

The Corporation of the City of Kawartha Lakes

Council Report

Report Number RS2018-007

Date: March 6, 2018
Time: 2:00 p.m.
Place: Council Chambers

Ward Community Identifier: 5

Subject: Surplus Declaration and Proposed Closure and Sale of a Portion of Road Allowance Adjacent to 61-71 Homewood Park Road and 5 Treewood Lane and Legally Described as Part of Blocks A and B, Registered Plan No. 175, in the Geographic Township of Bexley, City of Kawartha Lakes

Author Name and Title: Laura Carnochan, Law Clerk – Realty Services

Recommendation(s):

That Report RS2018-007, **Surplus Declaration and Proposed Closure and Sale of a Portion of Road Allowance Adjacent to 61-71 Homewood Park Road and 5 Treewood Lane and Legally Described as Part of Blocks A and B, Registered Plan No. 175, in the Geographic Township of Bexley, City of Kawartha Lakes**, be received;

That the subject property, being a portion of road allowance adjacent to 61-71 Homewood Park Road and 5 Treewood Lane and legally described as Part of Blocks A and B, Registered Plan No. 175, in the Geographic Township of Bexley, City of Kawartha Lakes, be declared surplus to municipal needs;

That the closure of the portion of the road allowance and sale to the adjoining owners, 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;

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

Department Head:_____

Financial/Legal/HR/Other:_____

Chief Administrative Officer:_____

That any deputation or public input in opposition of the closing, if any, shall be considered, and if appropriate, a by-law (with any amendments deemed necessary) to close the road and authorize its disposition shall be passed; and

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

Background:

The Land Management Committee received a request from the owner of 65 Homewood Park Road, legally described as Lot 10, Plan 256, in the Geographic Township of Bexley, City of Kawartha Lakes, to purchase that portion of Part of Blocks A and B, Registered Plan No. 175, in the Geographic Township of Bexley, City of Kawartha Lakes which is adjacent to their property.

The request was reviewed by the Land Management Committee and it was determined that a number of encroachments were located within the subject road allowance. Therefore, it was the determination of the Land Management Committee that all property owners along the subject road allowance should be contacted to determine if they were also interested in purchasing a portion of the road allowance.

Realty Services has contacted each of the adjoining landowners and confirmed their interest in proceeding with acquiring their respective portions of the subject road allowance.

Public Notice advertising the potential surplus declaration and sale of the subject road allowance was completed by newspaper circulation in Kawartha Lakes this Week on the 8th, 15th, and 22nd days of February, 2018.

Appendix A is a map showing the general location of the property, Appendix B is a copy of Reference Plan 57R-10646 which illustrates the portions of road allowance to be conveyed, and Appendix C is an aerial photo of the subject road allowance.

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

Rationale:

The Land Management Committee has concluded that this unopened road allowance is not needed for municipal purposes.

Each interested landowner owns property which borders the portion of the 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 divided equally and conveyed to the adjoining landowners.

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.

Other Alternatives Considered:

Council could refuse to close and convey the road allowance. That would be inconsistent with past practice and is not recommended in this circumstance.

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. The road allowance would be divided evenly and conveyed directly to the purchasers for nominal consideration, in accordance with the transition provision section 12.02 of By-law 2018-020, being a by-law to regulate the disposition of land. 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 purchasers.

Relationship of Recommendation(s) To The 2016-2019 Strategic Plan:

The report aligns with the strategic goal of a "vibrant and growing economy" and the strategic enable or "efficient asset management".

Consultations:

Land Management Committee

Attachments:

Appendix A – General Location Map



Appendix A - General
Location Map.pdf

Appendix B – Reference Plan 57R-10646



Appendix B -
Reference Plan 57R-1

Appendix C – Aerial Photo



Appendix C - Aerial
Photo.pdf

Department Head E-Mail: rcarlson@kawarthalakes.ca

Department Head: Robyn Carlson