

The Corporation of the City of Kawartha Lakes

Council Report

Report Number RS2018-025

Date: September 25, 2018

Time: 2:00 p.m.

Place: Council Chambers

Ward Community Identifier: 13

Title: Proposed Surplus Declaration, Closure and Release of the City's Right to Re-purchase the Road Allowance Between Lots 10 and 11, Concession 4, in the Geographic Township of Verulam, City of Kawartha Lakes, designated as Part 1 on Plan 57R-10655

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

Recommendations:

That Report RS2018-025, Proposed Surplus Declaration, Closure and Release of the City's Right to Re-purchase in the Road Allowance Between Lots 10 and 11, Concession 4, in the Geographic Township of Verulam, City of Kawartha Lakes, designated as Part 1 on Plan 57R-10655, be received;

That the subject property, being the Road Allowance between Lots 10 and 11, Concession 4, in the Geographic Township of Verulam, City of Kawartha Lakes, designated as Part 1 on Plan 57R-10655, be declared surplus to municipal needs;

That Council support the closure of the road allowance and release the City's right to re-purchase the subject property in accordance with the provisions of By-law 2018-020, as amended, and the Municipal Act, 2001;

That the by-law attached as Schedule E to close the road and release the City's right to re-purchase the subject property shall be passed; and

That the Mayor and Clerk be authorized to execute any documents to facilitate the road closing and releasing the City's right to re-purchase the subject property.

Department Head:_____

Financial/Legal/HR/Other:_____

Chief Administrative Officer:_____

Background:

The property described as Road Allowance between Lots 10 and 11, Concession 4, in the Geographic Township of Carden, City of Kawartha Lakes, designated as Part 1 on Plan 57R-10655, is privately owned and subject to the City's right to repurchase the property for \$25.00.¹

The property owner is seeking to have the City release its interest in the property, so that it may develop the property (specifically, the property owner wishes to build a house on the property).

The right to re-purchase the subject property was set out in the Deed of Land, dated October 19, 1931 (attached as Schedule B), which included a provision "that should said lands be required at any future time for road purposes the said Grantor herein reserves the right to re-purchase the same at the purchase price herein of \$25.00."

Although the road allowance has been sold, it has not been stopped-up and closed (potentially because of the right of re-purchase).

Upon reviewing this request, the Land Management Committee felt that the subject property is unlikely to be required for future road development and therefore, it would be appropriate to release the City's right to re-purchase the land and to stop-up and close the road allowance.

As the property owner provided plans for a potential development on the subject property, this property is considered a Class One property (that is, developable property) under the Disposition of Municipal Real Property By-Law 2018-020. Therefore, Public Notice advertising the potential surplus declaration and release of the City's right to re-purchase the subject property was completed by newspaper circulation in the Kawartha Lakes this Week on the 9th, 16th, and 23rd days of August, 2018. During the three week advertising period a notice was present on-site and the advertisement was posted on the City's website.

Appendix C is a map showing the general area of the property, Appendix D is a copy of Reference Plan 57R-10655, and Appendix E is a copy of the draft by-law required to stop-up and close the road and release the City's right to re-purchase the land.

The purpose of this report is to advise Council that the Land Management Committee recommends that the subject property be declared surplus to

¹ By-law No. 831 (attached as Schedule A) authorizes the sale of the subject property to the South Verulam Fur and Game Preserve Association. By-law No. 831 specifies that "should said lands, at any future time be required for road purposes the Municipality of the Township of Verulam reserve the right to repurchase the same at the purchase price herein of Twenty-five dollars."

municipal needs and that approval be given for the closure of the subject road allowance and release of the City's right to re-purchase the land.

Rationale:

The Land Management Committee has concluded that the subject road allowance is unlikely to be required for future road development. Therefore, as the road allowance is already in private ownership, it would be appropriate to release the City's right to re-purchase the property and to stop up and close the road. This will allow the owner to potentially develop the property.

Other Alternatives Considered:

Council may decide not to stop-up and close the road allowance and release the City's right to re-purchase the land. That is not recommended in this circumstance.

Financial Impacts:

As the City is disposing of its right to re-purchase an interior road allowance, the purchaser will be required to pay the price for interior road allowance properties as established by By-law 2018-020, as amended, being \$15.00 per linear foot (\$18,574.65 for 1,238.31 feet of road allowance noted on Reference Plan 57R-10655), together with all costs of the transaction (legal costs, estimated at \$1,500.00 and advertising costs estimated at \$1,000.00) plus a \$1,500.00 fee to cover the City's staff time expenses.

As the Township of Verulam was paid \$25.00 for this land in 1931(which is \$362.50 in current dollars), this amount has been deducted from the cost that Staff is requesting for the purchase of the road. Accordingly, the net recovery would be \$18,212.15.

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 – By-Law No. 831



Appendix A - By-law
831.pdf

Appendix B – Deed of Land



Appendix B - Deed of
Land.pdf

Appendix C – Map



Appendix C - General
Location Map.pdf

Appendix D – Reference Plan 57R-10655



Appendix D -
Reference Plan 57R-1

Appendix E – Draft By-Law



Appendix E - Draft
By-Law.pdf

Department Head E-Mail: rcarlson@kawarthalakes.ca

Department Head: Robyn Carlson

Department File: L25-18-RS003