

The Corporation of the City of Kawartha Lakes

Committee of the Whole Report

Report Number RS2020-001

Date: March 10, 2020

Time: 1:00 p.m.

Place: Council Chambers

Ward Community Identifier:

Title: Proposed Surplus Declaration, Closure and Sale of Shoreline Road Allowance adjacent to 8 Black River Road, Dalton

Author and Title: Bonnie Evans, Law Clerk – Realty Services

Recommendations:

That Report RS2020-001, **Proposed Surplus Declaration, Closure and Sale of the Shoreline Road Allowance adjacent to 8 Black River Road, Dalton**, be received;

That the subject property, being the shoreline road allowance adjacent to 8 Black River Road, Dalton and legally described as Part of the Shoreline Road Allowance, Part of Lot 31, Concession 13, in the Geographic Township of Dalton, City of Kawartha Lakes, be declared surplus to municipal needs;

That the closure of the subject shoreline 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;

Department Head:_____

Financial/Legal/HR/Other:_____

Chief Administrative Officer:_____

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

That this recommendation be brought forward to Council for consideration at the next Regular Council Meeting.

Background:

The First Request

In 2015, 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 legally described as Part of the Shoreline Road Allowance, Part of Lot 31, Concession 13, in the Geographic Township of Dalton, City of Kawartha Lakes, which is adjacent to his property.

The Land Management Committee initially approved this request. However, after circulating this potential sale to the public by way of newspaper publication in the Spring of 2016, the City determined that the subject portion of the shoreline road allowance was utilized by members of the public for walking along the shoreline and access to the nearby island (Big Eddy). Accordingly, the Land Management Committee denied the request.

The Second Request

The Land Management Committee again received a request from this owner to purchase shoreline road allowance in 2019. The Land Management Committee reviewed this second request at their meeting on February 11, 2019 and again denied the request due to the fact that the previous circulation revealed that the subject portion of the shoreline road allowance is utilized by members of the public for walking along the shoreline and access to the nearby island.

The Applicant made a deputation at the Committee of the Whole Meeting on March 19, 2019. 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

At the Council Meeting of June 18, 2019, Council adopted the following resolution:

CR2019-410

Moved By Councillor Yeo

Seconded By Councillor Dunn

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

That staff be directed to proceed with advancing the applicant's request through the City's disposition process.

Carried

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 25th day of July and the 1st and 8th days of August, 2019. 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, and Appendix C is a property boundary map.

The purpose of this report is to advance this matter through the disposition process, as directed by CR2019-410 and accordingly to recommend that the subject property be declared surplus to municipal needs and to recommend 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:

The above recommendation is only being advanced to Council due to the fact that Council has directed this recommendation to come back, per CR2019-410. Otherwise, Staff would recommend that no further action be taken.

At the deputation by the landowner on March 19, 2019, the landowner stated that he was seeking to purchase the shoreline road allowance adjacent to 8 Black River Road, Dalton to allow him to modify his property so he can access and utilize the waterfront; the owner uses a wheelchair. However, the property is currently advertised for sale.

The deputant noted during his deputation that he is taxed for waterfront property. All properties adjacent to a shoreline road allowance are taxed as waterfront, regardless of the fact that they do not own the shoreline. This is even true where a travelled road exists on that road allowance.

The Land Management Committee denied the application as the shoreline road allowance is continuous with road allowance leading to water, and the subject section of shoreline road allowance was used by the public to walk along the waterfront and access the water and nearby island. This matter is very similar to Jessie Avenue, near Rose Street in Pleasant Point. In that case, Council decided to not sell shoreline road allowance being used as a walking trail by the public. Consistent with that decision, Staff recommend that no further action on this sale be taken.

A deeming by-law is not required for this recipient property; the shoreline road allowance and the recipient property will merge once they are conveyed into the same ownership.

Other Alternatives Considered:

Council may decide not to sell the shoreline road allowance. That would be consistent with past practice (i.e. Jessie Avenue, near Rose Street in Pleasant Point) and is 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 \$20.00 per linear foot of shoreline road allowance adjacent to a (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 for by the purchasers. The City will receive revenue of approximately \$5,118.11 for the subject land. The net revenue will be placed into the Property Development Reserve.

Relationship of Recommendations to the 2020-2023 Strategic Plan:

This report aligns with the guiding principle of "service excellence" and the strategic priority of "an exceptional quality of life".

Consultations:

Land Management Committee

Attachments:

Appendix A – General Location Map



Appendix A -
General Location Map

Appendix B – Aerial Photo



Appendix B - Aerial
Photo (8 BRR).pdf

Appendix C – Map



Appendix C - Map
(8 BRR).pdf

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Department Head: Robyn Carlson