

# **The Corporation of the City of Kawartha Lakes**

## **Committee of the Whole Report**

**Report Number RS2019-017**

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

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**Ward Community Identifier:** 1

**Title:** Proposed Surplus Declaration, Closure and Sale of Shoreline Road Allowance adjacent to 51 Robinson Avenue, Eldon

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

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### **Recommendations:**

**That** Report RS2019-017, **Proposed Surplus Declaration, Closure and Sale of Shoreline Road Allowance adjacent to 51 Robinson Avenue, Eldon**, be received;

**That** the subject property; being the shoreline road allowance adjacent to 51 Robinson Avenue, Eldon and legally described as Part of the Road Allowance Between Lot 54 and 55, Concession South of Portage Road, in the Geographic Township of Eldon, City of Kawartha Lakes, designated as Part 2 on Plan 57R-9336, 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 51 Robinson Avenue, Eldon to purchase the portion of shoreline road allowance legally described as Part of the Road Allowance Between Lot 54 and 55, Concession South of Portage Road, in the Geographic Township of Eldon, City of Kawartha Lakes, designated as Part 2 on Plan 57R-9336, which is adjacent to their property.

The Land Management Committee reviewed this request at their meeting on December 14, 2017 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 14<sup>th</sup>, 21<sup>st</sup>, and 28<sup>th</sup> 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, Appendix C is a map, and Appendix D is a copy of Reference Plan 57R-9336.

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 circumstance, it was determined that the adjacent landowner is the only logical purchaser of the property, given that the subject portion of shoreline road allowance cannot be accessed other than through the adjacent landowner's private property.

## **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). However, as this request was received and approved by the Land Management Committee prior to February 1, 2018, the subject portion of shoreline road allowance will be conveyed to the purchaser for \$20.00 per linear foot of water frontage, in accordance with section 12.02 of By-Law 2018-020, as amended. 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 \$632.40 for the subject land. 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

## Appendix D – Reference Plan 57R-9336



Appendix D -  
Reference Plan 57R-9

**Department Head E-Mail:** rcarlson@kawarthalakes.ca

**Department Head:** Robyn Carlson

**Department File:** L06-17-RS006