

The Corporation of the City of Kawartha Lakes

Council Report

Report Number RS2018-014

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

Ward Community Identifier: 1

Title: Proposed Surplus Declaration, Closure and Sale of Various Unopened Road Allowances Adjacent to 1684 Victoria Road, Bexley

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

Recommendations:

That Report RS2018-014, **Proposed Surplus Declaration, Closure and Sale of Various Unopened Road Allowances Adjacent to 1684 Victoria Road, Bexley**, be received;

That the subject lands, being various unopened road allowances adjacent to 11684 Victoria Road, in the Geographic Township of Bexley, City of Kawartha Lakes, more particularly described in Appendix A, be declared surplus to municipal needs;

That the closure of the various unopened road allowances and sale to the adjoining owner, 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;

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;

That a deeming by-law be passed contemporaneously with the disposition; and

That the Mayor and Clerk be authorized to sign all 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 1684 Victoria Road, in the Geographic Township of Bexley, City of Kawartha Lakes, to purchase various unopened road allowances, more particularly described in Appendix A, in the Geographic Township of Bexley, City of Kawartha Lakes which are adjacent to their property.

These unopened roads border parcels of land in a plan of subdivision, which the developer/owner no longer wishes to develop.

The request was reviewed by the Land Management Committee at their meeting held on February 12, 2018 and the Committee had no concerns with the stop up, closure and conveyance of the various unopened road allowances. The Planning department has requested that a deeming by-law be passed for all undeveloped lots within the associated subdivision.

Public Notice advertising the potential surplus declaration and sale of the subject road allowances 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.

Appendix A is a detailed description of the various unopened road allowances which are subject to this request, Appendix B is a map showing the general location of the subject lands, Appendix C is an aerial photo, Appendix D is a map of the subject lands, and Appendix E is a copy of Plan 113.

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 road allowance to the adjoining owner.

Rationale:

The Land Management Committee and Public Works Department have concluded that this unopened road allowance is not needed for municipal purposes.

The applicant owns property on either side of the road allowance. Therefore, it is logical that the subject road allowances be conveyed to them as the only adjoining owner.

The subject road allowances do not lead to water, they border 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 may decide not to sell the subject road allowances. That would be inconsistent with past practice and is not recommended in this circumstance.

Financial/Operation Impacts:

The applicant 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 conveyed directly to the applicant for nominal consideration, in accordance with section 12.02 of By-law 2018-020, as amended, being the transition provision. 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 applicant.

Accordingly, this transaction will be cost and revenue neutral for the City.

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 – Legal Descriptions



Appendix A - Legal
Descriptions.pdf

Appendix B – General Location Map



Appendix B - General
Location Map.pdf

Appendix C – Aerial Photo



Appendix C - Aerial
Photo.pdf

Appendix D – Map



Appendix D -
Map.pdf

Appendix E – Plan 113



Appendix E - Plan
113.pdf

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Department File: L06-18-RS005