

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

## **Council Report**

**Report Number RS2019-023**

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**Date:** June 18, 2019  
**Time:** 2:00 p.m.  
**Place:** Council Chambers

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**Ward Community Identifier: 1**

**Title:** Shoreline Road Allowance adjacent to 8 Black River Road, Dalton

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

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### **Recommendation:**

**That Report RS2019-023, Shoreline Road Allowance adjacent to 8 Black River Road, Dalton, be received.**

**Department Head:**\_\_\_\_\_

**Financial/Legal/HR/Other:**\_\_\_\_\_

**Chief Administrative Officer:**\_\_\_\_\_

## **Background:**

At the Council Meeting of March 26, 2019, Council adopted the following resolution:

### **CR2019-223**

**Moved By** Councillor Yeo

**Seconded By** Councillor O'Reilly

**That** the deputation of James Rogers and Aaron Rogers, regarding the purchase of shore road allowance adjacent to 8 Black River Road, be received; and

**That** the matter be referred to staff to bring back an information report on the matter to the June 18, 2019 Regular Council Meeting.

**Carried**

This report addresses that direction.

The Land Management Committee received a request from the owner of the property municipally known as 8 Black River Road, Dalton to purchase the portion of shoreline road allowance which is adjacent to his property (shown in dark grey on Appendix D). The request was received by the Land Management Division (now Realty Services) on July 21, 2015 and scheduled to be presented at the Land Management Committee meeting on August 20, 2015.

The August 20, 2015 meeting was cancelled due to not enough Committee members being available for an in-person meeting. The applicant was informed of the meeting cancellation and advised that his request had been circulated to the Land Management Committee electronically (via SharePoint) for review.

Several months elapsed before comments were received from all Committee members. The applicant was informed via letter dated February 18, 2016 (attached as Appendix A) that the Committee had reviewed his request, but an historical records search would need to be completed to determine if any portion of the shoreline road allowance along the Black River had ever been stopped up, closed, and conveyed before the Committee could make an informed decision on the request.

An historical records search was completed and it revealed that a portion of shoreline road allowance further east of the applicant's property had been previously stopped up, closed, and conveyed to the abutting landowner.

Accordingly, the applicant was advised by letter dated April 6, 2016 (attached as Appendix B) that the Land Management Committee had no objections to his

request to purchase the portion of shoreline road allowance abutting his property and that the Land Management Division would prepare a Report to Council seeking approval to move forward with the sale.

Later in April 2016 the Land Management Division received a complaint from a local resident that a "No Trespassing" sign had been erected on the shoreline road allowance adjacent to the applicant's property. The complainant advised that the subject portion of shoreline road allowance, which is a very sandy area, was utilized by local residents and the general public to access the Black River and Big Eddy Island.

In May 2016, the Land Management Committee was provided with an update on the matter, being that a local resident had advised that the general public utilizes the subject portion of shoreline road allowance to access the Black River and Big Eddy Island and therefore, the Land Management Division no longer felt that the request to stop up and close the shoreline road allowance should be supported.

The applicant was informed by letter dated May 4, 2016 (attached as Appendix C) that due to the subject portion of shoreline road allowance being utilized by the public to access the Black River and Big Eddy Island, his request could no longer be supported as the municipality could not stop up and close a shoreline road allowance if it would negatively impact another member of the public. The applicant was given the option to proceed with making a deputation to Council if he disagreed with the Committee's decision.

In January 2019, the applicant contacted the Realty Services Division requesting that his matter be re-reviewed by the Land Management Committee, as he felt that the presence of a road allowance leading to water along the western boundary of his property (outlined in yellow in Appendix D) provided sufficient access to water for the general public and therefore the shoreline road allowance adjacent to his property could be stopped up, closed, and conveyed to him without negatively impacting anyone's ability to access the Black River or Big Eddy Island.

The request was re-reviewed by the Land Management Committee at their meeting on February 11, 2019. The Committee felt it was appropriate to uphold the previous Committee decision to deny the request, given that notes indicated that the area is used by the public and the aerial photos appear to show that the subject portion of shoreline road allowance is a clear, sandy area. The applicant was advised of the Committee's decision by letter dated February 26, 2019 (attached as Appendix E).

Appendix A, B, and C are letters sent to the applicant during the initial Land Management Committee process, Appendix D is a map outlining the applicant's property (in black), the road allowance leading to water (in light grey), and the subject portion of shoreline road allowance (in dark grey), Appendix E is the most

recent letter sent to the applicant outlining the Land Management Committee's decision after re-reviewing the request, Appendix F is a general location map, Appendix G is a map, and Appendix H is an aerial photo.

### **Rationale:**

The Land Management Committee felt that it was appropriate to deny the applicant's request given claims that the general public utilizes the subject portion of shoreline road allowance to access the Black River and Big Eddy Island.

While there is an adjacent road allowance leading to water, the subject portion of shoreline road allowance appears to be a clear, sandy area, which makes it desirable for public usage.

### **Other Alternatives Considered:**

Council could decide to override the Land Management Committee's decision and allow the applicant's request to follow the City's disposition process as set out in By-Law 2018-020, being a By-Law to Regulate the Disposition of Municipal Real Property in and for The Corporation of the City of Kawartha Lakes.

This would be achieved by adding a second statement to the recommendation, in passing the Council Resolution: "That Staff be directed to proceed with advancing the applicant's request through the City's disposition process."

As the subject portion of shoreline road allowance has not yet been advertised to notify the public of a potential surplus declaration and sale, the property would need to be advertised in the newspaper and on the City's website, followed by Realty Services advancing a Report to Council recommending the surplus declaration, closure, and conveyance of the portion of shoreline road allowance adjacent to the applicant's property.

### **Financial Impacts:**

None, if the Land Management Committee's decision is supported by Council and the request to purchase the subject portion of shoreline road allowance is denied.

If Council decides to allow the request to advance through the disposition process, the applicant would be responsible for all costs associated with the transaction, including the advertising costs which will be incurred prior to a subsequent Report being presented to Council.

If the closure and sale is ultimately approved, the applicant 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 river was established by By-Law 2018-020, as amended, and is set at \$20.00 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 by the purchaser. The approximate net recovery anticipated from this transfer is \$5,680.00.

### **Relationship of Recommendation to the 2016-2019 Strategic Plan:**

This Report does not specifically align with any of the goals or strategic enablers in the Council Adopted Strategic Plan, as it is provided for information purposes only.

### **Consultations:**

Land Management Committee

### **Attachments:**

Appendix A – Letter dated February 18, 2016



Appendix A - Letter  
dated February 18, 2

Appendix B – Letter dated April 6, 2016



Appendix B - Letter  
dated April 6, 2016.p

Appendix C – Letter dated May 4, 2016



Appendix C - Letter  
dated May 4, 2016.p

Appendix D – Map of Abutting Road Allowances



Appendix D - Map of  
Abutting Road Allowa

#### Appendix E – Letter dated February 26, 2019



Appendix E - Letter  
dated February 26, 2

#### Appendix F – General Location Map



Appendix F - General  
Location Map.pdf

#### Appendix G – Map



Appendix G -  
Map.pdf

#### Appendix H – Aerial Photo



Appendix H - Aerial  
Photo.pdf

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

**Department Head:** Robyn Carlson