

The Corporation of the City of Kawartha Lakes

Council Report

Report Number LM2013-009

Date: September 24, 2013

Time: 2:00 p.m.

Place: Council Chambers

Ward Community Identifier: 1, 3, 15 & 16

Subject: Surplus Declaration of Various City Owned Properties

Author/Title: Diane McFarlane

Signature:

Land Management Co-ordinator

Recommendation(s):

RESOLVED THAT Report LM2013-009, **Surplus Declaration of Various City Owned Properties**, be received;

THAT the City owned Properties listed on Appendix B attached to Report LM2013-009 be declared surplus to municipal needs;

THAT notice be given in accordance with By-laws 2008-065 and 2010-118, as amended;

THAT the properties be marketed for sale to the general public in accordance with any current or future policies in place and be sold to the interested parties for no less than the appraised value plus any and all costs associated with the transaction;

THAT on completion of the public notice, Council shall consider any deputation or public input in opposition of the sale, if any, and if appropriate, pass a by-law (with any amendments deemed necessary) to authorize the disposition; and

THAT the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this decision.

Department Head: _____

Corporate Services Director / Other: _____

Chief Administrative Officer: _____

Background:

The City Property Disposition Task Force (the “CPDTF”) is a volunteer committee appointed by City Council. The CPDTF provides advice and assistance to Council and the Land Management Committee in investigating all lands and properties held in ownership by the Corporation of the City of Kawartha Lakes.

The CPDTF is to review the inventory of municipally owned properties and identify and investigate potential surplus lands. By way of report to Council the CPDTF identifies those land assets which they feel can be recommended as surplus to municipal needs and marketed for sale to the general public.

At the CPDTF meeting held on June 24, 2013 a list of properties which had been investigated by the CPDTF and could potentially be declared surplus, subject to completion of registry and records searches, was reviewed. At that meeting it was determined that the Potential Surplus Lands list was to be updated in order to remove any of the properties which already have a Council resolution declaring them surplus and the members passed the following resolution:

***Moved by Councillor D. Elmslie seconded by Councillor D. Hodgson
 RESOLVED THAT*** the City Property Disposition Task Force recommends that the properties on the updated Potential Surplus Lands list be recommended to the Land Management Committee and Council to be declared surplus.

CARRIED

Appendix A is the updated Potential Surplus Lands list.

The updated Potential Surplus Lands list was circulated to the Land Management Committee members and no objections were received.

Registry and records searches were conducted and the following chart outlines the results of how the lands were acquired and whether or not the properties can be disposed of or need to be retained:

WARD 1

ROLL NUMBER	LEGAL	LOCATION	HOW ACQUIRED	RETAIN OR DISPOSE
1651 160 050 03503	LT 3 PLAN 508 PIN 63170- 0227(LT)	29 Armitage Avenue, Western Trent	By Subdivision Agreement A26958 - land for municipal purpose as noted in By-law 90-1	Dispose
1651 160 050	LT 23 PLAN 508	Trent River Road,	By Subdivision Agreement A26958 Schedule B -land for	Dispose

03523	PIN 63170-0250(LT)	Western Trent	municipal purpose as noted in By-law 90-1	
1651 160 050 03549	LT 47 PLAN 508 PIN 63170-0276(LT)	Eldon Drive, Western Trent	By Subdivision Agreement A26958 Schedule B -land for municipal purpose as noted in By-law 90-1	Dispose
1651 160 050 03565	LT 60 PLAN 508 PT OF PIN 63170-0291(LT)	Greenwood Crescent, Western Trent	By Subdivision Agreement A26958 Schedule B -land for municipal purpose as noted in By-law 90-1	Dispose
1651 160 050 03598	LT 92 PLAN 508 Except Part 1 57R3273 PIN 63170-0328(LT)	Pinewood Boulevard, Western Trent	By Subdivision Agreement A26958 Schedule B -land for municipal purpose as noted in By-law 90-1	Dispose
1651 160 050 05015	BLK A PLAN 524 PIN 63170-0364(LT)	Pinewood Boulevard, Western Trent	By Subdivision Agreement A48022 Schedule B – Lands for Municipal Purposes namely for park purposes	Dispose
1651 160 050 03545	BLK E PLAN 508 PIN 63170-0273(LT)	Beaver's Lane, Western Trent	Subdivision Agreement A26958 Schedule B notes it as required for easement By-law 90-1 says Right-of-Way to waterfront for benefit of Back Lot owners within Plan 508	Retain

WARD 3

ROLL NUMBER	LEGAL	LOCATION	HOW ACQUIRED	RETAIN OR DISPOSE
1651 310 060 12600	LT 1-2 PLAN 434 S/T R164356 PIN: 63119-0289	1 Cedarplank Road	Conveyed to Township October 22, 1964 to satisfy requirements of Plan of Subdivision – for public purpose Lands are s/t an easement in favour of Bell Canada	Dispose
1651 310	LT 14	Brook Road	No information located in	Retain

