

The Corporation of the City of Kawartha Lakes
Council Report

Report Number RS2019-023

Date: August 13, 2019
Time: 2:00 p.m.
Place: Council Chambers

Ward Community Identifier: 8

Title: Proposed Surplus Declaration and Sale of Public Highways Legally Described as Franklin Street and Fallis Street on Plan 9, in the Geographic Township of Manvers

Author and Title: Lesley Donnelly, Law Clerk – Realty Services

Recommendations:

That Report RS2019-023, **Proposed Surplus Declaration and Sale of Public Highways Legally Described as Franklin Street and Fallis Street on Plan 9, in the Geographic Township of Manvers**, be received;

That the subject property, being public highways legally described as Franklin Street and Fallis Street on Plan 9, in the Geographic Township of Manvers, City of Kawartha Lakes, being Part of PIN: 63260-0184 (R) be declared surplus to municipal needs;

That the sale to the adjoining landowners be supported, in principle, in accordance with the provision 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 disposition of Franklin Street and Fallis Street on Plan 9 in the Geographic Township of Manvers shall be passed;

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

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

The Land Management Committee received a request from the owner of the property legally described as Part of Lots 24-25, Concession 11; Lots 1-8 Southside of Fallis Street on Plan 9; Fallis Street and Franklin Street on Plan 9, in the Geographic Township of Manvers, City of Kawartha Lakes (PIN: 63260-0184 (R)), to stop up and close Franklin Street and Fallis Street on Subdivision Plan 9, which form part of their property.

Subdivision Plan 9 was never fully developed. That portion of Plan 9 including Franklin and Fallis Streets was never developed, and the individual lots created by the registration of the subdivision plan were not sold off to separate owners. Because Franklin and Fallis Streets are shown as streets on a registered plan of subdivision, they are public highways - owned by the City and open to public travel - until such time as they are closed and transferred back to the original owner.

The request to stop up, close and convey the road allowances was reviewed by the Land Management Committee at their meeting on February 12, 2018. The Committee had no concerns with the request, however, the Planning division requested that a deeming by-law be passed for all undeveloped lots within the associated subdivision. The deeming by-law was passed by Council on March 26, 2019 and numbered as By-Law 2019-053 (attached as Appendix B).

The effect of the deeming by-law is to deem those parts of the subdivision to not be included in the subdivision. This means that they are no longer separate lots and cannot be sold separately.

The Deeming By-Law was sent to external legal counsel for registration, however external legal counsel advised that these parts were already deemed by the former Township of Manvers in By-law # 1556-75, copy attached, and thus the recent Deeming By-Law did not need to be registered.

Public Notice advertising the potential surplus declaration and sale of the subject streets was completed by newspaper circulation in the Kawartha Lakes this Week on the 2nd, 9th, 16th days of May, 2019. The City received no comments in objection from the public to the date of the authorship of this report.

Appendix A is a copy of Plan 9. Appendix B is a copy of By-Law 2019-053. Appendix C is a general location map. Appendix D is an aerial photo. Appendix E is a map of the subject lands. Appendix F is a copy of Reference Plan 9R1138. Appendix G is an aerial photo illustrating the resultant property boundaries after the transfer is complete. Appendix H is a copy of By-Law # 1556-75.

The purpose of this report is to recommend that Franklin Street and Fallis Street on Plan 9 be declared surplus to municipal needs and that approval be given, in principle, for their sale to the adjoining owner.

Rationale:

The Land Management Committee and Public Works Department have concluded that these public highways are not needed for municipal purposes, as the surrounding property is not being subdivided for sale.

The applicant owns property adjacent to the public highways and they are included as part of their property's legal description. Therefore, it is logical that the subject streets be conveyed to them.

The subject streets do not lead to water, they border private property, and therefore, the stop up, closure and sale would not contravene section 8.00 of By-law 2018-020, as amended.

Other Alternatives Considered:

Council may decide not to sell the subject public highways. That would be inconsistent with past practice and is not recommended in this circumstance.

Financial Impacts:

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 road allowance would be conveyed directly to the applicant for nominal consideration, in accordance with section 12.02 of By-law 2018-020, as amended, being the transition provision (that is, this request was received by Realty Services during a time when the City did not request consideration for value of internal road sales. Now, the City sells internal roads at \$15 per linear foot. Had this request come in during the time that the existing Disposition of Land By-law 2018-020, the City would have netted approximately \$7,154.10 for Fallis Street and approximately \$4,960.20 for Francis Street, being a total net worth of approximately \$12,114.30 from these transfers). All costs of the transaction plus a \$1,500.00 fee to cover the City's staff time and expenses will be paid for by the applicant.

Accordingly, this transaction will be cost and revenue neutral for the City.

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 Registry Office
Land Management Committee
Planning – Maps

Attachments:

Appendix A – Plan 9



Appendix A - Plan
9.pdf

Appendix B – By-Law 2019-053



Appendix B - By-Law
2019-053.pdf

Appendix C – General Location Map



Appendix C - General
Location Map.pdf

Appendix D – Aerial Photo



Appendix D - Aerial
Photo.pdf

Appendix E – Map



Appendix E -
Map.pdf

Appendix F – Reference Plan 9R1138



Appendix F -
Reference Plan 9R1138

Appendix G – Aerial Photo post Deeming By-Law



Appendix G - Aerial
Photo post Deeming E

Appendix H – By –Law #1556-75



Appendix H -
Manvers By-law #1556-75

Department Head E-Mail: rcarlson@kawarthalakes.ca

Department Head: Robyn Carlson