very concerned regarding liabilities should they occur if someone becomes injured while using this right-of-way. We suggest a council representative walk along this right-of-way to see how hazardous this right-of-way actually is, with many obstructions such as tree roots, rocks, branches, holes, and uneven ground. Actually the original Jessie Ave and it's continuation as a right-of-way is now crossing private property, due to the original trail being eroded and fallen into the lake.

This right of way was originally intended (long before there were any cottages or roads built in 1917) for the fishing boats or people travelling from one place to another, to stop and rest or to camp overnight. It no longer makes any sense to have this right-of-way and we agree to it's proposed closure.

There is no reason anymore for anyone to use this right-of-way, as Rose Street runs behind all the cottages. Rose Street is a dead-end street with minimal traffic, very safe and very accessible for everyone.

We are in full agreement for the Council to pass the by-law to stop up and close this right-of-way and agree for you to proceed and approve the proposal requested by owner of 35 Rose Street.

Thank and Regards,



**Sarah O'Connell**

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**From:** Aimée Haynes [REDACTED]  
**Sent:** Monday, January 14, 2019 11:31 AM  
**To:** realtyservices  
**Cc:** Clerks  
**Subject:** Proposed Road Closure and Sale 35 Rose Street

Good Morning,

My name is Aimee and I have been a resident of the (now) CoKL since 1989. I moved here with my family whom have been active members of this community, owning a business downtown and contributing, investing and participating in the City for decades.

My family has lived in Pleasant Point (residing on Leslie Frost, Rose Street and now Calm Street) for nearly three decades, I married, in 1998 and remained in Pleasant Point (Calm Street) with my husband and we now have our two boys and we remain there today. One of the reasons for doing so just happens to be the area which includes the walking path that I have enjoyed since I was a teenager and I now have a teenager. I urge you as a resident of the City of Kawartha Lakes and a member of this community to keep this a walking path to be enjoyed by families and members of the community for years to come.

Lakes are meant to be shared! It is one of the most endearing features that continues to call people to take up residence here, full time or part time, its community!

There is absolutely no reason to justify the sale of this land, other then pure greed!

Aimée Haynes  
[REDACTED]

**Sarah O'Connell**

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**From:** Sharon Arruda [REDACTED]  
**Sent:** Monday, January 14, 2019 1:30 PM  
**To:** Agenda Items  
**Subject:** 35 Rose Street

Good afternoon,

We own a house on Holly Street, which is off Rose Street and close to 35 Rose Street, which is attempting to purchase land right up to Sturgeon Lake. This would mean that local residents, including our household, would no longer have the ability to walk the shoreline as we currently do. We purchased our house almost 3 years ago knowing that we had easy access to the lake for our enjoyment. The sale of land right up to the lake would effect the value of our house and would effect our enjoyment of the area. It will be even worse if other waterfront property owners decided to follow suit and buy the shoreline where their properties are.

Please do not approve the sale of any part of the shoreline along Rose Street. There are many of us who enjoy the area as it is, and selling shoreline would have a negative impact on the area. We would like to maintain the beautiful area for the enjoyment of all residents.

Thank you for your time,

Sharon and Steven Arruda  
[REDACTED]

## Sarah O'Connell

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**From:** Tara Moffatt [REDACTED]  
**Sent:** Monday, January 14, 2019 10:21 AM  
**To:** Clerks  
**Subject:** 35 Rose Street Purchase Public Water Front Walkway

Good morning, I bought our house 10 years ago and one of the selling features was access to our public walk way. I feel as a home owner and a community member of Pleasant Point, I am outraged at the petition to purchase this property. When the owners of 35 Rose Street bought their residence they were fully aware of the terms and public path before they purchased their home. How is this even this entertained? We love being able to utilize our walking path along our beautiful view of Lake Sturgeon. This may mean the ripple affect of other water front home owners wanting to purchase the public walkway land on the edge of their property. This could also mean homes in our area decline in price. Please Please don't allow the selling of our beautiful path.  
Thank you Tara Moffatt

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**Sarah O'Connell**

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**From:** Amanda MacArthur [REDACTED]  
**Sent:** Monday, January 14, 2019 10:37 AM  
**To:** Clerks  
**Subject:** Road closure and sale at 35 Rose st

I am emailing in regards to the road closure and sale at 35 Rose St Lindsay, On K9V 4R6. I myself along with my family and local friends would be very disappointed to see that part of the waterfront walking path sold and be unusable. It will change the whole dynamic of Pleasant Point and will set a precedent for others along that walkway to do the same. I for one and completely against it.