020 38100	PLAN 281 Part of PIN 63119- 0407(R)		records Registry search revealed no ownership recorded. A copy of Plan 281 was pulled and it notes that Lots 13 and 14 set aside for common use of each owner in Plan.	
1651 310 020 38101	LT 13 PLAN 281 Part of PIN 63119- 0407 (R)	Brook Road	No information located in records. Registry search revealed no ownership recorded. A copy of Plan 281 was pulled and it notes that Lots 13 and 14 set aside for common use of each owner in Plan.	Retain
1651 310 020 42400	BLK B PL 399 Except PT 1 57R4954; PT BLK C PL 399 PT 2 57R4954; PT RDAL BTN LT 15 AND LT 16 CON 4 PT 3 57R4954 PIN 63119- 0568(LT)	Kozy Kove Road	Block B acquired as per requirement of Subdivision Agreement 5% of land included in the plan for public purposes Road Allowance between Lots 15 and 16 Concession 4 closed by Township of Somerville By-law 88-25 – Part 3 57R4954 retained by Township and Part 4 57R4954 exchanged for Part of Block C Plan 399 Part 2 on Plan 57R4954 Block C is subject to restrictive covenants for drainage	Dispose
1651 310 020 30601	BLK D PLAN 386 PIN 63119- 0232 (LT)	River Road	Acquired September 6, 1962 - 5% of the subdivision to be transferred to Township Does not appear to be any restrictions placed on this property with respect to disposing of it	Dispose

1651 310 020 31000	BLK E PLAN 386 PIN 63119- 0231(LT)	River Road	Acquired September 6, 1962 - 5% of the subdivision to be transferred to Township Does not appear to be any restrictions placed on this property with respect to disposing of it	Dispose
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WARD 15

ROLL NUMBER	LEGAL	LOCATION	HOW ACQUIRED	RETAIN OR DISPOSE
1651 004 000 31703	PT BLK 17 PL 109 PT 3 57R6008 PT OF PIN 63256- 0388(LT)	Sturgeon Road North, Omeme	- Former Township acquired the land as liquidated damages due to default by the owner under the terms of a Land Division Agreement - Declared surplus in 2000 by Village of Omeme - Declared surplus in 2005 - Report LMC2005-11 by CHR2005-48 - May 3, 2005 – Director of Public Works asked to place property on hold until further notice due to proposed infrastructure plans for Omeme still unresolved - May 8, 2013 – Bryan Robinson from WWW advised by e-mail that the contractor will have no need for these lands. They have been able to handle the work utilizing other property. As such, the WWW group has no further vested interest in these lands.	Dispose
1651 004 000 31704	PT BLK 17 PL 109 PT 4 57R6008 PT OF PIN 63256- 0388(LT)	Sturgeon Road North, Omeme	- Former Township acquired the land as liquidated damages due to default by the owner under the terms of a Land Division Agreement - Declared surplus in 2000 by Village of Omeme - Declared surplus in 2005 -	Dispose

			<p>Report LMC2005-11 by CHR2005-48</p> <p>- May 3, 2005 – Director of Public Works asked to place property on hold until further notice due to proposed infrastructure plans for Omemees still unresolved</p> <p>- May 8, 2013 – Bryan Robinson from WWW advised by e-mail that the contractor will have no need for these lands. They have been able to handle the work utilizing other property. As such, the WWW group has no further vested interest in these lands.</p>
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WARD 16

ROLL NUMBER	LEGAL	LOCATION	HOW ACQUIRED	RETAIN OR DISPOSE
1651 008 030 17510	PT LOT 6 S/S KING ST E OF JOHN ST PLAN 5, Manvers PIN 63266- 0348 (LT)	Robert Street	<p>Acquired from Canadian Pacific Railway Company in 1997</p> <p>Unregistered licence agreement for fibre optics purposes entered into by County of Victoria and Canadian Pacific Railway Company effective from Dec 15 1997 – Dec 13 2018</p> <p>Subject, as of the date of closing, to certain pre-existing agreements entered into by CPRC with utilities and others that were assumed by the County on closing (16 agreements)</p>	Retain
1651 008 010 21538	PCL BLOCKS-1 SECTION 9M731; BLOCK 64	Royal Estate Drive	<p>Acquired in 1988 pursuant to Subdivision Agreement</p> <p>Does not appear to be any restrictions placed on this</p>	Dispose

	PLAN 9M731, Manvers PIN 63269-0293 (LT)		property with respect to disposing of it as "surplus lands"	
1651 008 030 17710	PT LOT 41-43 PLAN 2, Manvers PIN 63266-0346(LT)	Robert Street	<p>Acquired from Canadian Pacific Railway Company in 1997</p> <p>Unregistered licence agreement for fibre optics purposes entered into by County of Victoria and Canadian Pacific Railway Company effective from Dec 15 1997 – Dec 13 2018</p> <p>Subject, as of the date of closing, to certain pre-existing agreements entered into by CPRC with utilities and others that were assumed by the County on closing (16 agreements)</p>	Retain
1651 008 050 06520	LT 4 S/S QUEEN ST, 5 S/S QUEEN ST, 6 S/S QUEEN ST PLAN 9, Manvers PIN 63260-0189(R)	Fleetwood Road	Acquired due to Tax Arrears in 1997	Dispose
1651 008 050 06320	BLOCK B PLAN 152, Manvers Pt of PIN 63260-0203(LT)	Slalom Drive & Christie Road	<p>Acquired in 1971 pursuant to Subdivision Agreement</p> <p>Does not appear to be any restrictions placed on this property with respect to disposing of it as "surplus lands"</p> <p>Jan 11, 2000 former Township declared land surplus</p>	Dispose

