

Committee of the Whole Report

Report Number: RS2021-005

Meeting Date: January 12, 2021

Title: **Potential Surplus and Sale of City-Owned Property Municipally Addressed as between 1462 and 1474 Fleetwood Road, in the Geographic Township of Manvers, in the City of Kawartha Lakes.**

Description: Potential Surplus and Sale of City Owned Property Legally Described as Lot 4, 5 and 6 on Plan 9, Being Located on Fleetwood Road, in the Geographic Township of Manvers, City of Kawartha Lakes.

Author and Title: Christine Oliver, Law Clerk – Realty Services

Recommendations:

That Report RS2021-005, **Potential Surplus and Sale of City Owned Property Municipally Addressed as Between 1474 and 1462 Fleetwood Road, in the Geographic Township of Manvers, City of Kawartha Lakes**, be received;

That the City-owned property municipally addressed as between 1474 and 1462 Fleetwood Road, in the Geographic Township of Manvers, City of Kawartha Lakes, be declared surplus to municipal needs;

That a direct sale to the adjacent owner 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 a by-law (with any amendments deemed necessary) to authorize its disposition shall be passed;

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

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

Background:

At the Council Meeting of September 24, 2013, Council adopted the following resolution:

10.3.13 CR2013-848

RESOLVED THAT Report LM2013-009, **Surplus Declaration of Various City Owned Properties**, be received;

THAT the City owned properties listed on Appendix 'B' to Report LM2013-009 be declared surplus to municipal needs;

THAT notice be given in accordance with By-laws 2008-065 and 2010-118, as amended;

THAT the properties be marketed for sale to the general public in accordance with any current or future policies in place and be sold to the interested parties for no less than the appraised value plus any and all costs associated with the transaction;

THAT on completion of the public notice, Council shall consider any deputation or public input in opposition of the sale, if any, and if appropriate, pass a by-law (with any amendments deemed necessary) to authorize the disposition; and

THAT the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this decision.

At the Council Meeting of September 10, 2019, Council adopted the following resolution:

4.1 COW2019-09.4.1

Request to Purchase Land Adjacent to 1474 Fleetwood Road

Darolyn Jones

Darolyn Jones provided an overview of the portion of City-owned land adjacent to her property at 1474 Fleetwood Road that she would like to acquire; a portion of her garage encroaches onto the City owned land. Ms. Jones would like to resolve the issue so that she can close the building permit associated with the construction of her garage.

Robyn Carlson, City Solicitor, advised that under the City's By-law to Regulate the Disposition of Land the standard procedure would be to sell the land by advertising for sale to the open market, however, should Council wish to sell the land to Ms. Jones directly a council resolution to that effect would be required.

CW2019-159

Moved By Councillor Seymour-Fagan

Seconded By Councillor O'Reilly

That the deputation of Darolyn Jones, regarding a **Request to Purchase Land Adjacent to 1474 Fleetwood Road**, be received.

Carried

CW2019-160

Moved By Deputy Mayor Elmslie

Seconded By Councillor Yeo

That staff be directed to prepare a report for consideration by Council to declare the City-owned property adjacent to 1474 Fleetwood Road, in the Geographic Township of Manvers, City of Kawartha Lakes surplus to municipal needs;

That the subject property be offered for direct sale to the owner of 1474 Fleetwood Road and sold for no less than the appraised value plus any and all costs associated with the transaction; and

That this recommendation be forwarded to the September 24, 2019 Regular Council Meeting for consideration.

Carried

CR2019-536

Moved By Councillor Richardson

Seconded By Councillor O'Reilly

That staff be directed to prepare a report for consideration by Council to declare the City-owned property adjacent to 1474 Fleetwood Road, in the Geographic Township of Manvers, City of Kawartha Lakes surplus to municipal needs; and

That the subject property be offered for direct sale to the owner of 1474 Fleetwood Road and sold for no less than the appraised value plus any and all costs associated with the transaction.

Carried

During the council meeting on September 24, 2013, the City declared the property legally identified as Lot 4, 5 and 6 on Plan 9, in the Geographic Township of Manvers, as surplus. Realty Services then contacted a surveyor to complete a reference plan. As the surveyors processed the draft reference plan, Ms. Jones (the adjacent property owner of 1474 Fleetwood, in the Geographic Township of Manvers) contacted the surveyors and the City stating she felt an

error had been made. She was under the impression an existing fence indicated the property line. However, she had made an error with the property line and the existing fence did not reflect the property line. The issue being Ms. Jones had an outstanding building permit from the City for a recently constructed accessory structure. The building permit has not been completed. The accessory structure, a garage, did not meet side yard setback requirements. She contacted Planning regarding a minor variance, but was denied. Ms. Jones came to council on September 10, 2019 to request a direct sale and council directed staff to proceed with a direct sale to Ms. Jones on September 24, 2019.

This report addresses the direction identified above and provides an update to the previous council directions. Realty Services has the draft reference plan, has the appraisal and has rectified the title issue as the property previously was not vested into the City's ownership from the tax sale process.

Appendix A is a general location map. Appendix B is an aerial map. Appendix C is Plan 9 and Appendix D is the draft reference plan.

Rationale:

In accordance with City Lands Disposition By-Law 2018-020, section 3.05, public notice in the paper (once a week for three consecutive weeks) is required, to provide members of the public with reasonable notice of the potential sale. Notification on the website and posting on site is also required.

Realty Services has advertised in the Peterborough This Week on Friday October 2, 2020, Friday October 9, 2020 and Friday October 16, 2020. This advertised in the Kawartha This Week on Thursday October 1, 2020, Thursday October 8, 2020 and Thursday October 15, 2020. A sign was posted on the property between October 1, 2020 and October 16, 2020, inclusive. Advertisement was posted on the City website on October 19, 2020.

Realty Services has not received any objections to the sale of this property, but received inquiries regarding interest in purchasing the property.

The properties will merge upon transfer of title because the properties are not whole lots within a registered plan of subdivision. Accordingly, a deeming by-law is not required.

Other Alternatives Considered:

Council could decide to proceed with the original direction to sell on the open market. The sale would require the abutting owner to remove their garage because she was not eligible for a minor variance.

Alignment to Strategic Priorities

The recommendations in this report align the goal of “Good Government” and the strategic enabler “Asset Management” more specifically described as “Effective management of the municipal building and land portfolio”.

Financial/Operation Impacts:

The costs associated with the sale of the proposed surplus property will be the responsibility of the purchaser of the property. The City will sell the property at fair market value as set out in the Appraisal.

Consultations:

Not applicable.

Attachments:

Appendix A – Location Map



Appendix A -
Location Map.pdf

Appendix B – Aerial Map



Appendix B - Aerial
Map.pdf

Appendix C – Plan 9



Appendix C - Plan
9.pdf

Appendix D – Draft Reference Plan



Appendix D - Draft
Reference Plan.pdf

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Department Head: Robyn Carlson