



Council Report

Report Number: RS2021-046
Meeting Date: November 16, 2021
Title: Proposed Disposition of Lane Leading to Jessie Avenue -
Adjacent to 69 Rose Street, Pleasant Point
Description: Response to the deputation of Peter Clark
Author and Title: Christine Oliver, Law Clerk – Realty Services

Recommendation(s):

That Report RS2021—046, Proposed Disposition of Road Allowance Adjacent to 69 Rose Street, Pleasant Point, be received.

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

At the Committee of the Whole Meeting of January 22, 2019, Council adopted the following resolution:

RS2019-003

Proposed Surplus Declaration, Closure and Sale of a Portion of Shoreline Road Allowance Adjacent to 35 Rose Street, Fenelon

Laura Carnochan, Law Clerk – Realty Services

CW2019-015

Moved By Councillor Dunn

Seconded By Councillor Ashmore

That Report RS2019-003, **Proposed Surplus Declaration, Closure and Sale of a Portion of Shoreline Road Allowance Adjacent to 35 Rose Street, Fenelon**, be received; and

That Council not declare the subject property surplus, being the shoreline road allowance adjacent to 35 Rose Street, in the Geographic Township of Fenelon, City of Kawartha Lakes, as well as the shoreline road allowance adjacent to properties fronting the entire length of Rose Street on its North side, at this time.

Carried

At the Council Meeting of February 5, 2019, Council adopted the following resolution:

CW2019-015

CR2019-090

That Report RS2019-003, **Proposed Surplus Declaration, Closure and Sale of a Portion of Shoreline Road Allowance Adjacent to 35 Rose Street, Fenelon**, be received; and

That Council not declare the subject property surplus, being the shoreline road allowance adjacent to 35 Rose Street, in the Geographic Township of Fenelon, City of Kawartha Lakes, as well as the shoreline road allowance adjacent to properties fronting the entire length of Rose Street on its North side, at this time.

Carried

At the Committee of the Whole Meeting of October 5, 2021, Council adopted the following resolution:

COW2021-09.4.1

Encroachment Associated with 69 Rose Street, Pleasant Point

Peter Clark

Peter Clark provided an overview of his request to purchase a portion of the unopened road allowance adjacent to 69 Rose Street in Pleasant Point. Mr. Clark advised that the building on 69 Rose Street encroaches onto the unopened road allowance and that acquiring the unopened road allowance will resolve the encroachment and will allow future renovations of the property.

CW2021-222

Moved By Councillor Dunn

Seconded By Councillor Ashmore

That the deputation of Peter Clark, **regarding the Encroachment Associated with 69 Rose Street, Pleasant Point**, be received; and

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

Carried

CW2021-223

Moved By Councillor Richardson

Seconded By Councillor Elmslie

That the request from Peter Clark, regarding the acquisition of the unopened road allowance to 69 Rose Street, Pleasant Point, be referred to Realty Services Staff for review and report back by the end of Q4, 2021; and

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

Carried

This report addresses that direction.

Rationale:

In October 2017, the Land Management Team (then, the Land Management Committee) reviewed an application from the owners of 69 Rose Street, Pleasant Point, to purchase the adjacent City-owned unopened road allowance leading to water legally

described as Lane E on Plan 123, in the Geographic Township of Fenelon Falls, City of Kawartha Lakes, being PIN: 63275-0126 (herein referred to as "Lane E").

The application indicated that the applicant's property is considered non-conforming and that the applicant would like to comply and transition their property into conforming. The Land Management Committee was unable to honour the request in accordance with Council Resolution CR2001-1025:

"that unopened road allowances leading to water shall be retained by the municipality. Upon receipt of a request to purchase an unopened road allowance leading to water the applicant shall be advised that Council is not prepared to consider declaring any unopened road allowances that lead to water as surplus to municipal needs. Exceptions may be considered where alternate access to water in the immediate vicinity can be provided."

Realty Services sent a letter dated November 3, 2017 providing the above answer and information to proceed with a deputation (attached as Appendix E).

On July 5, 2021, Realty Services received a letter to be reviewed at the next Land Management Team meeting (attached as Appendix F). The letter indicated they would like the Land Management Team to reconsider their previous decision because the non conforming status is limiting the ability to maintain their structure and provided a site grading plan (attached as Appendix G) (herein referred to as the "Site Grading" Plan).

Realty Services sent a letter dated August 4, 2021, advising the Land Management Team reconsidered their position and offered a license agreement to allow the encroachment to remain (attached as Appendix H).

In accordance with The Township of Fenelon Falls Zoning By-Law 12-95, section 15.2.1.3(c), the side yard set back to Lane E is a minimum of 7.5m. The Site Grading Plan identifies the dwelling as encroaching onto Lane E by 1.35m and the deck affixed to the dwelling encroaching by 2.13m. Lane E is approximately 10.06 m in width. Accordingly, the applicant's request to purchase half of Lane E would not rectify the issue and would not bring the dwelling into compliance.

The City previously attempted to sell a shoreline road allowance in this area. When the property was advertised to the community for notice of the intent to dispose, the community completed deputations disputing the disposition of "Jessie Avenue", a walking trail not maintained by the City but widely used by the community. One of the concerns brought to Council's attention at the time is that the entrances to Jessie

Avenue are not signed, and that people trespass on property when entering and leaving the trail as a result. Public Works staff are working towards signing the unopened road allowances leading to water in the area. This will provide clear entrance locations for the community. As this is the end of the trail, removing this exit/ entrance point would likely result in trespass.

Although the Land Management Team is supportive of licensing the cottage to remain, this would not entitle the property owners to obtain a building permit. It is recommended that at the time of substantial repair, the applicants construct within the property they currently own.

Other Alternatives Considered:

Council could decide to proceed through the disposition of the unopened road allowance leading to water to accommodate 69 Rose Street, Pleasant Point, transition into conforming status. If Council decided to direct staff to proceed through the disposition process (which would include utility consultations, advertising, report to Council to request surplus declaration, etc.) this would not be consistent with past direction.

Alignment to Strategic Priorities

The recommendations set out in this Report align with the following strategic priorities:

- An Exceptional Quality of Life
 - Maintain “community hubs” such as parks, buildings and active spaces for social healthy interactions
- Good Government
 - Effective management of the municipal building and land portfolio

Financial/Operation Impacts:

None, if the decision to deny the purchase request is upheld.

Consultations:

Land Management Team

Planning Division

Attachments:

Appendix A – General Location Map



Appendix A -
Location Map.pdf

Appendix B – Aerial Photo



Appendix B -
Aerial.pdf

Appendix C – Map



Appendix C -
Map.pdf

Appendix D – Alternative Access to Water



Appendix D -
Access to Water.pdf

Appendix E – Letter Dated November 3, 2017



Appendix E -
2017-11-03 Letter.pdf

Appendix F – Letter Dated July 5, 2021



Appendix F -
2021-07-06 Land Ma

Appendix G – Site Grading Plan



Appendix G - Site
Grading Plan - 69 Rc

Appendix H – Letter Dated August 4, 2021



Appendix H -
2021-08-04 Letter to

Department Head email: rcarlson@kawarthalakes.ca

Department Head: Robyn Carlson

Department File: L06-17-RS016