

The Corporation of the City of Kawartha Lakes

Committee of the Whole Report

Report Number RS2019-018

Date: March 19, 2019
Time: 1:00 p.m.
Place: Council Chambers

Ward Community Identifier: 1

Title: Proposed Surplus Declaration, Closure and Sale of Shoreline Road Allowance adjacent to 76 Fulsom Crescent, Carden

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

Recommendations:

That Report RS2019-018, **Proposed Surplus Declaration, Closure and Sale of Shoreline Road Allowance adjacent to 76 Fulsom Crescent, Carden**, be received;

That the subject property; being the shoreline road allowance adjacent to 76 Fulsom Crescent, Carden and legally described as Part of the Shoreline Road Allowance Lying in Front of Lots 13-14 on Plan 360, in the Geographic Township of Carden, City of Kawartha Lakes, be declared surplus to municipal needs;

That the closure of the portion of road allowance and sale to the adjoining landowner 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 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 if appropriate;

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

Department Head:_____

Financial/Legal/HR/Other:_____

Chief Administrative Officer:_____

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 the property municipally known as 76 Fulsom Crescent, Carden to purchase the portion of shoreline road allowance which is adjacent to their property.

The Land Management Committee reviewed this request at their meeting on January 14, 2019 and had no objections to the 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 14th, 21st, and 28th days of February, 2019. Notice was also posted on the City's website. Realty Services did not receive any public comments or concerns with regards to the proposed closure and sale of the subject shoreline road allowance.

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 recommend 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 shoreline road allowance to the adjoining landowner.

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 property owner has encroached onto this space and utilized it as a lot addition.

In this area various portions of the shoreline road allowance have already been stopped up, closed and conveyed to adjoining landowners. Accordingly, the Land Management Committee felt that it would be appropriate to proceed with stopping up, closing and conveying the subject portion of shoreline road allowance to the adjacent landowner.

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 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 a shoreline road allowance adjacent to a lake was established by By-Law 2018-020, as amended, and is set at \$23.00 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 City will receive revenue of approximately \$2,875.00 for the subject land. The net revenue will be placed into the Property Development Reserve.

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

Department Head E-Mail: rcarlson@kawarthalakes.ca

Department Head: Robyn Carlson

Department File: L06-18-RS042