

The Corporation of the City of Kawartha Lakes

Council Report

Report Number RS2018-013

Date: May 22, 2018
Time: 2:00 p.m.
Place: Council Chambers

Ward Community Identifier: 1

Title: Proposed Surplus Declaration, Closure and Sale of a Portion of Shoreline Road Allowance adjacent to 181 McCrackin Avenue, Carden

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

Recommendations:

That Report RS2018-013, **Proposed Surplus Declaration, Closure and Sale of a Portion of Shoreline Road Allowance adjacent to 181 McCrackin Avenue, Carden**, be received;

That the subject property, being the shoreline road allowance adjacent to 181 McCrackin Avenue, in the Geographic Township of Carden, 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

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

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

The Land Management Committee received a request from the owner of 181 McCrackin Avenue, legally described as Part of Lot 23, Concession 3, Carden as in R244023; Together with R244023; Subject to a Right of Way to be Used in Common with Others Entitled Thereto, to Allow the Most Reasonable Access to the Government Travelled Road¹, over Part of Lot 23, Concession 3, in the Geographic Township of Carden, City of Kawartha Lakes, being Part 4 on Plan 57R-3647, to purchase the portion of shoreline road allowance that is adjacent to their property.

Numerous sections of the shoreline road allowance adjacent to waterfront properties in this area on Lake Dalrymple have previously been stopped up, closed and sold to the adjoining land owners either by the City or the previous municipality. This land could not be used to develop a travelled road, therefore, the Land Management Committee is recommending that Council support this request.

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 19th and 26th days of April and the 3rd day of May, 2018. No expressions of concern were received from the public.

Appendix A is a map showing the general area of the property, Appendix B is an aerial photo of the subject property (note that the property lines are slightly off), Appendix C is a map of the subject property.

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 portion of shoreline road allowance to the adjacent landowners.

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.

¹ Subject to a Right of Way to be Used in Common with Others Entitled Thereto, to Allow the Most Reasonable Access to the Government Travelled Road relates to a private road located on the subject property and allows those entitled access over said private road.

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 \$23.00 per linear foot of water frontage for shoreline road allowances adjacent to lakes, together with all costs of the transaction plus a \$1,500.00 fee to cover the City's staff time expenses. Accordingly, total recovery is estimated at \$2,645.00 for the shoreline.

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 Recommendations 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

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Department File: L06-18-RS011