

Mr. Mayor and Councilors:

Before you is a request by the owners of 35 Rose St., City of Kawartha Lakes (Mr. Nensi and Mr. Virani) to close and purchase a portion of Jessie Avenue. This avenue runs between most cottages at the East end of Pleasant Point and Sturgeon Lake, in front of the cottages. This unpaved walkway was established, along with periodic rights of way (lanes) between Rose St. and Sturgeon Lake, to ensure that all cottagers have lake access. Pleasant Point property owners, relatives, and friends have been using Jessie Ave. uninterrupted for over 100 years.

Jessie Ave. is, in many ways, the thread that binds the Pleasant Point community together.

I echo the comments made by others regarding the history and use of Jessie Avenue. I have been part of the Pleasant Pt. community for over 45 years, and use Jessie Ave. almost daily when I am there. One of my favourite things to do is to walk west along Jessie Ave. while watching the sunset over Long Beach across the lake.

By law 2018-020 sets out a procedure for closure and sale of a road. First, please note that Jessie Ave. is opened, so cannot be disposed of until it is closed. A road must be declared surplus to the municipality's needs before it can be closed. No argument has been put forward that suggests that this road is surplus. The overwhelming evidence is that Pleasant Point owners and others use it frequently. In fact, Mr. Nensi and Ms. Virani complain that they need to purchase part of the road because others use it and they wish to restrict this (please see their comments regarding bicycles, children and strangers on the path).

Jessie Ave. is a footpath. It is not paved, and there is no need to pave it. It has never been maintained in winter and there is no need to do so. It is used frequently and regularly regardless of this.

In addition to the 36 lakefront properties at Pleasant Pt. there are a number of cottages and homes on the south side of Rose St. and the short streets running off of it. Jessie Ave. ensures that these property owners, their relatives, and friends also have access to enjoy the lake view. This is important and cannot be overlooked. Clearly, this road is not surplus, and should not be closed.

I wish to address the arguments made by the owners of 35 Rose St. who have requested that a portion of Jessie Ave. be declared surplus.

1. If part of this road is declared surplus and sold to an individual, it will prevent the unobstructed use of the road. Although assurances have been given that Jessie Ave. will not be blocked, if ownership is transferred to an individual the municipality and neighbours are powerless to hold a property owner to this promise. It would result in a situation similar to allowing a person on a city street to be able to buy the sidewalk in front of their home. It

would result, effectively, in blocking the public from regular and unobstructed access.

2. Jessie Ave. provides a safe alternative to Rose Street for pedestrians. Young children, the elderly and others can easily travel along Jessie Ave. without worry about vehicular traffic.
3. Although Mr. Nensi and Ms. Virani state that the purpose of Jessie Ave. was only to allow access to docks etc. he has not provided anything to substantiate this. In addition, Jessie Ave. has been used for approximately 100 yrs. as a walking path on an unobstructed basis. Therefore, a right to do so was established under the land registry system before Pleasant Point was transferred to Land Titles. Nothing has been done to interfere with this right.
4. Mr. Nensi and Ms. Virani complain about bicycles, unsupervised children and dogs on their property. With respect, such complaints are not going to be resolved by a change in ownership of the property. Unsupervised children and dogs do not respect property lines. We all wish that dogs were properly leashed, and that children are supervised.
5. Public or private ownership of Jessie Ave. will also not prevent those who trespass from doing so. In contrast, having public access along Jessie Avenue increases property safety since neighbours act as a "neighbourhood watch" and notify one another if there has been any damage to a cottage. A law enforcement officer familiar with security issues at seasonal residences confirms this arrangement increases property safety.
6. When damage has occurred to a property, the municipality has not incurred additional costs because neighbours have "pulled together" to clean up and repair any damage very quickly.
7. Jessie Ave. is a footpath. There are rocks and tree roots. That will not change if title to a portion of the avenue is sold to a private owner. I have been using Jessie Ave. for over 45 years, and know of no complaints because of injury on the path.
8. Mr. Nensi and Ms. Virani complain about the width of Jessie Ave. and the fact that some doors/porches may be on public land. This is something that should have been sorted out when the property was purchased. If they want to extend their porch further toward the lake, Mr. Nensi and Ms. Virani should have considered their property boundaries prior to buying 35 Rose St. The municipality would not consider closing Kent St. in Lindsay or part of the sidewalk so that one owner could expand their front porch. The same reasoning applies to Jessie Ave. It is a public thoroughfare. It should not be

declared surplus and closed to accommodate one owner's wish to expand their building.