Thank you  
Amanda MacArthur  
[REDACTED]



**Sarah O'Connell**

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**From:** Nathaniel Clauser [REDACTED]  
**Sent:** Friday, January 11, 2019 6:17 PM  
**To:** Clerks  
**Subject:** Proposed road closure and sale

Hello,

>> I am a pleasant point resident and I would like to dispute the road closure and sale of 35 Rose street. I am completely against the sale of this property and the precedent it will set for other property owners with a public easement.

>>

>> We moved to Kawartha Lakes 6 years ago from Alliston and one of the huge appeals of moving down here was the easement at the front of properties on rose st. Our real estate agent really sold the area when we found out about the easement that allowed pleasant point residents to walk the lake.

>>

>> Pleasant point is a beautiful community and the sale and closure of this property will greatly reduce all of our property value. I have included the picture from the newspaper so there will be no confusion about what property I am referring to.

>>

>> Sincerely,

>>

>> Nathaniel Clauser [REDACTED]

**Sarah O'Connell**

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**From:** Ashton Clauser [REDACTED]  
**Sent:** Friday, January 11, 2019 6:09 PM  
**To:** Clerks  
**Subject:** Proposed road closure and sale

Hello,

I am a pleasant point resident and I would like to dispute the road closure and sale of 35 Rose street. I am completely against the sale of this property and the precedent it will set for other property owners with a public easement.

We moved to Kawartha Lakes 6 years ago from Alliston and one of the huge appeals of moving down here was the easement at the front of properties on rose st. Our real estate agent really sold the area when we found out about the easement that allowed pleasant point residents to walk the lake.

Pleasant point is a beautiful community and the sale and closure of this property will greatly reduce all of our property value. I have included the picture from the newspaper so there will be no confusion about what property I am referring to.

Sincerely,

Ashton Clauser [REDACTED]

**Sarah O'Connell**

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**From:** cathy jamieson [REDACTED]  
**Sent:** Monday, January 14, 2019 8:41 PM  
**To:** Clerks  
**Subject:** Fwd: Proposed Closure of Jessie Ave. Pleasant Point (35 Rose Street Application)

January 14, 20019

Mayor and Council

c/o Office of the City Clerk

26 Francis Street

P.O. Box 9000

Lindsay, ON, K9V 5R8

Re: Proposed Closure of Part of Jessie Avenue, Pleasant Point  
(35 Rose Street Application)

Meeting Date: January 22, 2019

Dear Folks:

I am a property owner at [REDACTED] Leslie Frost Lane, Pleasant Point and cannot attend the above meeting. I have asked our neighbour, [REDACTED] to present my position about the above to the meeting on the 22<sup>nd</sup>. Since I have not received confirmation from you that will be allowed, I am submitting this letter for consideration by the Mayor and Council during the meeting.

Usually a municipality would not consider a "partial" closing and "partial" sale of a road on behalf of one owner but rather deal with all abutting property owners at the same time. If the municipality has decided to close the road called Jessie Ave. to dispose of any potential liability in future ownership, the whole road should be closed, not a small piece of it, and all owners would have the opportunity to purchase that part of the road abutting their lands. Usually there are costs involved in completing such a transaction such as application fees, survey costs, deed preparation costs, etc. and the adjoining property owners usually pay their share of these fees to complete the transfer. I have seen people pay in the \$5000 range before things are finalized.

Enough about road closures. There are a lot of interested parties that do not want Jessie Ave. closed and want it to remain public because it has been used by them or their families for close to one hundred years. Both of the Plans of Subdivisions at Pleasant Point date back to the early 1900's.

Our family has owned our property since 1935 and all generations have continually walked the waterfront from one end of Pleasant Point to the other including along Jessie Ave. during all seasons, but obviously more often in the summer time.

Our property on Plan 143 has and is subject to a "private" right-of-way along the waterfront for about forty cottages and homes to the southwest running along Leslie Frost Lane. This waterfront right-of-way, although private, has always been used by everyone including property owners along Jessie Ave. and they have always been welcomed. When people walk by, they are always greeted and many have made new friends in the process.

