



## Committee of the Whole Report

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<b>Report Number:</b>	<b>RS2021-029</b>
<b>Meeting Date:</b>	September 7, 2021
<b>Title:</b>	<b>Proposed Surplus Declaration and Sale of Landlocked Parcel adjacent to 28 Pickerel Point Road, Lindsay</b>
<b>Description:</b>	Proposed Surplus Declaration and Sale of Landlocked Parcel Legally Described as Part of the West Half of Lot 2, Concession 7, as in R223738, in the Geographic Township of Fenelon, City of Kawartha Lakes
<b>Author and Title:</b>	Laura Carnochan, Law Clerk – Realty Services

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### Recommendations:

**That** Report RS2021-029, **Proposed Surplus Declaration and Sale of Landlocked Parcel adjacent to 28 Pickerel Point Road, Lindsay**, be received;

**That** the subject property, being a landlocked parcel adjacent to 28 Pickerel Point Road, Lindsay and legally described as Part of the West Half of Lot 2, Concession 7, as in R223738, in the Geographic Township of Fenelon, City of Kawartha Lakes (PIN: 63144-0521 (LT)), be declared surplus to municipal needs;

**That** Council set the value of the land at the higher of the appraised value or the minimum set price of \$1,500.00 per acre;

**That** the sale of the subject property on the open market 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;

**That** a by-law (with any amendments deemed necessary) to authorize the disposition of the subject property be passed, if appropriate;

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

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

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

**That** the Mayor and Clerk be authorized to sign all documents to facilitate the conveyance of the subject property; and

**That** this recommendation be brought forward to Council for consideration at the next Regular Council Meeting.

## **Background:**

The Land Management Team received a request from the owner of the property located at 28 Pickerel Point Road, Lindsay to purchase a landlocked parcel that is adjacent to their property.

The Land Management Team reviewed this request at its meeting on March 8, 2021 and had no objections to the request.

Public Notice advertising the potential surplus declaration and sale of the subject property was completed by newspaper circulation in the Kawartha Lakes This Week on the 12<sup>th</sup>, 19<sup>th</sup>, and 26<sup>th</sup> days of August, 2021. During this three-week advertising period notice was also posted on the City's website. Realty Services received one public comment or concern with regards to the proposed surplus declaration and sale of the subject property. This comment or concern was from another resident owning a parcel of property that is also adjacent to the subject property. That resident advised they were also interested in purchasing the subject property.

The purpose of this report is to advise Council that the Land Management Team recommended that the subject property be declared surplus to municipal needs and that approval be given, in principle, for the sale of the subject property to the adjacent landowner, however, given the interest expressed by the other adjacent land owner, it would be appropriate to place the parcel for sale on the open market.

## **Rationale:**

The subject property was vested into the ownership of the former Corporation of the Township of Fenelon due to tax arrears in 1987. A copy of the Notice of Forfeiture is attached as Appendix D.

The Land Management Team has determined that the subject property is not required for municipal purposes.

The subject property is bordered on all sides by private property, including the applicant's. As a result, pursuant to the City's By-Law 2018-020, being a By-Law to Regulate the Disposition of Municipal Real Property, the subject property is appropriate to be conveyed to the applicant or sold on the open market.

As per section 3.03 of By-Law 2018-020, as amended, prior to the disposition of any real property, at least one appraisal to determine the property's fair market value must be obtained. Section 3.04 of By-Law 2018-020, as amended, does provide an

exemption to this requirement if the property type is included in Schedule A to By-Law 2018-020. In this case the exemption could apply as the subject property is included in Schedule A as item 4, being "Land that does not have direct access to a highway, if sold to the owner of land abutting that land." Schedule C to By-Law 2018-020, as amended sets a minimum price for landlocked parcels at \$1,500.00 per acre where the parcel is in addition to a farm. In this case, the Land Management Team recommends obtaining an appraisal and setting the value of the land at the higher of the appraised value or the minimum set price.

### **Other Alternatives Considered:**

Council could decide not to sell the subject property and derive no financial benefit whatsoever. This would be inconsistent with past practice and is not recommended in this circumstance.

Council could decide to sell to the original applicant, after consideration of the concern received by Realty Services. This would be inconsistent with past practice and is not recommended in this circumstance

Council could decide to allow the exemption as per section 3.04 and dispose of the subject property at the minimum set price of \$1,500.00 per acre. The subject property is set out as Part 3 on the draft Reference Plan attached as Appendix E, and is noted to be 12,490.98 square metres (3.09 acres). This would net the City a revenue of \$4,635.00.

### **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 costs associated with the transaction. 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 the higher of the appraised value or the minimum set price of \$1,500.00 per acre, the City will receive net revenue of a minimum of \$4,635.00, which will be placed in the Property Development Reserve.

## **Consultations:**

Land Management Team

## **Attachments:**

### **Appendix A – General Location Map**



Appendix A -  
General Location Map

### **Appendix B – Aerial Map**



Appendix B - Aerial  
Map.pdf

### **Appendix C – Map**



Appendix C -  
Map.pdf

### **Appendix D – Notice of Forfeiture (Registered Instrument R223738)**



Appendix D -  
Notice of Forfeiture

### **Appendix E – Draft Reference Plan**



Appendix E - Draft  
Reference Plan.PDF

**Department Head E-mail:** rcarlson@kawarthalakes.ca

**Department Head:** Robyn Carlson

**Department File:** L06-21-RS004