9. Having Jessie Ave. at Pleasant Pt. is unique. It adds to the community. It also increases property values because it allows for the enjoyment of the lake view along all of Pleasant Point. This is especially so for those who own/use properties that are not lakefront.

Finally, I wish to address the timing of this request to close Jessie Ave. Pleasant Pt. is a seasonal community. Many of the property owners and users are Snowbirds. Most do not have easy access to Kawartha Lakes news. Some do not have internet. Publishing the notice of meeting for this very important issue in the winter (just one business day after Christmas) is almost underhanded. Many owners will not see the notice. Many will be out of Ontario – contrary to Mr. Nensi and Ms. Virani's statement many owners go to Florida in winter; it is presumptuous to state that they can fly back for one meeting.

If this request is not dismissed prior to the meeting scheduled for January 22, 2019, I request that the Council meeting be adjourned to June 2019 when all relevant property owners can attend or make deputations.

All of which is respectfully submitted.

Valerie Hazlett Parker and Tom Parker, [REDACTED] Rose St.
Garth and Betty Hazlett, [REDACTED] Rose St.
Mark and Laura Collins, [REDACTED] Rose St.
Betty Collins, [REDACTED] Rose St.
Cyndi and Jeff Gilmer, [REDACTED] Rose St.
Helen and David Swift, [REDACTED] Rose St.

Sarah O'Connell

From: Sue Smiling [REDACTED]
Sent: Thursday, January 17, 2019 10:28 AM
To: Clerks; Ron Ashmore
Subject: disapprove of closure and sale of any part of Jessie Ave.

Valerie Hazlett Parkers's letter of deputation is very representative on how we feel. My Mom-Mildred Ridout has been coming to Pleasant Point for 72 years and her family has owned for about 65 years. I have been coming regularly for 53 years. 35 Rose used to be her best friend Sylvia's cottage and my siblings and cousins spent much time on that property. Jessie Avenue has been very special all these years as my dad William E. Ridout was a land surveyor and town planner so when I was a little girl he told me the names of Jessie-and its purpose and showed me maps. My mom and I spoke to Laura on the phone at the beginning of January but I wanted to formally write something.

Sincerely,

Susan Ridout [REDACTED] Rose Street

Mildred Ridout - offically owner of [REDACTED] Rose

Bill and Lynda Moore
37 Beverley Street, Kingston, Ontario, K7L 3Y5
Tel: [REDACTED] E-mail: [REDACTED]

Thursday, January 17, 2019

Mayor and Council
c/o Office of the City Clerk
26 Francis Street
P.O. Box 9000
Lindsay, ON K9V 5R8

RE: Agenda Item 6.3: Proposed Surplus Declaration, Closure and Sale of a Portion of Shoreline Road Allowance (Jessie Avenue)

I am writing on behalf of the Moore Family, owners of the property at 41 Rose Street.

We sympathize with the challenges which have led to the request to purchase the road allowance in front of 35 Rose Street. It is, however, highly unlikely that the proposed closure and sale will address the challenges of concern to the owners. The abuses of property in the neighbourhood are blatant even where clear rights of ownership exist. The behavior of wandering pets and discourteous people does not change because of property lines. On the other hand, removing a right of way which has been enjoyed by many cottage owners over decades is a massive discourtesy.

For four generations, from the early 1930s to the present day, our family have regularly walked the length of Jessie Avenue. We view it to be the lifeblood of the community, joining us from one end of Rose Street to the other. In our own case it has literally been that lifeblood. The friendships made along the Avenue have on several occasions brought immediate assistance to my aging and increasingly frail mother-in-law and more recently have alerted me when my husband, in the later stages of young-onset dementia, has been spotted wandering on his own. We all watch out for one another and we watch out for one another's property; whether it be alerting someone to a flaming boat floating dangerously near their wooden boat house or reporting a fallen tree breaking through the roof of a cottage closed for the winter. We are a community a little off the beaten track for emergency services but because of Jessie Avenue we are a community and we are there for each other to mitigate the challenge of distance from "official" help.