Plan 123, at the north eastern end of Pleasant Point, is different, in that Jessie Ave. is designated as a "public" street on the Plan. That has always meant that anyone can use it as a walking path and our family has done so since 1935 and would like to continue to do so. During my husband's seventy or so years at Pleasant Point, there have never been any problems at either end of the Point in relation to the use of the walking paths along the water.

If the City decides to dispose of Jessie Ave., one solution might be to sell it to Pleasant Point, which must be a legal entity because it owns a couple of parks, docking areas and even an old fire hall. That kind of a sale would make sense because the current usage by the residents could continue.

If that is not an option, and the City decides to close and sell all the pieces of Jessie Ave. to adjoining property owners, it should be done by "reserving a right-of-way" out of the transfers, giving all Pleasant Point Lakefront Property Owners, those lots on Plan 143, the right to continue to enjoy the Jessie Ave. lands as a "walking path" as they have done for nearly one hundred years.

I trust that my position will be heard at the meeting on the 22<sup>nd</sup>.

Sincerely,

Cathy Flett

[REDACTED]

[REDACTED]



Mr. Mayor and Councilors:

Before you is a request by the owners of 35 Rose St., City of Kawartha Lakes (Mr. Nensi and Mr. Virani) to close and purchase a portion of Jessie Avenue. This avenue runs between most cottages at the East end of Pleasant Point and Sturgeon Lake, in front of the cottages. This unpaved walkway was established, along with periodic rights of way (lanes) between Rose St. and Sturgeon Lake, to ensure that all cottagers have lake access. Pleasant Point property owners, relatives, and friends have been using Jessie Ave. uninterrupted for over 100 years.

Jessie Ave. is, in many ways, the thread that binds the Pleasant Point community together.

I echo the comments made by others regarding the history and use of Jessie Avenue. I have been part of the Pleasant Pt. community for over 45 years, and use Jessie Ave. almost daily when I am there. One of my favourite things to do is to walk west along Jessie Ave. while watching the sunset over Long Beach across the lake.

By law 2018-020 sets out a procedure for closure and sale of a road. First, please note that Jessie Ave. is opened, so cannot be disposed of until it is closed. A road must be declared surplus to the municipality's needs before it can be closed. No argument has been put forward that suggests that this road is surplus. The overwhelming evidence is that Pleasant Point owners and others use it frequently. In fact, Mr. Nensi and Ms. Virani complain that they need to purchase part of the road because others use it and they wish to restrict this (please see their comments regarding bicycles, children and strangers on the path).

Jessie Ave. is a footpath. It is not paved, and there is no need to pave it. It has never been maintained in winter and there is no need to do so. It is used frequently and regularly regardless of this.

In addition to the 36 lakefront properties at Pleasant Pt. there are a number of cottages and homes on the south side of Rose St. and the short streets running off of it. Jessie Ave. ensures that these property owners, their relatives, and friends also have access to enjoy the lake view. This is important and cannot be overlooked. Clearly, this road is not surplus, and should not be closed.

I wish to address the arguments made by the owners of 35 Rose St. who have requested that a portion of Jessie Ave. be declared surplus.

1. If part of this road is declared surplus and sold to an individual, it will prevent the unobstructed use of the road. Although assurances have been given that Jessie Ave. will not be blocked, if ownership is transferred to an individual the municipality and neighbours are powerless to hold a property owner to this promise. It would result in a situation similar to allowing a person on a city street to be able to buy the sidewalk in front of their home. It

would result, effectively, in blocking the public from regular and unobstructed access.

