



Council Report

Report Number:	RS2021-050
Meeting Date:	December 14, 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:	Sharri Dyer, Manager of Realty Services

Recommendation:

That Report RS2021-050, **Proposed Disposition of Lane Leading to Jessie Avenue - Adjacent to 69 Rose Street, Pleasant Point**, be received.

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

At the Council Meeting of November 16, 2021, Council adopted the following resolutions:

CR2021-547

Moved By Councillor Ashmore

Seconded By Councillor Richardson

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

Carried

CR2021-548

Moved By Councillor Elmslie

Seconded By Councillor Ashmore

That the Proposed Disposition of the Lane Leading to Jessie Avenue - Adjacent to 69 Rose Street, Pleasant Point be deferred to the December 14, 2021 Regular Council Meeting.

Carried

The deferral of the matter was for the purposes of answering the following questions:

1. Would a resolution to sell a portion or all of the Lane be a reconsideration of a previous resolution, and thus require a 2/3 majority vote per the Procedural By-law?
and
2. Can a portion of the laneway be sold, leaving the balance open for public access to Jessie Avenue?

Rationale:

Is this a Reconsideration?

The Land Management Team has reviewed the request to purchase this lane leading to Jessie Avenue also identified as Lane E on Plan 123 (the "Lane") twice in the past, once at the October 13, 2017 meeting and once at the July 12, 2021 meeting. The request was denied both times as it is a parcel of land that leads to water. Those decisions were in accordance with the City's 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.”

The unsuccessful applicant to the Land Management Team made a deputation to Council, requesting to purchase the Lane, at the Council meeting on November 16, 2021. The City Clerk advised that disposition of this property might require Council to rescind a previous Resolution to retain the property located along Rose Street. The previous Resolution made by Council was:

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

Accordingly, this Resolution will not be required to be rescinded as it related only to the shoreline road allowance known as “Jessie Avenue” and did not apply to the lanes leading to Jessie Avenue.

Regardless of whether or not this is a reconsideration, a sale of the entire width of the Lane would be a course redirection by the City. As of the last interaction with the Rose Street Residents, City Staff had promised to sign the lanes leading to Jessie Avenue, in an attempt to address the public’s concern with people trespassing on private property when entering and exiting Jessie Avenue. This promise was made in response to the concern that the lanes were not well marked nor maintained. The lane that the City is now considering selling is the most easterly exit from Jessie Avenue, and has overgrown and been encroached upon. Rather than marking this for public use, the City is considering selling it. The sale of a portion of the width of the Lane, with the balance to remain in public use, would be consistent with past direction.

Can a portion of the Lane be sold?

The Lane is 10.6 metres wide according to the site grading plan (attached as Appendix A).

According to the zoning by-law, the required side yard set back will be between 1.3 metres and 3 metres, dependant on the size of the house. According to the grading plan, the house encroaches by 1.35 metres and the deck by 2.13 metres.

If 5.13 metres of the Lane was sold, to accommodate the 2.13 metres of encroachment plus 3 metres maximum required setback per the zoning by-law, a further 5.47 metres would remain for public use. This would be sufficient for use as a natural walkway, or for installation of a sidewalk, however, may not be sufficient to account for drainage.

Other Alternatives Considered:

Council could decide to proceed through the disposition of a portion of the unopened road allowance leading to water. 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.) for a portion of the road allowance, this would be consistent with past direction.

The necessary resolution is: “**That** Staff be directed to commence the public notification process to stop up, close and sell a portion of Lane E on registered plan number 123, being the easternmost entrance/exit to Jessie Avenue, located adjacent to the West lot line of 69 Rose Street.”

A further recommended resolution is: “**That** the sale be conditional upon the purchaser installing fencing to the City’s satisfaction and at its own expense to delineate the easterly and westerly boundaries of the portion of the Lane remaining for public passage post-sale.”

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
Engineering & Corporate Assets Department

Attachments:

Appendix A – Site Grading Plan



Appendix A - Site
Grading Plan - 69 Rose Street

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Department Head: Robyn Carlson

Department File: L06-17-RS016