All of us on purchasing our properties were made aware of the walking rights of Jessie Avenue. As we live there we come to value that right more and more. We, the Moore family, urge Council to reject the proposal for the closure and sale of the shoreline allowance at 35 Rose Street.

Respectfully submitted,



Lynda C. Moore (for Joyce A. Moore, William R. A. Moore, our children and grandchildren)

Sarah O'Connell

From: Jordan Lavin | Mosquito.buzz <jlavin@mosquito.buzz>
Sent: Wednesday, January 16, 2019 10:05 AM
To: Clerks; realtyservices
Subject: Proposed road closure and sale

Good morning,

I just heard about the proposed Road Closure and sale of the easement land adjacent to 35 Rose St (listed as Jessie Ave) in the City of Kawartha Lakes. I have several concerns.

1. I heard of this proposal by way of a neighbor. Many of the rate payers on this street, and in this community are '3 season' residents. I have a 'primary address' on file with the City, but did not receive proper notice? I was also at my Pleasant Point home over Christmas and did not have any notifications at the door, or in the mailbox.
2. The timing of this proposal leaves me concerned that many other long-time residents of Pleasant Point may be in similar situations, and the City of Kawartha Lakes will not hear proper deposition
3. This major 'precedent setting' alteration of land use would be a significant change to an entire community. A community that all purchased their land at some point in time, with the full understanding that a 'public' easement crosses our properties, and that residents of the community will have access to this easement. My family and I relocated from Snug Harbor to Pleasant Point 5 years ago, in search of this sense of community. The waterfront easement in question is part of the fabric of this lakefront community. I don't have a clear understanding of the original intent of the easement, but I have to assume that it was partially practical, for residents to access the waterfront when in need to deliver larger items, but I also have to assume that the majority of the intent was to ensure that a community with unique characteristics maintains one of its integral assets, the very sense of community, access to each other, and access to the very reason that we all call Pleasant Point home. The lake and the sun that sets across from the point each night. We have developed many great friendships at Pleasant Point and I can tell you, each one of them started somewhere along the easement. We oppose any alterations to this land use.

I am aware that I have missed the cutoff date for submission...but to my further point, I don't think proper notice was given? Please ensure that my comments are forwarded to the appropriate individuals responsible.

Thank you,



Jordan Lavin, C.F.E. | Chief Operating Officer

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Sarah O'Connell

From: Melinda <[REDACTED]>
Sent: Thursday, January 17, 2019 5:35 PM
To: Clerks
Subject: Jessie Avenue

To Whom it May Concern

We are property owners at # [REDACTED] Rose St and # [REDACTED] Rose St. We are opposed to the closure and sale of Jessie Avenue, at Pleasant Point. We are out of the country January 22 2019. I thought that we had previously submitted correspondence showing our objections, but we will submit it again. Sincerely Melinda Hazlett and Douglas Wishart.

My father is currently in Florida, and does not use email for correspondence. I know he and his wife also object to the proposed closure and sale of Jessie Avenue. I believe he phoned and spoke with someone to voice his objections. I would like to submit their objections as well. Garth and Betty Hazlett # [REDACTED] Rose St.

Dear Mayor, Letham and Councillors

January 8, 2019

We are submitting this letter in response to the proposed sale of a portion of Jessie Ave. located along the southeast Sturgeon Lake shoreline at Pleasant Point, in the City of Kawartha Lakes. to the owners of 35 Rose St. Pleasant Point.

My family have been property owners at Pleasant Point since the early 1900's. This spans six generations three of which are still actively involved in our family cottage experience. I personally have a 60-year history assuming ownership of Rose Street from my father in 2005.