2. Jessie Ave. provides a safe alternative to Rose Street for pedestrians. Young children, the elderly and others can easily travel along Jessie Ave. without worry about vehicular traffic.
3. Although Mr. Nensi and Ms. Virani state that the purpose of Jessie Ave. was only to allow access to docks etc. he has not provided anything to substantiate this. In addition, Jessie Ave. has been used for approximately 100 yrs. as a walking path on an unobstructed basis. Therefore, a right to do so was established under the land registry system before Pleasant Point was transferred to Land Titles. Nothing has been done to interfere with this right.
4. Mr. Nensi and Ms. Virani complain about bicycles, unsupervised children and dogs on their property. With respect, such complaints are not going to be resolved by a change in ownership of the property. Unsupervised children and dogs do not respect property lines. We all wish that dogs were properly leashed, and that children are supervised.
5. Public or private ownership of Jessie Ave. will also not prevent those who trespass from doing so. In contrast, having public access along Jessie Avenue increases property safety since neighbours act as a "neighbourhood watch" and notify one another if there has been any damage to a cottage. A law enforcement officer familiar with security issues at seasonal residences confirms this arrangement increases property safety.
6. When damage has occurred to a property, the municipality has not incurred additional costs because neighbours have "pulled together" to clean up and repair any damage very quickly.
7. Jessie Ave. is a footpath. There are rocks and tree roots. That will not change if title to a portion of the avenue is sold to a private owner. I have been using Jessie Ave. for over 45 years, and know of no complaints because of injury on the path.
8. Mr. Nensi and Ms. Virani complain about the width of Jessie Ave. and the fact that some doors/porches may be on public land. This is something that should have been sorted out when the property was purchased. If they want to extend their porch further toward the lake, Mr. Nensi and Ms. Virani should have considered their property boundaries prior to buying 35 Rose St. The municipality would not consider closing Kent St. in Lindsay or part of the sidewalk so that one owner could expand their front porch. The same reasoning applies to Jessie Ave. It is a public thoroughfare. It should not be

declared surplus and closed to accommodate one owner's wish to expand their building.

9. Having Jessie Ave. at Pleasant Pt. is unique. It adds to the community. It also increases property values because it allows for the enjoyment of the lake view along all of Pleasant Point. This is especially so for those who own/use properties that are not lakefront.

Finally, I wish to address the timing of this request to close Jessie Ave. Pleasant Pt. is a seasonal community. Many of the property owners and users are Snowbirds. Most do not have easy access to Kawartha Lakes news. Some do not have internet. Publishing the notice of meeting for this very important issue in the winter (just one business day after Christmas) is almost underhanded. Many owners will not see the notice. Many will be out of Ontario – contrary to Mr. Nensi and Ms. Virani's statement many owners go to Florida in winter; it is presumptuous to state that they can fly back for one meeting.

If this request is not dismissed prior to the meeting scheduled for January 22, 2019, I request that the Council meeting be adjourned to June 2019 when all relevant property owners can attend or make deputations.

All of which is respectfully submitted.

Valerie Hazlett Parker and Tom Parker, [REDACTED] Rose St.  
Garth and Betty Hazlett, [REDACTED] Rose St.  
Mark and Laura Collins, [REDACTED] Rose St.  
Betty Collins, [REDACTED] Rose St.  
Cyndi and Jeff Gilmer, [REDACTED] Rose St.  
Helen and David Swift, [REDACTED] Rose St.

**Sarah O'Connell**

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**From:** Sue Smiling [REDACTED]  
**Sent:** Thursday, January 17, 2019 10:28 AM  
**To:** Clerks; Ron Ashmore  
**Subject:** disapprove of closure and sale of any part of Jessie Ave.

Valerie Hazlett Parkers's letter of deputation is very representative on how we feel. My Mom-Mildred Ridout has been coming to Pleasant Point for 72 years and her family has owned for about 65 years. I have been coming regularly for 53 years. 35 Rose used to be her best friend Sylvia's cottage and my siblings and cousins spent much time on that property. Jessie Avenue has been very special all these years as my dad William E. Ridout was a land surveyor and town planner so when I was a little girl he told me the names of Jessie-and its purpose and showed me maps. My mom and I spoke to Laura on the phone at the beginning of January but I wanted to formally write something.

Sincerely,

Susan Ridout [REDACTED] Rose Street

Mildred Ridout - offically owner of [REDACTED] Rose



**Bill and Lynda Moore**  
**37 Beverley Street, Kingston, Ontario, K7L 3Y5**  
Tel: [REDACTED] E-mail: [REDACTED]

Thursday, January 17, 2019

Mayor and Council  
c/o Office of the City Clerk  
26 Francis Street  
P.O. Box 9000  
Lindsay, ON K9V 5R8

**RE: Agenda Item 6.3: Proposed Surplus Declaration, Closure and Sale of a Portion of Shoreline Road Allowance (Jessie Avenue)**

I am writing on behalf of the Moore Family, owners of the property at 41 Rose Street.

We sympathize with the challenges which have led to the request to purchase the road allowance in front of 35 Rose Street. It is, however, highly unlikely that the proposed closure and sale will address the challenges of concern to the owners. The abuses of property in the neighbourhood are blatant even where clear rights of ownership exist. The behavior of wandering pets and discourteous people does not change because of property lines. On the other hand, removing a right of way which has been enjoyed by many cottage owners over decades is a massive discourtesy.

