

The Corporation of the City of Kawartha Lakes

Council Report

Report Number PLAN2019-018

Date: March 26, 2019
Time: 2:00 p.m.
Place: Council Chambers

Ward Community Identifier: Ward 1 - Bexley

Subject: A By-law to Deem Lots 13-19 N/S Richmond Street being Part of Block A, Lots 5-12 S/S Richmond Street being Part of Block B, Lots 1-14 E/S Victoria Road being Block C, Lots 2-18 E/S Albert Street being Part of Block D, Lots 1-4 S/S Base Line Road being Block E, Registered Plan 113, geographic Township of Bexley, being 1684 Victoria Road (Five W Farms Inc.) – Planning File D30-2019-002

Author and Title: Amanda Warren, Planner I

Recommendation:

That Report PLAN2019-018, respecting Lots 13-19 N/S Richmond Street being Part of Block A, Lots 5-12 S/S Richmond Street being Part of Block B, Lots 1-14 E/S Victoria Road being Block C, Lots 2-18 E/S Albert Street being Part of Block D, Lots 1-4 S/S Base Line Road being Block E, Registered Plan 113, geographic Township of Bexley, **Five W Farms Inc. – Application D30-2019-002**, be received;

That a Deeming By-law respecting Lots 13-19 N/S Richmond Street being Part of Block A, Lots 5-12 S/S Richmond Street being Part of Block B, Lots 1-14 E/S Victoria Road being Block C, Lots 2-18 E/S Albert Street being Part of Block D, Lots 1-4 S/S Base Line Road being Block E, Registered Plan 113, substantially in the form attached as Appendix “D” to Report PLAN2019-018, be approved and adopted by Council; and

That the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this application.

Department Head:_____

Financial/Legal/HR/Other:_____

Chief Administrative Officer:_____

Background:

Proposal:	To deem Lots 13-19 N/S Richmond Street being Part of Block A, Lots 5-12 S/S Richmond Street being Part of Block B, Lots 1-14 E/S Victoria Road being Block C, Lots 2-18 E/S Albert Street being Part of Block D, Lots 1-4 S/S Base Line Road being Block E, Registered Plan 113, not to be lots within a registered plan of subdivision (See Appendices “A” and “B”).
Owner:	Five W Farms Inc.
Agent:	City of Kawartha Lakes – Realty Services
Legal Desc:	Lots 13-19 N/S Richmond Street Block A, Lots 5-12 S/S Richmond Street Block B, Lots 1-14 E/S Victoria Road Block C, Lots 2-18 E/S Albert Street Block D, Lots 1-4 S/S Base Line Road Block E, Registered Plan 113, Part Road Allowance between Lot 8, Concession North Portage Road and Block B Concession North Portage Road, Part Block B, Concession North Portage Road, Part Lot 7-8, Concession North Portage Road, geographic Township of Bexley
Official Plan:	Aggregate, Hamlet Settlement Area, Rural – City of Kawartha Lakes Official Plan
Zone:	Rural General (RG-5) Zone, Extractive Industrial Exception One (M3-1) Zone, Extractive Industrial Exception Two (M3-2) Zone, Environmental Protection (EP) Zone – Township of Bexley Zoning By-law 93-09
Site Servicing:	Privately owned/operated individual well and septic system
Existing Use:	Aggregate Extraction, Vacant Rural Lands
Adjacent Uses:	North: Recreational Park, Residential South: Aggregate Extraction, Agricultural East: Aggregate Extraction, Agricultural West: Residential, Environmental Protection

Rationale:

The owner of 1684 Victoria Road, specifically Lots 13-19 N/S Richmond Street being Part of Block A, Lots 5-12 S/S Richmond Street being Part of Block B, Lots 1-14 E/S Victoria Road being Block C, Lots 2-18 E/S Albert Street being Part of Block D, Lots 1-4 S/S Base Line Road being Block E, Registered Plan 113, has requested that Council pass a Deeming Bylaw to effect the consolidation of these parcels into one lot. The applicant is working with Realty Services to stop-up and close the following road allowances: Molson Street, Albert Street, Elm Street, John Street, part of Richmond Street (See Appendices “B” and “C”). The deeming by-law must be approved prior to the proposed closure and conveyance of the road allowances to the property owners.

Adoption and subsequent registration of this Deeming By-law (see Appendix D) will consolidate Lots 13-19 N/S Richmond Street being Part of Block A, Lots 5-12 S/S Richmond Street being Part of Block B, Lots 1-14 E/S Victoria Road being Block C, Lots 2-18 E/S Albert Street being Part of Block D, Lots 1-4 S/S Base Line Road being Block E, Registered Plan 113 so that the lots cannot be sold separately and will enable the subsequent merger of the road allowances proposed to be closed. The legal description will remain the same: Lots 13-19 N/S Richmond Street Block A, Lots 5-12 S/S Richmond Street Block B, Lots 1-14 E/S Victoria Road Block C, Lots 2-18 E/S Albert Street Block D, Lots 1-4 S/S Base Line Road Block E, Registered Plan 113, Part Road Allowance between Lot 8, Concession North Portage Road and Block B Concession North Portage Road, Part Block B, Concession North Portage Road, Part Lot 7-8, Concession North Portage Road, geographic Township of Bexley.

Other Alternatives Considered:

There are no other alternatives considered to be appropriate or represent good planning. The Deeming By-law is the appropriate method to legally consolidate the owner's lands.

Financial/Operation Impacts:

The cost of registering the By-law is included in the application fee. There are no financial implications for the City.

Relationship of Recommendation(s) to the 2016-2019 Strategic Plan:

The City's Strategic Plan outlines Council's vision for the municipality. The vision consists of three main Strategic Goals: that of a vibrant and growing economy, an exceptional quality of life, and a healthy environment.

This application aligns with the quality of life, vibrant and growing economy and healthy environment by reducing the number of residential lots in proximity to an aggregate extraction operation and by creating a larger property with sufficient land area to support existing and future development.

Conclusion:

The consolidation of the lands will facilitate the closure and conveyance of multiple road allowances, correcting a land title issue preventing the property from being registered and conveyed as one parcel. Planning staff do not anticipate any negative impacts as a result of the consolidation.

Attachments:

Appendix A – Location Map



Appendix A to
PLAN2019-018.pdf

Appendix B – Applicant Sketch



Appendix B to
PLAN2019-018.pdf

Appendix C – Subdivision Plan Excerpt



Appendix C to
PLAN2019-018.pdf

Appendix D – Draft Deeming By-law



Appendix D Draft
Deeming By-law.pdf

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Department Head: Chris Marshall

Department File: D30-2019-001