

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

Report Number RS2019-012

Date: February 12, 2019
Time: 1:00 p.m.
Place: Council Chambers

Ward Community Identifier: 5

Title: Proposed Surplus Declaration and Sale of City-Owned Property – Portion of Elgin Park, Lindsay

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

Recommendation(s):

That Report RS2019-012, Proposed Surplus Declaration and Sale of City-Owned Property – Portion of Elgin Park, Lindsay, be received;

That a portion of the City-owned property known as Elgin Park and legally described as Lots 5 – 7, Lots 9 – 13, Block O on Plan 1, Part of Lot 8, 14, Block O on Plan 1 As In TL31341 Except R278226, in the Geographic Town of Lindsay, City of Kawartha Lakes, be declared surplus to municipal needs;

That a direct sale to two area 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 a by-law (with any amendments deemed necessary) to authorize its disposition shall be passed;

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

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

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

At their meeting on July 9, 2018, the Land Management Committee reviewed the subject land in relation to two License Agreements which were coming up for renewal. Part of the subject land, as more specifically set out on Appendix A, is currently under License to the adjoining business located at 152 Elgin Street, Lindsay, and the other part of the subject land is current under License to the business located across the street at 150 Angeline Street North, Lindsay. Both businesses use the Licensed space as parking areas.

The Land Management Committee felt that a sale of the subject land would be more appropriate than continuing to License the property in five year intervals. The Committee further felt that, as the businesses often utilize more space than is currently allowed under the License Agreements, it would be appropriate to offer to sell an area of land that would line up with the property boundary for the adjacent property at 152 Elgin Street and extend westerly to a chain link fence which delineates the space from that used by the Lindsay Lawn Bowling Club. The proposed land is more specifically set out on Appendix C and Appendix D.

The Committee further felt that a condition of the sale should be that the purchasers install fencing, at their sole expense, to delineate the subject land from the remainder of the park. This would assist in restricting either business from further encroaching on the parkland following the sale of land.

The Committee also felt that the storage containers located on the property should be removed prior to sale, as they are in contravention of the zoning by-law. This will also be made a condition in the Agreement of Purchase and Sale.

A further condition of the sale will be that the portion to be sold to 152 Elgin Street will merge with the abutting parcel.

Both businesses were contacted and both have confirmed their interest in proceeding with a purchase.

Public Notice advertising the potential surplus declaration and sale of the subject property was completed by newspaper circulation in the Kawartha Lakes This Week on the 17th, 24th, and 31st days of January, 2019. In addition, a “Potential Surplus Property” sign was posted on the subject property for a three week period and a notice was posted on the City’s website. Realty Services received one concern regarding the sale of this land, being that the resident is concerned in general with the sale of any parkland property.

Appendix A outlines the area currently under License, Appendix B is a general location map, Appendix C is an aerial photo, Appendix D is a map, and Appendix E is a zoning 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 disposition by direct sale to the two area businesses, in accordance with City of Kawartha Lakes By-law 2018-020, as amended.

Rationale:

Elgin Park was acquired by the former Town of Lindsay between the years 1893 and 1949, through acquisition from private owners and a vesting of a portion of land due to tax arrears.

At the Land Management Committee meeting on July 9, 2018, Community Services confirmed that the subject portion of Elgin Park could be declared surplus to its needs, given that the subject portion of land is not utilized as parkland, contains no park/recreation infrastructure, and it not programmed.

Given that the land is currently under License Agreement to two area businesses for use as parking space, the Committee felt that a direct sale of the property to these businesses would be appropriate, as it would allow the businesses to continue to utilize the space and remove all liability from the City.

Other Alternatives Considered:

Council may decide not to sell the subject property and instead continue Licensing the land to the two businesses. This is not recommended in this circumstance, as continued Licensing uses Staff resources for the administration of said License Agreements.

Council may decide to list the property for sale on the open market, instead of proceeding with a direct sale. This is not recommended in this circumstance, as a direct sale will allow the two businesses to continue to utilize the area as much needed parking space.

Financial Impacts:

The parties will be asked to enter into a conditional Agreement of Purchase and Sale with a non-refundable deposit of \$1,000.00 to cover initial costs related to this transaction. As per By-Law 2018-020, as amended, an appraisal must be obtained to determine fair market value. The subject property will be sold for the appraised value, together with all costs associated with the transaction and a \$1,500.00 fee to cover the City's staff time expenses.

The net proceeds of the sale will be placed into the Property Development Reserve.

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 Management Committee
Land Registry Office
Planning – Maps

Attachments:

Appendix A – Licensed Area



Appendix A -
Licensed Area.pdf

Appendix B – General Location Map



Appendix B - General
Location Map.pdf

Appendix C – Aerial Photo



Appendix C - Aerial
Photo.pdf

Appendix D – Map



Appendix D -
Map.pdf

Appendix E – Zoning Map



Appendix E - Zoning
Map.pdf

Department Head E-Mail: rcarlson@kawarthalakes.ca

Department Head: Robyn Carlson

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