

The Corporation of the City of Kawartha Lakes

Council Report

Report Number RS2017-008

Date: July 11, 2017
Time: 2:00 p.m.
Place: Council Chambers

Ward Community Identifier: 2

Subject: Surplus Declaration and Proposed Closure and Sale of a Portion of Shoreline Road Allowance adjacent to 9 Harmony Pines Lane, legally described as Concession 11 Part Lot 7 Registered Plan 57R965 Part 1, in the former Geographic Township of Laxton, City of Kawartha Lakes

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

Recommendation(s):

RESOLVED THAT Report RS2017-008, **Surplus Declaration and Proposed Closure and Sale of a Portion of Shoreline Road Allowance adjacent to 9 Harmony Pines Lane, legally described as Concession 11 Part Lot 7 Registered Plan 57R965 Part 1, in the former Geographic Township of Laxton, City of Kawartha Lakes**, be received;

THAT the subject property, being the shoreline road allowance adjacent to 9 Harmony Pines Lane, legally described as Concession 11 Part Lot 7 Registered Plan 57R965 Part 1, in the former Geographic Township of Laxton, 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 owner in accordance with the provisions of By-law 2010-118, as amended, and the Municipal Act, 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 on completion of the public notice, Council shall consider any deputation or public input in opposition of the closing, if any, and if appropriate, pass a by-law (with any amendments deemed necessary) to close the road and authorize its disposition; and

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 9 Harmony Pines Lane, legally described as Concession 11 Part Lot 7 Registered Plan 57R965 Part 1, in the former Geographic Township of Laxton, City of Kawartha Lakes to purchase the portion of shoreline road allowance that is adjacent to their property.

The owner intends to rebuild a small cottage which burned down in 2004 and seeks to purchase the adjacent shoreline road allowance in order to meet the minimum fifteen metre (15m) setback.

Appendix A is a map showing the general area of the property, Appendix B is an aerial photo of the subject property, Appendix C is a map of the subject property.

Numerous sections of the shoreline road allowance adjacent to waterfront properties on Gull River have previously been stopped up, closed and sold to the adjoining land owners either by the City or the previous municipality and therefore, the Land Management Committee are recommending to support this request.

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 portion 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 One Thousand Dollar (\$1,000.00) deposit to cover initial road closing costs. The price for shoreline road allowance properties was established by By-law 2010-118, as amended, and is set at Twenty Dollars (\$20.00) per linear foot of frontage, together with all costs of the transaction plus a One Thousand Five Hundred Dollar (\$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 enable of “efficient asset management.”

Consultations:

Land Registry Office
Land Management Committee
Planning – Maps

Attachments:

Appendix A: General Area Map



Appendix A - General
Location Map.pdf

Appendix B: Aerial Photo



Appendix B -
Aerial.pdf

Appendix C: Map



Appendix C -
Map.pdf

Department Head E-Mail: rcarlson@city.kawarthalakes.on.ca

Department Head: Robyn Carlson

Department File: L06 Disposal SLRA adj 9 Harmony Pines Lane, Laxton