

The Corporation of the City of Kawartha Lakes
Committee of the Whole Report

Report Number RS2019-007

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

Ward Community Identifier: 1

Subject: Surplus Declaration and Proposed Closure and Sale of a Portion of Shoreline Road Allowance adjacent to 339 Avery Point Road, in the Geographic Township of Carden, City of Kawartha Lakes

Author Name and Title: Christine Oliver, Law Clerk – Realty Services

Recommendation(s):

RESOLVED THAT Report RS2019-007, **Surplus Declaration and Proposed Closure and Sale of a Portion of Shoreline Road Allowance adjacent to 339 Avery Point Road, in the Geographic Township of Carden, City of Kawartha Lakes**, be received;

That the subject property, being the shoreline road allowance adjacent to 339 Avery Point Road, in the Geographic Township of Carden, City of Kawartha Lakes be declared surplus to municipal needs;

That Council support, in principle, the closure of the shoreline road allowance and sale to the adjoining owners 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 be forwarded to Council for adoption; and

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

That the Mayor and Clerk be authorized to execute any 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 request from the owner of 339 Avery Point Road, Carden, legally described as Part of Lot 8-9, Plan 136, in the Geographic Township of Carden, City of Kawartha Lakes, to purchase the portion of shoreline road allowance that is adjacent to their property.

Numerous sections of the shoreline road allowance adjacent to waterfront properties on Lake Dalrymple have previously been stopped up, closed and sold to the adjoining land owners either by the City or the previous municipality and therefore, the Land Management Committee is recommending to support this request.

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

Appendix A is a map showing the general area of the property, Appendix B is an aerial photo of the subject property, 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 subject lands be declared surplus to municipal needs and that approval be given, in principle, for the closure and sale of the requested portion of shoreline road allowance.

Rationale:

Shoreline road allowances exist on many lakes within the City of Kawartha Lakes. Although many of these allowances were never opened as public municipal roads, they remain public property. Recreational and residential property owners of "lakefront" property often do not own "their" lots right up to the water's edge. In many circumstances, the adjacent private owner has encroached onto this space and utilized it as a lot addition.

Other Alternatives Considered:

Council may decide not to sell the shoreline road allowance and derive no financial benefit whatsoever. That would be inconsistent with past practice and is not recommended in this circumstance.

Financial/Operation 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 shoreline road allowance properties was established by By-law 2018-020, as amended, and is set at \$23.00 per linear foot of water frontage for shoreline road allowances adjacent to lakes, together with all costs of the transaction plus a \$1,500.00 fee to cover the City's staff time expenses.

The City will gain a one-time payment for its capital asset to be determined based on the frontage according to a survey. This is in keeping with the disposition by-law as it relates to shoreline road allowances.

Relationship of Recommendation(s) 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 – 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 File: L06-18-RS010