

The Corporation of the City of Kawartha Lakes
Council Report

Report Number RS2019-025

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

Ward Community Identifier: 4

Title: Acquisition of Land for Road Purposes – Portion of Palestine Road

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

Recommendations:

That Report RS2019-025, **Acquisition of Land for Road Purposes – Portion of Palestine Road**, be received;

That the acquisition of Part of the South Half of Lot 16, Concession 5, in the Geographic Township of Eldon, City of Kawartha Lakes, designated as Part 1 on Plan 57R-10699, being Part of PIN: 63173-0099 (LT) for road purposes be approved;

That staff be directed to commence the process of obtaining ownership of the required land, for nominal consideration, with all related costs payable by the applicants;

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

That the Mayor and Clerk be authorized to execute any documents and agreements required to release the municipality's interest in the subject property; and

That the necessary By-law be forwarded to Council for adoption.

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

In September 2017, a letter was received by Realty Services from Woodcock & Tomlinson, who are lawyers for the owners of the property municipally known as 931 Sandringham Road. The lawyer advised that the property was subject to a registered municipal interest due to the fact that a portion of Palestine Road was located within the south west corner of the applicants' property.

It was determined that the only way to correct the issue and release the municipality's interest in the applicants' property would be to have the subject portion of road conveyed to the municipality.

This issue was brought to the Land Management Committee on December 14, 2017 and the Committee had no objections to obtaining title to the subject land at no cost to the municipality and releasing the municipality's interest in the applicants' property following the transfer.

The applicants subsequently had a Reference Plan of Survey completed, at their expense, and have identified the extent of lands to be conveyed to the City. The proposed area to be conveyed to the City is approximately 33 feet from the centerline of the travelled road by 443.04 feet, being the western half of the road allowance.

Appendix A is a general location map, Appendix B is an aerial photo of the subject lands, Appendix C is a copy of Reference Plan 57R-10699.

The purpose of this report is to advise Council that the Land Management Committee recommends that the City proceed with obtaining title to the subject lands and releasing the municipality's interest in the applicants' property.

Rationale:

The Land Management Committee has concluded that only way the municipality can release its interest in the applicants' property is to first proceed with obtaining title to the necessary land.

The applicants are agreeable to conveying the land at no consideration, and to pay all costs associated with the transaction.

Other Alternatives Considered:

Council may decide to not to proceed with obtaining title to the subject lands. That would be inconsistent with past practice and is not recommended in this circumstance.

Council may decide to wait to transfer title to the subject lands until the City is in ownership of the road allowance in its entirety. The neighboring property located at 883 Sandringham Road also has a “subject to the interest of the municipality” notation for the same section of forced road.

Financial/Operation Impacts:

The land will be conveyed to the City for no consideration, with all associated costs of the transaction payable by the applicants.

Relationship of Recommendations to the 2016-2019 Strategic Plan:

The recommendations set out in this Report do not directly support any of the three goals in the Strategic Plan, being:

- Goal 1 – A Vibrant and Growing Economy
- Goal 2 – An Exceptional Quality of Life
- Goal 3 – A Healthy Environment

However, the recommendations set out in this Report do align with the following Strategic Enabler of “efficient asset management.”

Consultations:

Land Management Committee
Land Registry Office

Attachments:

Appendix A – General Location Map



Appendix A - General
Location Map.pdf

Appendix B – Aerial Photo



Appendix B - Aerial
Photo.pdf

Appendix C – Reference Plan 57R-10699



Appendix C -
Reference Plan 57R-1

Department Head E-Mail: rcarlson@kawarthalakes.ca

Department Head: Robyn Carlson