



Council Report

Report Number: RS2021-043

Meeting Date: November 16, 2021

Title: **Disposition of Shoreline Road Allowance adjacent to 76 Fulsom Crescent, Sebright**

Description: Request for Approval of Deeming By-Law Required to Merge 76 Fulsom Crescent, Sebright with Part of the Shoreline Road Allowance Parcel designated as Part 1 on Plan 57R-10750

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

Recommendations:

That Report RS2021-043, **Disposition of Shoreline Road Allowance adjacent to 76 Fulsom Crescent, Sebright**, be received; and

That the deeming by-law attached as Appendix E be approved and adopted by Council.

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

At the Council Meeting of April 23, 2019, Council adopted the following resolution:

CR2019-280

That Report RS2019-020, **Proposed Surplus Declaration, Closure and Sale of Shoreline Road Allowance adjacent to 76 Fulsom Crescent, Carden**, be received;

That the subject property, being the shoreline road allowance adjacent to 76 Fulsom Crescent, Carden and legally described as Part of the Shoreline Road Allowance Lying in Front of Lots 13-14 on Plan 360, in the Geographic Township of Carden, City of Kawartha Lakes, 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;

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; and

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

Carried

The purpose of this report is to advise Council that Staff recommends that a deeming by-law be passed in addition to the disposition by-law, in order to effect a merging of the purchaser's property (76 Fulsom Crescent) and the subject portion of shoreline road allowance.

Rationale:

In 2018, the Land Management Team (formerly Committee) received a request from the owner of 76 Fulsom Crescent, Sebright to purchase the portion of shoreline road allowance adjacent to their property. The surplus declaration and sale of the subject portion of shoreline road allowance was approved by Council on April 23, 2019 by CR2019-280.

By-Law 2019-132 (attached as Appendix D), which authorized the stop up and closure of the subject portion of shoreline road allowance and the sale to the adjacent landowner, was passed on October 22, 2019. Subsequent to the passing of By-Law 2019-132, it was noted that a deeming by-law would be required prior to closing the transaction, in order to effect the merging of the subject portion of shoreline road allowance with 76 Fulsom Crescent.

It is standard practice by the Realty Services division to request authorization to pass a deeming by-law within the initial Report recommending the stop up and closure of a road allowance and sale to the adjacent landowner. This was erroneously left out of the initial report and therefore, authorization to pass a deeming by-law was not obtained.

If a deeming by-law is not passed and registered on title prior to closing, the properties would remain separately conveyable, but would create a parcel (the shoreline parcel) that is not developable due to its lack of road access and small size.

The purchaser is aware of the deeming by-law requirement and has provided consent to proceed with registering the deeming by-law on title. The purchaser is also aware and agreeable to paying the associated costs of registration.

Other Alternatives Considered:

Council could decide not to approve a deeming by-law. This is not recommended, as the sale of the subject portion of shoreline has been approved and the sale cannot proceed without a deeming by-law.

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:

None, as the costs of registering the deeming by-law will be borne by the purchaser as part of their closing costs for the sale transaction.

Consultations:

Land Management Team

Attachments:

Appendix A – General Location Map



Appendix A -
General Location Map

Appendix B – Aerial Photo



Appendix B - Aerial
Photo (RS2021-043).

Appendix C – Map



Appendix C - Map
(RS2021-043).pdf

Appendix D – By-Law 2019-132



Appendix D -
By-Law 2019-132 (RS

Appendix E – Deeming By-Law



Appendix E -
Deeming By-Law.pdf

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Department File: L06-18-RS042