

The Corporation of the City of Kawartha Lakes

Council Report

Report Number RS2017-011

Date: September 12, 2017

Time: 2:00 p.m.

Place: Council Chambers

Ward Community Identifier: 16

Subject: Surplus Declaration and Proposed Closure and Sale of a Portion of Road Allowance Adjacent to 1166 Dranoel Road and Legally Described as Road Allowance Between the Township of Cavan and the Township of Manvers Lying West of the Centre Line; South of Highway No. 7A and North of the Easterly Extension of the Road Allowance Between Concession 3 and Concession 4; in the former Geographic Township of Manvers, City of Kawartha Lakes

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

Recommendation(s):

RESOLVED THAT Report RS2017-011, Surplus Declaration and Proposed Closure and Sale of a Portion of Road Allowance Adjacent to 1166 Dranoel Road and Legally Described as Road Allowance Between the Township of Cavan and the Township of Manvers Lying West of the Centre Line; South of Highway No. 7A and North of the Easterly Extension of the Road Allowance Between Concession 3 and Concession 4; in the former Geographic Township of Manvers, City of Kawartha Lakes, be received;

THAT the subject property, being a portion of Road Allowance Adjacent to 1166 Dranoel Road and legally described as Road Allowance Between the Township of Cavan and the Township of Manvers Lying West of the Centre Line; South of Highway No. 7A and North of the Easterly Extension of the Road Allowance Between Concession 3 and Concession 4; in the former Geographic Township of Manvers, City of Kawartha Lakes, be declared surplus to municipal needs;

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

THAT the closure of the portion of the road allowance and sale to the adjoining owner, be supported, in principle, in accordance with the provisions of By-law 2010-118, as amended, and the Municipal Act, 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 the road allowance;

THAT on completion of the public notice, any deputation or public input in opposition of the closing, if any, shall be considered, and if appropriate, a by-law (with any amendments deemed necessary) to close the road and authorize its disposition shall be passed; and

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

Background:

The Land Management Committee received a request from the owner of 1166 Dranoel Road, legally described as Part Lot 25 Concession 5 Manvers as in R439428, in the Geographic Township of Manvers, City of Kawartha Lakes to purchase that portion of Road Allowance Between the Township of Cavan and the Township of Manvers Lying West of the Centre Line; South of Highway No. 7A and North of the Easterly Extension of the Road Allowance Between Concession 3 and Concession 4; in the former Geographic Township of Manvers, City of Kawartha Lakes which is adjacent to their property.

The request was reviewed by the Land Management Committee and there were no objections with the stop up, closure and conveyance of this unopened road allowance.

As this road allowance is a boundary road between the City of Kawartha Lakes and the Township of Cavan Monaghan, consultation with the Township of Cavan Monaghan was commenced by the Realty Services department to coordinate the stop up, closure, and conveyance of this portion of road allowance.

On February 6, 2017, Karen Ellis of the Planning Department for the Township of Cavan Monaghan presented Report Planning 2017-09 – Unopened Dranoel Road Allowance, to Council. Subsequently, the following motion was made:

Moved by: Landry

Seconded by: Huntley

That Council deem the Township portion of the road allowance between 1166 and 1175 Dranoel Road in part of Lot 1 Concession 7 of the Cavan Ward surplus;

That Staff in cooperation with the City of Kawartha Lakes, begin the process to stop up, to close and to convey the road allowance in accordance with the requirements of the Township's Sale and Disposition of Land By-law No. 2016-07;

That all of the costs associated with stopping up, closing and selling the road allowance be the sole responsibility of Mr. Smith.

Carried

Appendix A is a map showing the general location of the road allowance, Appendix B is map that illustrates the portion of the road allowance, Appendix C is an aerial photo, and Appendix D is a copy of the Township of Cavan Monaghan Report No. Planning 2017-09.

The purpose of this report is to advise Council that the Land Management Committee recommends 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 road allowance to the adjoining owner.

Rationale:

The Land Management Committee has concluded that this unopened road allowance is not needed for municipal purposes, as the City has ownership of the travelled portion of Dranoel Road, which runs along the westerly side of the applicant's property.

The applicant owns property on either side of the subject portion of road allowance. As a result, pursuant to the City's By-law to Regulate the Disposition of Municipal Real Property (By-law 2010-118, as amended), that portion of road allowance can be conveyed to the adjoining owner.

The subject road allowance does not lead to water, it borders private property, and therefore, the stop up, closure, and sale would not contravene section 8.00 of By-law 2010-118, as amended.

Other Alternatives Considered:

Council may decide not to sell the portion of the unopened road allowance and derive no financial benefit whatsoever. That is not recommended in this circumstance.

Financial/Operation 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 as he owns lands on either side. 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 applicant.

Relationship of Recommendation(s) to the 2016-2019 Strategic Plan:

This report aligns with the strategic goal of a “vibrant and growing economy” and the strategic enable of “efficient asset management”.

Consultations:

Land Management Committee

Director of Planning – Township of Cavan Monaghan

Attachments:

Appendix A – General Location Map



Appendix A - General
Location Map.pdf

Appendix B – Map



Appendix B -
Map.pdf

Appendix C – Aerial Photo



Appendix C - Aerial
Photo.pdf

Appendix D – Planning 2017-09



Appendix D -
Planning 2017-09.pdf

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