



## Committee of the Whole Report

Report Number RS2020-014

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**Meeting Date:** September 1, 2020

**Title:** Proposed Surplus Declaration, Closure, and Sale of a Portion of Road Allowance Known as Deane Street, Lindsay

**Description:** Proposed Surplus Declaration, Closure, and Sale of a Portion of Road Allowance Legally Described as Deane Street on Plan 8P between Holtom Street and Dobson Street, Except Part 3 on Plan 57R-9577, in the Geographic Town of Lindsay, City of Kawartha Lakes, designated as Part 2 on Plan 57R-9577

**Ward Number:** 7

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

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### Recommendations:

**That** Report RS2020-014, **Proposed Surplus Declaration, Closure, and Sale of a Portion of Road Allowance Known as Deane Street, Lindsay**, be received;

**That** the subject property, being a portion of road allowance known as Deane Street, and legally described as Deane Street on Plan 8P between Holtom Street and Dobson Street, Except Part 3 on Plan 57R-9577, in the Geographic Town of Lindsay, City of Kawartha Lakes, designated as Part 2 on Plan 57R-9577, be declared surplus to municipal needs;

**That** the closure of the portion of road allowance and sale to the adjoining landowner be supported, in principle, in accordance with the provisions of By-

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

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

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

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** Council set a price of \$15,000.00 as consideration for the subject portion of road allowance;

**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;

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

**That** these recommendations be brought forward to Council for consideration at the next Regular Council Meeting.

## **Background:**

The Land Management Committee received a request from the owner of the property legally described as Part of Parklot J1 on Plan 8P, designated as Part 1 on Plan 57R-9706 lying West of Deane Street on Plan 8P, Except Plan 57M-787; Together With an Easement Over Part of Parklot S1 and B2 on Plan 8P, being Parts 1, 2, and 3 on Plan 57R-9688 as in KL23301, in the Geographic Town of Lindsay, City of Kawartha Lakes, to purchase the portion of the road allowance legally described as Deane Street on Plan 8P between Holtom Street and Dobson Street, Except Part 3 on Plan 57R-9577, in the Geographic Town of Lindsay, City of Kawartha Lakes, designated as Part 2 on Plan 57R-9577, which is adjacent to their property.

As noted in the above legal description, the applicant's property is subject to an easement for a storm water quality and retention pond and for all vehicular and pedestrian ingress and egress related to same.

The Land Management Committee reviewed this request at their meeting on January 20, 2020 and had no objections to the request.

Public Notice advertising the potential surplus declaration and sale of the subject road allowance was completed by newspaper circulation in the Kawartha Lakes This Week on the 13<sup>th</sup>, 20<sup>th</sup>, and 27<sup>th</sup> days of August, 2020. During this three-week advertising period, notice was also posted on the City's website. Realty Services did not receive any public comments or concerns with regards to the proposed closure and sale of the subject road allowance.

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 landowner.

## **Rationale:**

The Land Management Committee has determined that this portion of road allowance is not required for municipal purposes, as the road will be re-aligned pursuant to a Plan of Subdivision.

The interested party owns property which borders 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 2018-020, as amended) that portion of the road allowance can be conveyed to the adjoining landowner, with the balance of the road allowance to the East remaining in municipal ownership and developed as a municipal road in the future, as per a Plan of Subdivision.

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 2018-020, as amended.

As per section 4.03 of By-Law 2018-020, as amended, Council may set a price for the land to be disposed of. By-Law 2018-020, as amended, further states that Council may set a price without requiring an appraisal, as long as the minimum price set out in Schedule C of By-Law 2018-020, in this case being \$15.00 per linear foot, is recovered. As the purchaser is intending to merge the portion of road allowance with his adjacent property and later subdivide the merged property into three developable lots to be sold, the Land Management Committee recommends setting a price of \$15,000.00 as consideration for the subject portion of road allowance.

### **Other Alternatives Considered:**

Council could refuse to close and convey the road allowance and derive no financial benefit. That would be inconsistent with past practice and is not recommended in this circumstance.

Council could decide not to set a price that is higher than the minimum price set by By-Law 2018-020 and dispose of the subject portion of road allowance for the minimum price of \$15.00 per linear foot of road allowance (based on a 66-foot width). Should Council decide to proceed to dispose of the property using the price of \$15.00 per linear foot of road allowance, consideration for the subject portion of road allowance is calculated as \$1,528.79. This is not recommended in this circumstance, given that the purchaser stands to gain a significant financial benefit by adding the subject portion of road allowance to his adjacent property in order to subdivide and sell three lots. Setting a higher price creates a transaction that, while still advantageous to the purchaser, is more beneficial to the general taxpayer.

### **Alignment to Strategic Priorities:**

The recommendations set out in this Report align with the following strategic priority:

- Good Government
  - Effective management of the municipal building and land portfolio

### **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.

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 purchaser.

If Council sets the price of land at \$15,000.00, the City will receive net revenue in that amount, which will be placed in the Property Development Reserve. Alternatively, if Council disposes of the land using the price of \$15.00 per linear foot, the City will receive net revenue in the amount of \$1,528.79, which will be placed in the Property Development Reserve.

## Consultations:

Land Management Committee  
Land Registry Office  
Mapping and GIS

Attachments:

### Appendix A – General Location Map



Appendix A -  
General Location Map

### Appendix B – Aerial Photo



Appendix B - Aerial  
Photo.pdf

### Appendix C – Reference Plan 57R-9577



Appendix C -  
Reference Plan 57R-

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**Department Head:** Robyn Carlson

**Department File:** L06-20-RS006