



Committee of the Whole Report

Report Number: RS2021-030
Meeting Date: September 7, 2021
Title: **Proposed Surplus Declaration Closure and Sale of a Portion of Shoreline Road Allowance adjacent to 2612 Victoria Road, Kirkfield**
Description: Proposed Surplus Declaration, Closure, and Sale of a Portion of Shoreline Road Allowance legally described as Part of the Original Shore Road Allowance Along Duck Lake Lying in Front of Lots 1 and 2, Concession 1, in the Geographic Township of Laxton City of Kawartha Lakes
Author and Title: Laura Carnochan, Law Clerk – Realty Services

Recommendations:

That Report RS2021-030, **Proposed Surplus Declaration Closure and Sale of a Portion of Shoreline Road Allowance adjacent to 2612 Victoria Road, Kirkfield**, be received;

That the subject property, being a portion of shoreline road allowance adjacent to 2612 Victoria Road, Kirkfield and legally described as Part of the Original Shore Road Allowance Along Duck Lake Lying in Front of Lots 1 and 2, Concession 1, in the Geographic Township of Laxton City of Kawartha Lakes, be declared surplus to municipal needs;

That the closure of the portion of shoreline 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;

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

That Council set the value of land at the higher of the appraised value or the minimum set price of \$23.00 per linear foot of shoreline road allowance adjacent to a lake;

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 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 received a request from the owner of the property located at 2612 Victoria Road, Kirkfield to purchase the portion of shoreline road allowance 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 shoreline 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 shoreline road allowance.

The purpose of this report is to advise Council that the Land Management Team 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 shoreline road allowance to the adjoining landowner.

Rationale:

Shoreline road allowances exist on many lakes within the City of Kawartha Lakes. Although many of these allowances were never opened as public municipal roads, they remain public property. Recreational and residential property owners of "lakefront" property often do not own their lots right up to the water's edge. In many circumstances, the adjacent property owner has encroached onto this space and utilized it as a lot addition.

In this area there have been no sections of the shoreline road allowance that have been previously stopped up, closed and conveyed to adjoining landowners. However, the Land Management Team felt that it would be appropriate to proceed with stopping up, closing and conveying the subject portion of shoreline road allowance to the adjacent landowner in this case, given that the landowner already utilizes the shoreline area and has installed several docks along the subject property.

As per section 4.04 of By-Law 2018-020, as amended, an appraisal may not be required for closed road allowances being sold to an adjacent landowner, as long as the minimum price set out in Schedule C of By-Law 2018-020, in this case being \$23.00 per linear foot of road allowance adjacent to a lake, is recovered. As the purchaser is

intending to merge the portion of road allowance with their adjacent property, which is an RV resort, 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 \$23.00 per linear foot of shoreline road allowance adjacent to a lake.

Other Alternatives Considered:

Council may decide not to sell the shoreline 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 road allowance for the minimum price of \$23.00 per linear foot of shoreline road allowance adjacent to a lake. Should Council decide to proceed to dispose of the property using the price of \$23.00 per linear foot, consideration for the subject portion of shoreline road allowance is calculated as approximately \$59,800.00. This is not recommended in this circumstance, given that the purchaser stands to gain financial benefit by adding the subject portion of shoreline road allowance to their adjacent property and adding exclusive use of the shoreline as an amenity to the RV resort. Requiring an appraisal to ensure that the City is obtaining the best price for the land 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 the higher of the appraised value or the minimum set price of \$23.00 per linear foot of shoreline road allowance adjacent to a lake, the City will receive a minimum net revenue of approximately \$59,800.00, 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

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