The foot path known as Jessie Ave. has been in existence since the beginning when John Hay subdivided his farm to create the cottage lots that exist today. The property owners all should understand and were made aware of its existence when they took ownership of their property whether that was through family succession or purchase. When lucky enough to be at our cottage we have used and continue to use "The Path", as we call it, daily and have never had a negative interaction with anyone. Its existence allows kids to stay off the road, friends to visit, added security and a genuine sense of community not to mention a great sunset stroll.

It is unfortunate that some people don't leash their dogs or pick up after them while others misuse property and demonstrate a complete lack of common courtesy or respect for the property of others. It does not matter whether that property is publicly or privately owned. These problems are not unique to Jessie Ave. and will not be solved by its sale. The sale of any portion of this valued asset would eventually result in a fence or private property sign going up resulting in sadness, distress, and anger for the many residents whose families have resided here and grown using the path for generations. If this application were to be approved an Easement allowing all deed holders guests, present and future, barrier free use of Jessie Ave in perpetuity would be the only solution that might stand a chance of working.

It is for the reasons above we join in support of the deputation submitted by Ms. Parker Hazlett, and the many other Pleasant Point property owners you have heard from, that I am writing to make my family's feelings known. We align our recommendation with that of the many other people who have spoken out against this sale and ask that you reject the application, leaving the status of Jessie Ave. unchanged, so it may still be enjoyed as the walking path it was intended to be since its creation in the original plan of Pleasant Point over 100 years ago.

Respectfully

Peter Clark and Family
Pleasant Point
City of Kawartha Lakes

Doug and Joanne Burns

January 14, 2019

Sale of Jessie Ave. Pleasant Point , Sturgeon Lake

Dear Mayor Letham,

This correspondence is in regards to the selling of the unused shoreline road , Jessie Ave , Pleasant Point , Sturgeon Lake . Various members of our community have vocalised their opinions on the disruption of Jessie Avenue, continually more land owners are now agreeing with the purchasing and there is a segment of cottagers who know what they would like to do but remain silent because of the possible actions that can result from living in a small community. Recently , there has been several people who believe that they speak for all the property owners along Jessie Ave. They do not . I am grateful for this opportunity to explain the positive reasons why Doug and I are among full time residents and cottagers who are willing to acquire Jessie Ave.

To begin, my grandparents , Tony and Annie Bakogorge originally bought a cottage here ;it was then inherited by my mother , Kathleen (Bakogorge) and her husband Joseph Hunter . Presently , I , Joanne (Hunter)and Douglas Burns own this property. Over the past three generations Pleasant Point has seen many changes . My generational 67 years brings many cherished memories both as a young cottager through to my adult ownership as a year-round resident of 40 plus years. We fully understand the valued traditions , community networking and supportive atmosphere recognised by the shoreline owners along Jessie Ave. Because , we have experienced both residencies , Doug and I can appreciate the pros and cons of the controversy involving the purchase of Jessie Ave.

From a roadway to service the docks , Jessie Ave. has forgone that practice since the Pleasant Point Police Village and later the Pleasant Point Cottagers Association deemed it a walking path just for those who resided lakefront on Jessie Avenue which backed onto Rose Street. The organization posted signs stating that no bicycles or motorised vehicles are allowed . When each sign vanished , a new one was erected. Everyone respected the walkway :however, signs are gone, and years have past introducing uncharacteristic usage of Jessie Ave. Unquestionably , you have received various historical versions regarding the path and Jessie Ave. We believe that It is time for progress . This pathway is not the back bone of this neighbourhood . It is the people who make this community . We can all service our needs whether it be social , economic , physical and environmental without having to rely on Jessie Avenue. Moving forward will provide each Jessie Avenue resident expansion of their property and revitalise new concepts for upholding convention.

