

The Corporation of the City of Kawartha Lakes

Council Report

Report Number RS2018-008

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

Ward Community Identifier: 1

Subject: Surplus Declaration and Proposed Closure and Sale of a Portion of Shoreline Road Allowance adjacent to 26 Baker Lane and 28 Baker Lane, in the Geographic Township of Dalton, City of Kawartha Lakes

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

Recommendation(s):

That Report RS2018-008, **Surplus Declaration and Proposed Closure and Sale of a Portion of Shoreline Road Allowance adjacent to 26 Baker Lane and 28 Baker Lane, in the Geographic Township of Dalton, City of Kawartha Lakes**, be received;

That the subject property, being the shoreline road allowance adjacent to 26 Baker Lane and 28 Baker Lane, in the Geographic Township of Dalton, City of Kawartha Lakes be declared surplus to municipal needs;

That Council support, in principle, the closure of the shoreline road allowance and sale to the adjoining owners 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;

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

Department Head:_____

Financial/Legal/HR/Other:_____

Chief Administrative Officer:_____

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

Background:

The Land Management Committee received a request from the owner of 28 Baker Lane, legally described as Part of Lot 32, Concession 4, Part of Lot 32, Concession 5, described as Part 1 on Plan 57R-9055, in the Geographic Township of Dalton, City of Kawartha Lakes, to purchase or lease the portion of shoreline road allowance that is adjacent to their property.

This request was in response to provisional consent being granted for D03-17-001, being an application to sever approximately 197.8 square metres of vacant residential land and consolidate it with the abutting residential lot, being 28 Baker Lane.

One of the conditions of provisional consent D03-17-001 is that the infrastructure (pump house and water line) within the OSRA servicing 28 Baker Lane be addressed to the satisfaction of the Realty Services through the successful completion of one of the two options:

- a. Apply, pay the prescribed fee and obtain a license agreement. The owners shall submit written confirmation from Realty Services that the agreement is in effect.
- b. Apply, pay the prescribed fee and obtain ownership of the original Shore Road Allowance (OSRA) abutting the benefitting consolidated lot. The owners shall submit written confirmation from Realty Services that the transfer of title has occurred.

The Land Management Committee reviewed both options and it was determined that there is no benefit to the subject portion of shoreline road allowance remaining in City ownership, therefore, the Land Management Committee recommended that the property owner be encouraged to proceed with purchasing the subject portion of shoreline road allowance.

As there is a related severance application, being D03-17-002, which also has a condition requiring the infrastructure within the OSRA servicing 26 Baker Lane be addressed through either a license agreement or purchase of the shoreline road allowance, it was recommended that both property owners be engaged to proceed with purchasing their respective portions of shoreline road allowance at the same time, in order to split the costs of the transaction between both parties.

Both property owners have confirmed that they are interested in proceeding with obtaining title to their respective portions of shoreline road allowance.

Public Notice advertising the potential surplus declaration and sale of the subject shoreline road allowance was completed by newspaper circulation in the 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 properties, Appendix B is an aerial photo of the subject properties, and Appendix C is a map of the subject properties.

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

Rationale:

Shoreline road allowances exist on many lakes within the City of Kawartha Lakes. Although many of these allowances were never opened as public municipal roads, they remain public property. Recreational and residential property owners of "lakefront" property often do not own "their" lots right up to the water's edge. In many circumstances, the adjacent private owner has encroached onto this space and utilized it as a lot addition.

Other Alternatives Considered:

Council may decide not to sell the shoreline road allowance and derive no financial benefit whatsoever. 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 price for shoreline road allowance properties was established by By-law 2018-020, as amended, and is set at \$20.00 per linear foot of frontage, together with all costs of the transaction plus a \$1,500.00 fee to cover the City's staff time expenses.

The City will gain a one-time payment for its capital asset to be determined based on the frontage according to a survey. This is in keeping with the disposition by-law as it relates to shoreline road allowances.

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

This report aligns with the strategic goal of a “vibrant and growing economy” and the strategic enabler of “efficient asset management.”

Consultations:

Land Registry Office
Land Management Committee
Planning – Maps

Attachments:

Appendix A – General Location Map



Appendix A - General
Location Map.pdf

Appendix B – Aerial Photo



Appendix B - Aerial
Photo.pdf

Appendix C – Map



Appendix C -
Map.pdf

Department Head E-Mail: rcarlson@kawarthalakes.ca

Department Head: Robyn Carlson

Department File: L06-17-RS030