For four generations, from the early 1930s to the present day, our family have regularly walked the length of Jessie Avenue. We view it to be the lifeblood of the community, joining us from one end of Rose Street to the other. In our own case it has literally been that lifeblood. The friendships made along the Avenue have on several occasions brought immediate assistance to my aging and increasingly frail mother-in-law and more recently have alerted me when my husband, in the later stages of young-onset dementia, has been spotted wandering on his own. We all watch out for one another and we watch out for one another's property; whether it be alerting someone to a flaming boat floating dangerously near their wooden boat house or reporting a fallen tree breaking through the roof of a cottage closed for the winter. We are a community a little off the beaten track for emergency services but because of Jessie Avenue we are a community and we are there for each other to mitigate the challenge of distance from "official" help.

All of us on purchasing our properties were made aware of the walking rights of Jessie Avenue. As we live there we come to value that right more and more. We, the Moore family, urge Council to reject the proposal for the closure and sale of the shoreline allowance at 35 Rose Street.

Respectfully submitted,



Lynda C. Moore (for Joyce A. Moore, William R. A. Moore, our children and grandchildren)

## Sarah O'Connell

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**From:** Jordan Lavin | Mosquito.buzz <jlavin@mosquito.buzz>  
**Sent:** Wednesday, January 16, 2019 10:05 AM  
**To:** Clerks; realtyservices  
**Subject:** Proposed road closure and sale

Good morning,

I just heard about the proposed Road Closure and sale of the easement land adjacent to 35 Rose St (listed as Jessie Ave) in the City of Kawartha Lakes. I have several concerns.

1. I heard of this proposal by way of a neighbor. Many of the rate payers on this street, and in this community are '3 season' residents. I have a 'primary address' on file with the City, but did not receive proper notice? I was also at my Pleasant Point home over Christmas and did not have any notifications at the door, or in the mailbox.
2. The timing of this proposal leaves me concerned that many other long-time residents of Pleasant Point may be in similar situations, and the City of Kawartha Lakes will not hear proper deposition
3. This major 'precedent setting' alteration of land use would be a significant change to an entire community. A community that all purchased their land at some point in time, with the full understanding that a 'public' easement crosses our properties, and that residents of the community will have access to this easement. My family and I relocated from Snug Harbor to Pleasant Point 5 years ago, in search of this sense of community. The waterfront easement in question is part of the fabric of this lakefront community. I don't have a clear understanding of the original intent of the easement, but I have to assume that it was partially practical, for residents to access the waterfront when in need to deliver larger items, but I also have to assume that the majority of the intent was to ensure that a community with unique characteristics maintains one of its integral assets, the very sense of community, access to each other, and access to the very reason that we all call Pleasant Point home. The lake and the sun that sets across from the point each night. We have developed many great friendships at Pleasant Point and I can tell you, each one of them started somewhere along the easement. We oppose any alterations to this land use.

I am aware that I have missed the cutoff date for submission...but to my further point, I don't think proper notice was given? Please ensure that my comments are forwarded to the appropriate individuals responsible.

Thank you,

**mosquito.buzz**  
...stay outside

Jordan Lavin, C.F.E. | Chief Operating Officer

**mosquito.buzz**  
25/1040 Martin Grove Road  
Toronto, ON, M9W 4W4  
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**Sarah O'Connell**

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**From:** Melinda <[REDACTED]>  
**Sent:** Thursday, January 17, 2019 5:35 PM  
**To:** Clerks  
**Subject:** Jessie Avenue

To Whom it May Concern

We are property owners at # [REDACTED] Rose St and # [REDACTED] Rose St. We are opposed to the closure and sale of Jessie Avenue, at Pleasant Point. We are out of the country January 22 2019. I thought that we had previously submitted correspondence showing our objections, but we will submit it again. Sincerely  
Melinda Hazlett and Douglas Wishart.

My father is currently in Florida, and does not use email for correspondence. I know he and his wife also object to the proposed closure and sale of Jessie Avenue. I believe he phoned and spoke with someone to voice his objections. I would like to submit their objections as well. Garth and Betty Hazlett # [REDACTED] Rose St.

