



Committee of the Whole Report

Report Number: RS2021-032

Meeting Date: September 7, 2021

Title: **Proposed Surplus Declaration, Closure, and Sale of Road Allowance adjacent to 7 The Avenue, Kinmount**

Description: Road Allowance legally described Part of Lot 1 on the south side on Paul St. on Plan 105 as in R419824

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

Recommendation(s):

That Report RS2021-032, **Proposed Surplus Declaration Closure, and Sale of a portion of Road Allowance adjacent to 7 The Avenue, Kinmount**, be received;

That the subject property, being a portion of the road allowance adjacent to 7 The Avenue, Kinmount and legally described as Part of Lot 1 and 2 on the south side of Paul Street on Plan 105 as in R419824, City of Kawartha Lakes, be declared surplus to municipal needs;

That the closure of the portion of road allowance 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;

That Council set the value of the land at the higher of the appraised value or the minimum set price of \$15.00 per linear foot of road allowance;

That staff be directed to commence the process to stop up and close the said portion of road allowance;

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

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 if necessary;

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

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

Background:

The Land Management Team (formerly the Land Management Committee) received a request from the owner of the property located at 7 The Avenue, Kinmount to purchase the portion of road allowance that is adjacent to their property.

The Land Management Team reviewed this request at its meeting on June 14, 2021 and had no objections to the request.

Public Notice advertising the potential surplus declaration and sale of the subject road allowance was completed by newspaper circulation in the Kawartha Lakes This week on the 12th, 19th, and 26th days of August, 2021. 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 of the Land Management Team recommendation that the subject property be declared surplus to municipal need and that approval be given, in principal, for the closure and sale of the requested portion of the road allowance to the adjoining landowner.

Rationale:

Although this road allowance has a travelled portion, it exceeds the City’s requirements for road allowance to be 66 feet in width. The travelled portion of the road is located to the west of the road allowance and exceeds the 66 feet width requirement. The owner of the property located at 7 The Avenue, Kinmount has encroachments onto this space and utilizes the space as a lot addition.

The Land Management Team felt that it would be appropriate to proceed with stopping up, closing and conveying to the adjoining landowners, only the portion that exceeds the 66 feet width requirement and allows for a 66 feet in width of the travelled road to remain in City ownership, given that the land owner already utilizes the road allowance.

The interested party owns property which borders the subject portion of the road allowance. As a result, pursuant to the City 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 4.04 of By-Law 2018-20, as amended, an appraisal may not be required for road allowances being sold to an adjacent owner, as long as the minimum price set out in Schedule C of By-Law 2018-20, in this case being \$15.00 per a linear foot of road allowance, is recovered.

The Land Management Team recommends setting the value of the subject property at the higher of the appraised value or the minimum set price of \$15.00 per a linear foot of road allowance.

Other Alternatives Considered:

Council may decide not to sell that 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 require an appraisal and dispose of the subject portion of the road allowance for the minimum price of \$15.00 per linear foot of road allowance. Should Council decide to proceed to dispose of the property using the price of \$15.00 per linear foot, consideration for the subject portion of road allowance is calculated at approximately \$1,677.24. This is not recommended in this circumstance, given that Council has suggested the City is not capitalizing on the disposal of land through the set prices outlined within the By-Law 2018-20. Requiring an appraisal to ensure that the City is obtaining the best price for the land and is more beneficial for the general taxpayer.

Alignment to Strategic Priorities

The recommendation 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 the higher of the appraised value or the minimum set price of \$15.00 per linear foot of road allowance, the City will receive a minimum net revenue of approximately \$1,677.24, which will be placed in the Property Development Reserve.

Consultations:

Land Management Team

Land Registry Office

Mapping and GIS

Attachments:

Appendix A – Location Map



Appendix A -
Location Map.pdf

Appendix B – Map



Appendix B - Map -
2.pdf

Appendix C –Aerial Map



Appendix C - Aerial
Map - 2.pdf

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