



## Committee of the Whole Report

Report Number RS2021-002

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**Meeting Date:** January 12, 2021

**Title:** Proposed Surplus Declaration, Closure, and Sale of a Portion of Road Allowance adjacent to 2 Omega Road, Kirkfield

**Description:** Proposed Surplus Declaration, Closure, and Sale of a Portion of Road Allowance Legally Described as Public Road on Plan 223; Subject to R455091, R454565, R449274, R358433, R310113, R159034, F14707, in the Geographic Township of Fenelon, City of Kawartha Lakes, being Part of PIN: 63165-0331 (LT)

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

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### Recommendation(s):

**That** Report RS2021-002, **Proposed Surplus Declaration, Closure, and Sale of a Portion of Road Allowance adjacent to 2 Omega Road, Kirkfield**, be received;

**That** the subject property, being a portion of road allowance legally described as Public Road on Plan 223; Subject to R455091, R454565, R449274, R358433, R310113, R159034, F14707, in the Geographic Township of Fenelon, City of Kawartha Lakes, being Part of PIN: 63165-0331 (LT), 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-Law 2018-020, as amended, and the Municipal Act, 2001, and subject to the parties entering into a conditional Agreement of Purchase and Sale;

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

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

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

**That** Council set a price of \$5,000.00 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** a deeming by-law be passed contemporaneously with the disposition by-law;

**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 located at 2 Omega Road, Kirkfield to purchase the portion of road allowance that is adjacent to their property.

The Land Management Committee reviewed this request at their meeting on September 14, 2020 and had no objections to the request.

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 17<sup>th</sup>, 24<sup>th</sup>, and 31<sup>st</sup> days of December, 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 the road allowance is not required for municipal purposes, as the travelled road is located to the north of the subject portion of road allowance.

The "subject to" interests noted in the legal description of the subject road allowance were reviewed by Realty Services and determined to be instruments setting out rights-of-way over "Private Drive on Plan 213." These rights-of-way were determined to be located Northeast of the subject portion of road allowance and therefore, will not be affected by the proposed sale. A map outlining the rights-of-way in relation to the subject portion of road allowance is attached as Appendix D.

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.

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 of interior road allowance, is recovered. As the purchaser is intending to merge the portion of road allowance with their adjacent property, resulting in approximately 4,750 square feet of additional land, the Land Management Committee recommends setting a price of \$5,000.00 as consideration for the subject portion of road allowance.

### **Other Alternatives Considered:**

Council may decide not to sell the road allowance and derive no financial benefit whatsoever. 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 approximately \$1,245.00. This is not recommended in this circumstance, given that the purchaser stands to gain financial benefit by adding the subject portion of road allowance to their adjacent property. 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/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. 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 \$5,000.00, 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 approximately \$1,245.00, 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 – Map**



Appendix C -  
Map.pdf

### **Appendix D – Map of Right-of-Way for Private Drive**



Appendix D - Map  
of Rights-of-Way.pdf

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**Department File:** L06-20-RS018