



Council Report

Report Number RS2020-017

Meeting Date: September 15, 2020

Title: Block B on Plan 330, in the Geographic Township of Laxton, City of Kawartha Lakes

Description: Background information on the property legally described as Block B on Plan 330, in the Geographic Township of Laxton, City of Kawartha Lakes, being PIN: 63113-0505 (LT)

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

Recommendation:

That Report RS2020-017, **Block B on Plan 330, in the Geographic Township of Laxton, City of Kawartha Lakes**, be received.

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

At the Council Meeting of July 28, 2020, Council adopted the following resolution:

CR2020-177

Moved By Councillor Yeo

Seconded By Councillor Elmslie

That the deputation of Jesse Dupuis and Lisa Kaffenbaum, **regarding a request to purchase the road allowance adjacent to 41 Benson Boulevard, Coboconk**, be received; and

That staff review the request to purchase the road allowance adjacent to 41 Benson Boulevard and report back to Council by the end of Q3, 2020.

Carried

This report addresses that direction.

At its meeting on September 9, 2019, the Land Management Committee reviewed an application from the owners of 41 Benson Boulevard, requesting to purchase the adjacent City-owned property legally described as Block B on Plan 330, Subject to A17583, in the Geographic Township of Laxton, City of Kawartha Lakes, being PIN: 63113-0505 (LT). The applicant indicated that they had been having issues with residents misusing the subject property and also accessing the applicant's adjacent property.

The subject property was acquired by the former Townships of Laxton, Digby and Longford in 1965 pursuant to a Plan of Subdivision.

The property is subject to a right-of-way over the property, as set out in Registered Instrument A17583, attached at Appendix D. In addition to the registered right-of-way, the property is used by local residents to access Shadow Lake.

The purpose of this report is to advise Council that it is the Land Management Committee's recommendation to deny the request to purchase the subject property.

Rationale:

Following its review, the Land Management Committee decided to deny the applicant's request to purchase the subject property. The denial was due to the use of the property as an access to water, as well as the fact that the property is subject to a registered right-of-way.

Subsequent to the Land Management Committee's decision, further issues have arisen with the subject property. There have been further complaints from the applicant advising that persons have continued to use the subject property and from there access their private property (including a dock), sometimes with aggressive manners that have necessitated police involvement.

Staff have also received complaints from other area residents indicating that the applicant's dock is encroaching on the subject property.

Municipal Law Enforcement has attended the subject property on several occasions. The property does have a sign which reads "No Camping, No Overnight Parking, No Dogs". On one visit, Municipal Law Enforcement removed several small encroaching items including chairs, a hammock, etc.

Other Alternatives Considered:

Council could decide to approve the applicant's request to purchase the subject property and direct Staff to commence the disposition process (which would include utility consultations, advertising, report to Council to request surplus declaration, etc.). Due to the registered right-of-way and the local residents use of the property as an access to water, this is not recommended in this circumstance. If the City were to sell the property, the sale would not extinguish the right of way over it in favour of the residents of the subdivision. Therefore, the sale of the property would not allow the owners of 41 Benson Blvd to exclude others, as is their intention in requesting to purchase the property.

Alignment to Strategic Priorities

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

- An Exceptional Quality of Life
 - Maintain "community hubs" such as parks, buildings and active spaces for social healthy interactions
- Good Government
 - Effective management of the municipal building and land portfolio

Financial/Operation Impacts:

None, if the decision to deny the purchase request is upheld.

Consultations:

Land Management Committee

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

Appendix D – Registered Instrument A17583



Appendix D -
Registered Instrument

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Department File: L06-19-RS041