

The Corporation of the City of Kawartha Lakes

Committee of the Whole Report

Report Number RS2019-002

Date: January 22, 2019

Time: 1:00 p.m.

Place: Council Chambers

Ward Community Identifier: 3

Title: Surplus Declaration and Proposed Closure and Sale of a Portion of Road Allowance Adjacent to 16 and 22 Cable Road and Legally Described as Part of the Road Allowance between Concession 3 and Concession 4, in the Geographic Township of Verulam, City of Kawartha Lakes

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

Recommendations:

That Report RS2019-002, Surplus Declaration and Proposed Closure and Sale of a Portion of Road Allowance Adjacent to 16 and 22 Cable Road and Legally Described as Part of the Road Allowance between Concession 3 and Concession 4, in the Geographic Township of Verulam, City of Kawartha Lakes, be received;

That the subject property, being a portion of road allowance adjacent to 16 and 22 Cable Road, and legally described as Part of the Road Allowance between Concession 3 and Concession 4, in the Geographic Township of Verulam, City of Kawartha Lakes, be declared surplus to municipal needs;

That the closure of the portion of road allowance and sale to the adjoining landowners 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 road allowance;

Department Head:_____

Financial/Legal/HR/Other:_____

Chief Administrative Officer:_____

That a by-law (with any amendments deemed necessary) to close the road and authorize its disposition be forwarded to Council for adoption;

That the Mayor and Clerk be authorized to sign all documents to facilitate the road closing and conveyance of the lands; and

That this recommendation be brought forward to Council for consideration at the next Regular Council Meeting.

Background:

The Land Management Committee received a joint request from the owners of the properties municipally known as 16 Cable Road and 22 Cable Road, Verulam, to purchase the portion of the road allowance legally described as Part of the Road Allowance between Concession 3 and Concession 4, in the Geographic Township of Verulam, City of Kawartha Lakes, which is adjacent to their properties.

The Land Management Committee reviewed this request at their meeting on May 14, 2018 and had no objections to the request.

The Land Management Committee did feel that the other adjoining landowner located at 1092 County Road 8, should be contacted and advised of the opportunity to purchase their adjoining portion of road allowance as well. The Realty Services division contacted this landowner by letter, but received no response. This landowner was advised that if they did not respond, the portion of road allowance adjacent to their property may be eligible for sale to one or more of the remaining adjoining landowners, subject to Council approval.

Public Notice advertising the potential surplus declaration and sale of the subject road allowance was completed by newspaper circulation in the Kawartha Lakes This Week on the 27th day of December, 2018 and the 3rd and 10th days of January, 2019. During this three week advertising period, notice was also posted on the City's website. Realty Services did not receive any public comments or concerns with regards to the proposed closure and sale of the subject road allowance.

Appendix A is a general location map, Appendix B is an aerial photo, and Appendix C is a map.

The purpose of this report is to advise Council that the Land Management Committee recommends that the subject property be declared surplus to municipal needs and that approval be given, in principle, for the closure and sale of the requested portion of the road allowance to the adjoining landowners.

Rationale:

The Land Management Committee has determined that this portion of road allowance is not required for municipal purposes.

Each interested landowner owns property which borders a portion of subject road allowance. As a result, pursuant to the City's By-law to Regulate the Disposition of Municipal Real Property (By-Law 2018-020, as amended) that portion of the road allowance can be divided equally and conveyed to the adjoining

landowners, with the balance of the road allowance to the North, being transferred entirely to the property owner to the East, as more specifically set out in Appendix C.

The subject road allowance does not lead to water, it borders 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 could refuse to close and convey the road allowance and derive no financial benefit. That would be inconsistent with past practice and is not recommended in this circumstance.

Financial 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 an interior road allowance was established by By-Law 2018-020, as amended, and is set at \$15.00 per linear foot (based on a 66 foot width). 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 purchasers. The City will receive an estimated revenue of \$10,000.00 for the subject land.

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 Management Committee
Land Registry Office
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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