

# **The Corporation of the City of Kawartha Lakes**

## **Committee of the Whole Report**

**Report Number RS2019-001**

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**Date:** January 22, 2019  
**Time:** 1:00 p.m.  
**Place:** Council Chambers

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**Ward Community Identifier:** 4

**Title:** Surplus Declaration and Proposed Closure and Sale of a Portion of Road Allowance Adjacent to 1685 and 1655 County Road 46 and Legally Described as Part of the North Half of Lot 11, Concession 2, Part of the East Half of Lot 12, Concession 2, being Parts 2 & 3 on RD131 and as in HWY320 Except HWY593, in the Geographic Township of Eldon, City of Kawartha Lakes

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

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### **Recommendation(s):**

**That** Report RS2019-001, Surplus Declaration and Proposed Closure and Sale of a Portion of Road Allowance Adjacent to 1685 and 1655 County Road 46 and Legally Described as Part of the North Half of Lot 11, Concession 2, Part of the East Half of Lot 12, Concession 2, being Parts 2 & 3 on RD131 and as in HWY320 Except HWY593, in the Geographic Township of Eldon, City of Kawartha Lakes, be received;

**That** the subject property, being a portion of road allowance adjacent to 1685 and 1655 County Road 46, and legally described as Part of the North Half of Lot 11, Concession 2, Part of the East Half of Lot 12, Concession 2, being Parts 2 & 3 on RD131 and as in HWY320 Except HWY593, in the Geographic Township of Eldon, 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 provision 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;

**Department Head:** \_\_\_\_\_

**Financial/Legal/HR/Other:** \_\_\_\_\_

**Chief Administrative Officer:** \_\_\_\_\_

**That** staff be directed to commence the process to stop up and close the said portion of road allowance;

**That** a by-law (with any amendments deemed necessary) to close the road and authorize its disposition shall be passed;

**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 requested from the owner of the property municipally known as 1685 County Road 46, Eldon, to purchase that portion of the road allowance legally described as Part of the North Half of Lot 11, Concession 2, Part of the East Half of Lot 12, Concession 2, being Parts 2 & 3 on RD131 and as in HWY320 Except HWY593, in the Geographic Township of Eldon, City of Kawartha Lakes, which is adjacent to their property.

These two segments of unopened road allowance appear to have been acquired for a road widening or interchange of some sort to the existing travelled County Road 46, which never came to pass (see Appendix C). The Land Management Committee reviewed this request at their meeting on April 9, 2018 and had no objections to the request, based on the fact that the City has no future plans to widen or create infrastructure in this area.

The Land Management Committee did feel that the other adjoining landowner, of the property municipally known as 1655 County Road 46, should be contacted and advised of the opportunity to purchase their adjoining portion of road allowance as well. The Realty Services division approached this landowner and they confirmed that they are interested in acquiring the portion of the subject road allowance adjacent to their property.

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 27<sup>th</sup> day of December, 2018 and the 3<sup>rd</sup> and 10<sup>th</sup> days of January, 2019. During this three week advertising period, notice was also posted on the City's website.

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 the 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.

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 net recovery anticipated from this transfer is \$13,130.00.

## **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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**Department Head:** Robyn Carlson

**Department File:** L06-18-RS012