Dear Mayor, Letham and Councillors

January 8, 2019

We are submitting this letter in response to the proposed sale of a portion of Jessie Ave. located along the southeast Sturgeon Lake shoreline at Pleasant Point, in the City of Kawartha Lakes. to the owners of 35 Rose St. Pleasant Point.

My family have been property owners at Pleasant Point since the early 1900's. This spans six generations three of which are still actively involved in our family cottage experience. I personally have a 60-year history assuming ownership of 35 Rose Street from my father in 2005.

The foot path known as Jessie Ave. has been in existence since the beginning when John Hay subdivided his farm to create the cottage lots that exist today. The property owners all should understand and were made aware of its existence when they took ownership of their property whether that was through family succession or purchase. When lucky enough to be at our cottage we have used and continue to use "The Path", as we call it, daily and have never had a negative interaction with anyone. Its existence allows kids to stay off the road, friends to visit, added security and a genuine sense of community not to mention a great sunset stroll.

It is unfortunate that some people don't leash their dogs or pick up after them while others misuse property and demonstrate a complete lack of common courtesy or respect for the property of others. It does not matter whether that property is publicly or privately owned. These problems are not unique to Jessie Ave. and will not be solved by its sale. The sale of any portion of this valued asset would eventually result in a fence or private property sign going up resulting in sadness, distress, and anger for the many residents whose families have resided here and grown using the path for generations. If this application were to be approved an Easement allowing all deed holders guests, present and future, barrier free use of Jessie Ave in perpetuity would be the only solution that might stand a chance of working.

It is for the reasons above we join in support of the deputation submitted by Ms. Parker Hazlett, and the many other Pleasant Point property owners you have heard from, that I am writing to make my family's feelings known. We align our recommendation with that of the many other people who have spoken out against this sale and ask that you reject the application, leaving the status of Jessie Ave. unchanged, so it may still be enjoyed as the walking path it was intended to be since its creation in the original plan of Pleasant Point over 100 years ago.

Respectfully

Peter Clark and Family  
Pleasant Point  
City of Kawartha Lakes

Doug and Joanne Burns

January 14, 2019

Sale of Jessie Ave. Pleasant Point , Sturgeon Lake

Dear Mayor Letham,

This correspondence is in regards to the selling of the unused shoreline road , Jessie Ave , Pleasant Point , Sturgeon Lake . Various members of our community have vocalised their opinions on the disruption of Jessie Avenue, continually more land owners are now agreeing with the purchasing and there is a segment of cottagers who know what they would like to do but remain silent because of the possible actions that can result from living in a small community. Recently , there has been several people who believe that they speak for all the property owners along Jessie Ave. They do not . I am grateful for this opportunity to explain the positive reasons why Doug and I are among full time residents and cottagers who are willing to acquire Jessie Ave.

To begin, my grandparents , Tony and Annie Bakogeorge originally bought a cottage here ;it was then inherited by my mother , Kathleen (Bakogeorge) and her husband Joseph Hunter . Presently , I , Joanne ( Hunter )and Douglas Burns own this property. Over the past three generations Pleasant Point has seen many changes . My generational 67 years brings many cherished memories both as a young cottager through to my adult ownership as a year-round resident of 40 plus years. We fully understand the valued traditions , community networking and supportive atmosphere recognised by the shoreline owners along Jessie Ave. Because , we have experienced both residencies , Doug and I can appreciate the pros and cons of the controversy involving the purchase of Jessie Ave.

From a roadway to service the docks , Jessie Ave. has forgone that practice since the Pleasant Point Police Village and later the Pleasant Point Cottagers Association deemed it a walking path just for those who resided lakefront on Jessie Avenue which backed onto Rose Street. The organization posted signs stating that no bicycles or motorised vehicles are allowed . When each sign vanished , a new one was erected. Everyone respected the walkway :however, signs are gone, and years have past introducing uncharacteristic usage of Jessie Ave. Unquestionably , you have received various historical versions regarding the path and Jessie Ave. We believe that It is time for progress . This pathway is not the back bone of this neighbourhood . It is the people who make this community . We can all service our needs whether it be social , economic , physical and environmental without having to rely on Jessie Avenue. Moving forward will provide each Jessie Avenue resident expansion of their property and revitalise new concepts for upholding convention.

