



Committee of the Whole Report

Report Number RS2020-013

Meeting Date: September 1, 2020

Title: Proposed Surplus Declaration, Closure, and Sale of Portions of Shoreline Road Allowance adjacent to 72-76 Greenwood Road, Kirkfield

Description: Proposed Surplus Declaration, Closure, and Sale of the Property Legally Described as Part of the Original Shore Road Allowance Along Rush Lake Lying in Front of Lots 26, 27, and 28 on Plan 366, in the Geographic Township of Laxton, City of Kawartha Lakes

Ward Number: 1

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

Recommendations:

That Report RS2020-013, **Proposed Surplus Declaration, Closure, and Sale of Portions of Shoreline Road Allowance adjacent to 72-76 Greenwood Road, Kirkfield**, be received;

That the subject property, being the shoreline road allowance adjacent to 72-76 Greenwood Road, Kirkfield and legally described as Part of the Original Shore Road Allowance Along Rush Lake Lying in Front of Lots 26, 27, and 28 on Plan 366, in the Geographic Township of Laxton, City of Kawartha Lakes, City of Kawartha Lakes, 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 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 a deeming by-law be passed contemporaneously with the disposition;

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 municipally known as 74 Greenwood Road, Kirkfield to purchase the portion of shoreline road allowance that is adjacent to their property.

The Land Management Committee reviewed this request at their meeting on October 15, 2019 and had some concerns regarding drainage in the area which would potentially necessitate an easement over a portion of the applicants' property. Accordingly, the Land Management Committee felt that proceeding with a sale of the shoreline road allowance should be conditional upon the applicant granting an easement over their property.

Upon a further review of the area by Public Works, it was determined that an easement would not be required and therefore, the Land Management Committee had no further concerns with the request to purchase the subject portion of shoreline road allowance.

Subsequent to submitting their initial request to purchase the portion of shoreline road allowance adjacent to 74 Greenwood Road, the applicants advised that they would also be interested in purchasing the portions of shoreline road allowance adjacent to 72 and 76 Greenwood Road, which they also own. The City Solicitor reviewed this request in the context of the direction given by the Land Management Committee had no concerns with the sale of these additional parcels of shoreline road allowance.

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 13th, 20th, and 27th days of August, 2020. An ad was also placed 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 portions of shoreline road allowance.

The purpose of this report is to recommend that the subject properties be declared surplus to municipal needs and that approval be given, in principle, for the closure and sale of the requested portions of shoreline road allowance to the adjoining landowners.

Rationale:

Shoreline road allowances exist on many lakes within the City of Kawartha Lakes. Although many of these allowances were never opened as public municipal roads, they remain public property. Recreational and residential property owners of "lakefront" property often do not own their lots right up to the

water's edge. In many circumstances, the adjacent property owner has encroached onto this space and utilized it as a lot addition.

In this area various portions of the shoreline road allowance have already been stopped up, closed and conveyed to adjoining landowners. Accordingly, the Land Management Committee felt that it would be appropriate to proceed with stopping up, closing and conveying the subject portions of shoreline road allowance to the adjacent landowners.

Other Alternatives Considered:

Council may decide not to sell the shoreline road allowance and derive no financial benefit whatsoever. That would be inconsistent with past practice and is not recommended in this circumstance.

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/Operation 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 a minimum of \$23.00 per linear foot (based on a 66-foot width) of water frontage adjacent to a lake. 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 \$4,646.00 for the subject lands. The net revenue will be placed into 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 – Map



Appendix C -
Map.pdf

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