We are listing the following reasons for purchasing the segment of Jessie Ave which abuts our property:

- Safety for family due to height of wall . Serious injury could occur if someone fell over the wall which varies in height up to about 13 feet landing on cement docks or water.
- Safety and property damage from motorized vehicles. We have dealt with snowmobiles, dirt bikes and ATVs. They are hazardous to children or residents utilizing lakefront yard. Plus, privacy and noise issues have occurred.
- Three generations of our family have maintained Jessie Ave .including the stone wall and dock. Keeping it safe and attractive . Have removed and cleaned up storm downfalls, damage and hazards without assistance from municipal and city crews. We have paid for these year-round custodial duties from our personal finances without any or partial compensation from Victoria County, Fenelon Township or the City. It would be a privilege to finally have ownership for property that we maintain.
- Security .Welfare . It has been made extremely public that anyone can walk on Jessie Ave., thus, we have increased traffic from people who do not live down here or are unknown to us. There are people who walk their dogs unattended and leave feces: Some citizens are akin to the pathway consuming alcoholic refreshments; Repeatedly ,people use the path at nighttime shinning their flashlights into our home . My husband works at night and I am becoming fearful to stay alone. Outsiders access the dock to use for boating and fishing. Stealing from property ,dock and water shed. Some leave their beer bottles and trash.
- Unsettling to know that we may pay more taxes than some of the populous that utilize , not always for the right reasons, Jessie Ave. while we work hard spending time and money on upkeep for everyone's use.
- Adding Jessie Avenue to our deed will increase the value of our land . It is important to secure as much equity as possible in case of resale once we are gone. This will assist in securing my family's wellbeing in the future.

We appreciate your time and assistance relating to Jessie Avenue in Pleasant Point. It is **not our intention to block the path on Jessie Ave .We would not erect a fence or barrier hindering the Jessie Avenue cottagers and the Jessie Avenue full time residents their traditional walks. We are willing to be helpful with reasonable , practical access to our immediate neighbours for their dock repairs. For the most part, the shoreline inhabitants of Jessie Avenue respect each other's domain.** It is essential for all of us have an additional recourse to ask interlopers to leave.

It is in earnest , we request the City of Kawartha Lakes permit us to purchase the shoreline road in Pleasant Point known as Jessie Ave. Please allow us to control our own destiny for a section of land that has become the essence of our home.

Respectfully,

Joanne and Douglas Burns

Sarah O'Connell

From: bobwhittaker bobwhittaker [REDACTED]
Sent: Saturday, January 19, 2019 6:15 PM
To: realitysevice; auracarnochan; Council; Agenda Items; [REDACTED]; Ron Ashmore; [REDACTED]
Subject: COW2019-013 Bob Whittaker's "NO" to Proposal

COW2019-013

Speaking for [REDACTED] and [REDACTED] Rose Street, I say "NO" to the proposal issued by the owners of 35 Rose Street for their purchase of Jessie Avenue that fronts their lot.

Jessie Avenue reflects the spirit of the community where we stop and chat and socialize with our neighbours. It's the spark plug for other activities, meeting new people, kid's special events, corn roasts with a live band, then the evening sunset strolls from spring till fall. Where else can you view a Haida Totem Poll that is also a sample of expert engineering?

Gone will be the charm that pulls together our community of a close knit friendly people with the building of fences about 35 Rose to the lake. It just seems so RIDICULOUS.

At first I didn't think the owners of 35 Rose who were welcomed to the "Point" fully understood the situation they were creating. It's obvious their lawyer or real estate agent must have informed them about ownership of Jesse Avenue before purchase. Then the BLIND SIDED posting of the proposal near Christmas leaving one to think the owners of 35 Rose must have a SHAMEFUL alternative motive

The owner's of 35 Rose will need a survey at closing if their proposal is approved. The beach front will be added to their property taxes.

Jessie Avenue is a path worn trail that has no boundaries where at times it barely hugs the shoreline. It is "possible" that other owners who wish to follow 35's lead may find their properties don't adhere to the region's setback regulations so they may need some costly construction adjustments or amendments in addition to increased property taxes.

A POTENTIAL HORNET'S NEST AND FOR WHAT?

Regards,
Bob Whittaker

Sarah O'Connell

Subject:

FW: COW2019-013 Frances Whittaker's NO to proposal

From: bobwhittaker bobwhittaker [REDACTED]

Sent: Saturday, January 19, 2019 6:07 PM

To: lauracarnochan; realitysevice; Council; Agenda Items; Ron Ashmore; [REDACTED]

Subject: COW2019-013 Frances Whittaker's NO to proposal

COW2019-013

Speaking for [REDACTED] and [REDACTED] Rose Street, I say "NO" to the proposal stopping up Jessie Avenue at 35 Rose.