We are listing the following reasons for purchasing the segment of Jessie Ave which abuts our property:

- Safety for family due to height of wall . Serious injury could occur if someone fell over the wall which varies in height up to about 13 feet landing on cement docks or water.
- Safety and property damage from motorized vehicles. We have dealt with snowmobiles, dirt bikes and ATVs. They are hazardous to children or residents utilizing lakefront yard. Plus, privacy and noise issues have occurred.
- Three generations of our family have maintained Jessie Ave .including the stone wall and dock. Keeping it safe and attractive . Have removed and cleaned up storm downfalls, damage and hazards without assistance from municipal and city crews. We have paid for these year-round custodial duties from our personal finances without any or partial compensation from Victoria County, Fenelon Township or the City. It would be a privilege to finally have ownership for property that we maintain.
- Security .Welfare . It has been made extremely public that anyone can walk on Jessie Ave., thus, we have increased traffic from people who do not live down here or are unknown to us. There are people who walk their dogs unattended and leave feces: Some citizens are akin to the pathway consuming alcoholic refreshments; Repeatedly ,people use the path at nighttime shinning their flashlights into our home . My husband works at night and I am becoming fearful to stay alone. Outsiders access the dock to use for boating and fishing. Stealing from property ,dock and water shed. Some leave their beer bottles and trash.
- Unsettling to know that we may pay more taxes than some of the populous that utilize , not always for the right reasons, Jessie Ave. while we work hard spending time and money on upkeep for everyone's use.
- Adding Jessie Avenue to our deed will increase the value of our land . It is important to secure as much equity as possible in case of resale once we are gone. This will assist in securing my family's wellbeing in the future.

We appreciate your time and assistance relating to Jessie Avenue in Pleasant Point. It is **not our intention to block the path on Jessie Ave .We would not erect a fence or barrier hindering the Jessie Avenue cottagers and the Jessie Avenue full time residents their traditional walks. We are willing to be helpful with reasonable , practical access to our immediate neighbours for their dock repairs. For the most part, the shoreline inhabitants of Jessie Avenue respect each other's domain.** It is essential for all of us have an additional recourse to ask interlopers to leave.

It is in earnest , we request the City of Kawartha Lakes permit us to purchase the shoreline road in Pleasant Point known as Jessie Ave. Please allow us to control our own destiny for a section of land that has become the essence of our home.

Respectfully,

Joanne and Douglas Burns



**Sarah O'Connell**

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**From:** bobwhittaker bobwhittaker [REDACTED]  
**Sent:** Saturday, January 19, 2019 6:15 PM  
**To:** realitysevice; auracarnochan; Council; Agenda Items; [REDACTED] Ron Ashmore;  
[REDACTED]  
**Subject:** COW2019-013 Bob Whittaker's "NO" to Proposal

COW2019-013

Speaking for [REDACTED] and [REDACTED] Rose Street, I say "NO" to the proposal issued by the owners of 35 Rose Street for their purchase of Jessie Avenue that fronts their lot.

Jessie Avenue reflects the spirit of the community where we stop and chat and socialize with our neighbours. It's the spark plug for other activities, meeting new people, kid's special events, corn roasts with a live band, then the evening sunset strolls from spring till fall. Where else can you view a Haida Totem Poll that is also a sample of expert engineering?

Gone will be the charm that pulls together our community of a close knit friendly people with the building of fences about 35 Rose to the lake. It just seems so RIDICULOUS.

At first I didn't think the owners of 35 Rose who were welcomed to the "Point" fully understood the situation they were creating. It's obvious their lawyer or real estate agent must have informed them about ownership of Jesse Avenue before purchase. Then the BLIND SIDED posting of the proposal near Christmas leaving one to think the owners of 35 Rose must have a SHAMEFUL alternative motive

The owner's of 35 Rose will need a survey at closing if their proposal is approved. The beach front will be added to their property taxes.

Jessie Avenue is a path worn trail that has no boundaries where at times it barely hugs the shoreline. It is "possible" that other owners who wish to follow 35's lead may find their properties don't adhere to the region's setback regulations so they may need some costly construction adjustments or amendments in addition to increased property taxes.

A POTENTIAL HORNET'S NEST AND FOR WHAT?

Regards,  
Bob Whittaker

**Sarah O'Connell**

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**Subject:**

FW: COW2019-013 Frances Whittaker's NO to proposal

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**From:** bobwhittaker bobwhittaker [REDACTED]

**Sent:** Saturday, January 19, 2019 6:07 PM

**To:** lauracarnochan; realitysevice; Council; Agenda Items; Ron Ashmore; [REDACTED]

**Subject:** COW2019-013 Frances Whittaker's NO to proposal

COW2019-013

Speaking for [REDACTED] and [REDACTED] Rose Street, I say "NO" to the proposal stopping up Jessie Avenue at 35 Rose.