1651 008 050 06318	BLOCK A PLAN 152, Manvers Pt of PIN 63260- 0203(LT)	Christie Road	Acquired in 1971 pursuant to Subdivision Agreement Does not appear to be any restrictions placed on this property with respect to disposing of it as "surplus lands" Schedule "B" of Subdivision Agreement states westerly 5 ft of Blk A s/t "telephone" easement – no such easement on title Jan 11, 2000 former Township declared land surplus	Dispose
1651 008 010 31201	PT LOT 16 CON 3, Manvers PIN 63269- 0488(LT)	Telecom Road	Acquired in 1954 Records search revealed that there is talk this site used to be a garbage dump	Retain
1651 008 010 10320	PT LOT 10 CON 2, Manvers PIN 63270- 0135(R)	Pacific Street/Highw ay 35	Acquired due to Tax Arrears in 1997	Dispose

Appendix B is a final list of the properties which are recommended to be declared surplus.

Appendix C is the general location map for the Ward 1 properties and Appendix D is the aerial photos for the properties in Ward 1. Appendix E is the general location map for Ward 3 and Appendix F is the aerial photos for the properties in Ward 3. Appendix G is the general location map for Ward 15 and Appendix H is the aerial photos for the properties in Ward 15. Appendix I is the general location map for Ward 16 Bethany area, Appendix J is the general location map for the Ward 16 Pontypool area and Appendix K are the aerial photos for Ward 16.

The purpose of this report is to gain Council approval to have the properties set out in Appendix B declared surplus to municipal needs, marketed for sale to the general public and sold.

Rationale:

The City Property Disposition Task Force and the Land Management Committee have reviewed and recommend that the properties set out in Appendix B be declared surplus to municipal needs, marketed for sale to the general public and sold.

The properties would be appraised and surveyed, if required, and marketed for sale to the general public in accordance with any current or future policies in place.

Other Alternatives Considered:

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

Financial Considerations:

Successful purchasers will be asked to enter into a conditional agreement of purchase and sale with a non-refundable \$1,000.00 deposit to cover initial costs.

The consideration paid for each property shall be no less than the current value as will be determined by the completion of an appraisal. All costs of the transaction shall be paid by the purchaser.

On Tuesday, March 9th, 2010, Council adopted the following resolution:

CR2010-297

Moved by Councillor Yeo, seconded by Councillor James

RESOLVED THAT a Task Force of Council be struck to investigate all lands and properties held in ownership by the Corporation of the City of Kawartha Lakes which could be disposed of for the purpose of establishing a Community Properties Reserve Fund;

THAT the Community Properties Reserve Fund's purpose be to aide in the costs to maintain, improve and establish Community based properties to be owned and operated by the City and/or its various Committee's of Council; and

THAT consideration be given to the establishment of a Community Property Foundation.

The successful sale of the surplus properties will result in proceeds to the City which will be credited to the Sale of Land Revenue Account and eventually the Community Properties Reserve Fund once established.

Relationship of Recommendation(s) To Strategic Priorities:

This report does not directly impact or align with a specific Strategic Priority.

Review of Accessibility Implications of Any Development or Policy:

There are no negative implications arising from this report with respect to accessibility.

Consultations:

City Property Disposition Task Force
Land Management Committee
Provincial Land Registry Office
Records
Planning

Attachments:

Appendix A: Updated Potential Surplus Lands List



Appendix A Updated
Potential Surplus Lan

Appendix B: Recommended Surplus Properties



Appendix B
Recommended Surplu

Appendix C: Ward 1 General Location Map



Ward_1_General
Location Map.pdf

Appendix D: Ward 1 Aerial Photos



Ward 1 Aerial
Photos.pdf

Appendix E: Ward 3 General Location Map



Ward_3_General
Location Map.pdf

Appendix F: Ward 3 Aerial Photos



Ward 3 Aerial
Photos.pdf

Appendix G: Ward 15 General Location Map



Ward_15_General
Location Map.pdf

Appendix H: Ward 15 Aerial Photos



Ward 15 Aerial
Photos.pdf

Appendix I: Ward 16 General Location Map – Bethany



Ward_16_General
Location Map_Bethar

Appendix J: Ward 16 General Location Map – Pontypool



Ward_16_General
Location Map_Pontyp

Appendix K: Ward 16 Aerial Photos



Ward 16 Aerial
Photos.pdf

Phone: 705-324-9411 ext. 1279

E-Mail: dmcfarlane@city.kawarthalakes.on.ca

Department Head: Ron Taylor

Department File: City Property Disposition Task Force