

The Corporation of the City of Kawartha Lakes

Council Report

Report Number RS2018-029

Date: November 13, 2018

Time: 2:00 p.m.

Place: Council Chambers

Ward Community Identifier: 11

Title: Acquisition of Land for Trail Purposes – Mason Homes Rail Corridor Lands, Lindsay

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

Recommendations:

That Report RS2018-029, **Acquisition of Land for Trail Purposes – Mason Homes Rail Corridor Lands, Lindsay**, be received;

That the acquisition of the property legally described as Lots 2-4 on Plan 116; Part of Lot 1 on Plan 116; Part of Broad Street on Plan 116 (Closed by R96398); Part of the Northeast 1/4 of Lot 19, Concession 4, Ops; Part of the East Half of Lot 20, Concession 4, Ops designated as Parts 1, 2, 4, 5, 6, and 7 on Plan 57R-9256 Except 57M769, 57M783 and 57M800; Subject to an Easement in Gross over Part of the Northeast 1/4 of Lot 19, Concession 4, Ops designated as Part 1 on Plan 57R-10492 as in KL108910; Together With an Easement over Part of the Northeast 1/4 of Lot 19, Concession 4, being Parts 3 and 8 on Plan 57R-9256 as in R368431; in the Geographic Town of Lindsay, City of Kawartha Lakes, being PIN: 63237-1792 (LT) for trail purposes be approved;

That staff be directed to commence the process of obtaining ownership of the required land, for the price of \$43,500.00, with all related costs of the transaction to be at the City's expense.

That all costs associated with the transfer (estimated at \$46,000.00 including the survey, purchase price, Land Transfer Tax and the City's and the vendor's legal fees), to a maximum of \$48,000.00 be drawn from the Property Development Reserve;

Department Head:_____

Financial/Legal/HR/Other:_____

Chief Administrative Officer:_____

That if all costs of the transaction exceed \$48,000.00, the matter be referred back to Council in 2019 for consideration;

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

That the By-law attached as Appendix E, required to authorize the acquisition of the subject land, be adopted by Council and executed by the Mayor and Clerk.

Background:

In August 2018, the registered owner of the property legally described as Lots 2-4 on Plan 116; Part of Lot 1 on Plan 116; Part of Broad Street on Plan 116 (Closed by R96398); Part of the Northeast 1/4 of Lot 19, Concession 4, Ops; Part of the East Half of Lot 20, Concession 4, Ops designated as Parts 1, 2, 4, 5, 6, and 7 on Plan 57R-9256 Except 57M769, 57M783 and 57M800; Subject to an Easement in Gross over Part of the Northeast 1/4 of Lot 19, Concession 4, Ops designated as Part 1 on Plan 57R-10492 as in KL108910; Together With an Easement over Part of the Northeast 1/4 of Lot 19, Concession 4, being Parts 3 and 8 on Plan 57R-9256 as in R368431; in the Geographic Town of Lindsay, City of Kawartha Lakes, being PIN: 63237-1792 (LT), contacted the City of Kawartha Lakes to offer to sell the subject land in order to complete the City's public walking trail.

The registered owner advised that they would be willing to accept \$43,500.00 as consideration for the subject land.

The offer was reviewed by the Land Management Committee at their meeting on September 10, 2018. The Committee felt that acquisition of the subject land is appropriate from a connectivity perspective, as the land will provide a connection from Angeline Street to Moose Road, as well as access to the mall.

Appendix A is a general location map, Appendix B is an aerial photo, and 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 City proceed with acquiring title to the subject land.

Rationale:

Policy C-205-CAO-044: Real Property Acquisition Policy, requires that all real property acquisitions be supported with a current market value appraisal. Accordingly, an appraisal report was completed by McLean, Simon & Associates Inc. for the City on September 19, 2018.

The appraisal report provided a current market value in excess of the proposed purchase price.

The Land Management Committee, a committee established by the Land Management Committee Policy CP2018-007 and including the Director of Community Services, met on September 10, 2018 to consider the potential acquisition of this land. The Land Management Committee on that date recommended acquiring this property at or below fair market value, with costs of the transfer to be paid by the City, in order to enhance the City's trail system

within the South West portion of Lindsay. The lands are currently used by the public as a trail. Acquisition of this property would allow for continued use of this property. Attached as Appendix D is the Proposed Trails Map for the Town of Lindsay, which includes the subject trail lands. This map will be advanced to Council for consideration by Community Services in the first quarter of 2019. This map is intended to form part of a connectivity plan for the City of Kawartha Lakes. The original of this map was completed by the Green Trail Alliance and Fleming College.

Section 275 of the *Municipal Act, 2001* provides that Council cannot make any expenditure greater than \$50,000.00 when it is “lame duck” (as it currently is). The only exception to this is where the funds have been approved in the Budget, which is not the case here. As the total costs of this transfer are estimated at a maximum of \$46,000.00, and capped at \$48,000.00, this acquisition will not offend the *Municipal Act, 2001* restrictions on Council during this “lame duck” period.

Other Alternatives Considered:

Council may decide not to proceed with acquiring title to the subject land. This option is not recommended, as the Director of Community Services is of the opinion that the lands provide a necessary connection/extension to the City’s trail system.

Financial Impacts:

The land will be conveyed to the City for a cost of \$43,500.00. The City will be responsible for any and all costs associated with the transaction, including, but not limited to, the cost of the survey, City’s legal fees, and vendor’s legal fees. The total cost of acquiring the property is estimated at \$46,000.00. These funds will be drawn from the Property Development Reserve.

Relationship of Recommendations to the 2016-2019 Strategic Plan:

The recommendations set out in this Report directly support Goal 3 of the Strategic Plan, being: “A Healthy Environment”.

The recommendations set out in this Report align with the following Strategic Enabler contained in the Plan: Responsible Fiscal Resource Management.

Consultations:

Land Management Committee (including the Director of Community Services)

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

Appendix D – Proposed Trails Map for the Town of Lindsay



Appendix E – By-law Authorizing Acquisition of Subject Property



Appendix E - By-law
Authorizing Acquisitio

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Department File: L06-18-RS033