The new owners of 35 Rose Street have had one summer season there, and have found several aspects of Pleasant Point that they don't like. The most important of these aspects was the front path known as Jessie Avenue that runs the length of Pleasant Point East in front of all our cottages. They approached the City of Kawartha Lakes in an effort to buy the part of Jessie Avenue in front of their lot, and have this matter dealt with at the January 2019 Council meeting, hoping it would be a done deal before all the rest of the affected cottagers arrived for the summer. Thankfully, this underhanded plan did not succeed and the majority of cottagers were informed and, horrified, rushed to have their views on the negative impact of the plan, be heard.

When the land was surveyed in 1910 for the Summer Resort of Pleasant Point, there is no mention of how wide Jesse Avenue is, as it meanders along the lakefront. Rose Street is well-marked, however as being 1/2 chain ( 33 feet wide), an adequate with for vehicles. My grandfather William Rennie Tucker, having come from Toronto by train, in 1911, bought two lots, now [REDACTED] and [REDACTED] Rose Street and commenced to build two cottages, with the lumber and supplies brought from the Lindsay mill on the ferry boat, the Lintonia, then hauled to his lots by horse and wagon along Rose Street from the government dock. This was also how groceries ordered from Eaton's, got to Pleasant Point, though cooking was basic with refrigeration being a hole under the kitchen floor. Before he started building, he had to clear the land and he pulled out 150 tree stumps to achieve this, using a yoke over his shoulders. Everything was done by hand, as there was no hydro at the cottages until 1943. He also built a number of swings, stilts and teeter-totters for his and his neighbourhood children to play on, in front of [REDACTED] Rose and likely on some of Jessie Avenue, which is wide at that point.

For the better part of the last century, I and my family have owned four cottages facing Jessie Avenue and the lake, though [REDACTED] Rose was sold off in the 1980's. My own experience at Pleasant Point began when I was seven days old. The summer of 1949 was unbearably hot in Toronto, so I was brought straight from the



hospital to thrive in the cool lake breezes found on Jessie Avenue as my Mother pushed me in my pram. Over the years I have learnt every rock and root on that footpath, as have my daughters and now my grandson, walking his pup on a lead, making it five generations of my family to enjoy this vital cohesive part of the Pleasant Point community.

The countless number of feet using this front path over these hundred plus years has defined and maintained Jessie Avenue, and as you walk along, you have a chance to catch up with old friends and meet new ones. You realize that having the Jessie Avenue footpath has brought about a unique connectedness and mutual respect between the cottagers of Pleasant Point. It indeed embodies the spirit of Pleasant Point.

With this, I hope that the City Council understands that I, like the majority of Pleasant Point cottagers, do not want changes made to Jessie Avenue.

Sincerely,  
Frances Tucker Rich Whittaker.

**Sarah O'Connell**

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**Subject:**

FW: 35 Rose Street, Pleasant Point

**Subject: Re: 35 Rose Street, Pleasant Point**

Further to my email dated Dec. 25th. The realty service of Kawartha Lakes must know that Jessie Ave. and access to Jessie Ave is the right of all 36 Cottages on Pleasant Point. No one cottager can restrict access to this walkway from the other 35 cottagers unless all 36 cottagers agree to eliminate Jessie Ave. and it's right of way.

If one cottager is given that right to eliminate access for the other 35 cottagers on Jessie Ave. how can your department even consider this request to close access to a right of way that has been in effect since 1910. Please explain to me how you can even consider this request without the approval and elimination of Jessie Ave. except by approval of all 36 cottagers.

Just so you know that when anyone who purchases a cottage on Pleasant Point, lake side, they are notified that there exists a public walkway in front of their cottage called Jessie Ave. If they were not made aware of this fact at time of purchase then shame on their real estate agent or lawyer.

Please explain how this request was even considered without approval of all 36 cottagers to agree to allow one cottager to eliminate access to a public walkway ? I think the department needs to understand how Jessie Ave was setup on the original site plan by John Hay in 1910. It does not belong to one cottager but to all the cottagers on Pleasant Point.

George Baillie.

Sent from my iPad