The new owners of 35 Rose Street have had one summer season there, and have found several aspects of Pleasant Point that they don't like. The most important of these aspects was the front path known as Jessie Avenue that runs the length of Pleasant Point East in front of all our cottages. They approached the City of Kawartha Lakes in an effort to buy the part of Jessie Avenue in front of their lot, and have this matter dealt with at the January 2019 Council meeting, hoping it would be a done deal before all the rest of the affected cottagers arrived for the summer. Thankfully, this underhanded plan did not succeed and the majority of cottagers were informed and, horrified, rushed to have their views on the negative impact of the plan, be heard.

When the land was surveyed in 1910 for the Summer Resort of Pleasant Point, there is no mention of how wide Jesse Avenue is, as it meanders along the lakefront. Rose Street is well-marked, however as being 1/2 chain (33 feet wide), an adequate with for vehicles. My grandfather William Rennie Tucker, having come from Toronto by train, in 1911, bought two lots, now [REDACTED] and [REDACTED] Rose Street and commenced to build two cottages, with the lumber and supplies brought from the Lindsay mill on the ferry boat, the Lintonia, then hauled to his lots by horse and wagon along Rose Street from the government dock. This was also how groceries ordered from Eaton's, got to Pleasant Point, though cooking was basic with refrigeration being a hole under the kitchen floor. Before he started building, he had to clear the land and he pulled out 150 tree stumps to achieve this, using a yoke over his shoulders. Everything was done by hand, as there was no hydro at the cottages until 1943. He also built a number of swings, stilts and teeter-totters for his and his neighbourhood children to play on, in front of [REDACTED] Rose and likely on some of Jessie Avenue, which is wide at that point.

For the better part of the last century, I and my family have owned four cottages facing Jessie Avenue and the lake, though [REDACTED] Rose was sold off in the 1980's. My own experience at Pleasant Point began when I was seven days old. The summer of 1949 was unbearably hot in Toronto, so I was brought straight from the

hospital to thrive in the cool lake breezes found on Jessie Avenue as my Mother pushed me in my pram. Over the years I have learnt every rock and root on that footpath, as have my daughters and now my grandson, walking his pup on a lead, making it five generations of my family to enjoy this vital cohesive part of the Pleasant Point community.

The countless number of feet using this front path over these hundred plus years has defined and maintained Jessie Avenue, and as you walk along, you have a chance to catch up with old friends and meet new ones. You realize that having the Jessie Avenue footpath has brought about a unique connectedness and mutual respect between the cottagers of Pleasant Point. It indeed embodies the spirit of Pleasant Point.

With this, I hope that the City Council understands that I, like the majority of Pleasant Point cottagers, do not want changes made to Jessie Avenue.

Sincerely,
Frances Tucker Rich Whittaker.

Sarah O'Connell

Subject: FW: 35 Rose Street, Pleasant Point

Subject: Re: 35 Rose Street, Pleasant Point

Further to my email dated Dec. 25th. The realty service of Kawartha Lakes must know that Jessie Ave. and access to Jessie Ave is the right of all 36 Cottages on Pleasant Point. No one cottager can restrict access to this walkway from the other 35 cottagers unless all 36 cottagers agree to eliminate Jessie Ave. and it's right of way.

If one cottager is given that right to eliminate access for the other 35 cottagers on Jessie Ave. how can your department even consider this request to close access to a right of way that has been in effect since 1910. Please explain to me how you can even consider this request without the approval and elimination of Jessie Ave. except by approval of all 36 cottagers.

Just so you know that when anyone who purchases a cottage on Pleasant Point, lake side, they are notified that there exists a public walkway in front of their cottage called Jessie Ave. If they were not made aware of this fact at time of purchase then shame on their real estate agent or lawyer.

Please explain how this request was even considered without approval of all 36 cottagers to agree to allow one cottager to eliminate access to a public walkway ? I think the department needs to understand how Jessie Ave was setup on the original site plan by John Hay in 1910. It does not belong to one cottager but to all the cottagers on Pleasant Point.

George Baillie.

Sent from my iPad