



Committee of the Whole Report

Report Number: RS2022-008

Meeting Date: January 11, 2022

Title: **Request for Removal of "Subject to the Interest of the Municipality" Notation from Property Description – Bertram Street and Ernest Street**

Description: Request for Removal of "Subject to" Notation from Property Legally Described as Part Lot 22, Concession 7, Lots 49-51, Part Lots 52, Part Lots 61-63, Lots 64-67, Part Lot 48, Part of Bertram Street on Plan 44, being Parts 1 to 8 on Plan 57R-10487; Subject to the Interest of the Municipality over Bertram Street on Plan 44, being Part 8 on Plan 57R-10487; Subject to an Easement in Gross over Part Lot 22, Concession 7, being Part 2 on Plan 57R-10487 as in R295268; Subject to an Easement in Gross over Part Lot 22, Concession 7, being Parts 4 and 5 on Plan 57R-10487 as in R295271; Subject to an Easement in Gross over Part Lot 22, Concession 7, being Parts 5 and 6 on Plan 57R-10487 as in R279520 (PIN: 63210-0214 (LT)) and Ernest Street on Plan 44 South of Part 5 on Plan 57R-6784 (PIN: 63210-0194 (R)), in the Geographic Township of Ops, City of Kawartha Lakes

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

Recommendations:

That Report RS2022-008, **Request for Removal of "Subject to the Interest of the Municipality" Notation from Property Description – Bertram Street and Ernest Street**, be received;

That the subject property, Part of Bertram Street on Plan 44, being Part 8 on Plan 57R-10487 (PIN: 63210-0214 (LT)) and Ernest Street on Plan 44 South of Part 5 on Plan

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

57R-6784 (PIN: 63210-0194 (R)), in the Geographic Township of Ops, City of Kawartha Lakes be declared surplus to municipal needs;

That Council support the closure of the road allowances and release the City's interest in the balance of the property legally described as Part Lot 22, Concession 7, Lots 49-51, Part Lots 52, Part Lots 61-63, Lots 64-67, Part Lot 48, Part of Bertram Street on Plan 44, being Parts 1 to 8 on Plan 57R-10487; Subject to the Interest of the Municipality over Bertram Street on Plan 44, being Part 8 on Plan 57R-10487; Subject to an Easement in Gross over Part Lot 22, Concession 7, being Part 2 on Plan 57R-10487 as in R295268; Subject to an Easement in Gross over Part Lot 22, Concession 7, being Parts 4 and 5 on Plan 57R-10487 as in R295271; Subject to an Easement in Gross over Part Lot 22, Concession 7, being Parts 5 and 6 on Plan 57R-10487 as in R279520 (PIN: 63210-0214 (LT)) and Ernest Street on Plan 44 South of Part 5 on Plan 57R-6784 (PIN: 63210-0194 (R)), in the Geographic Township of Ops, City of Kawartha Lakes, in accordance with the provisions of By-law 2018-020, as amended, and the Municipal Act, 2001;

That the by-law attached as Appendix G to close the road and release the City's interest in the property legally described as Part Lot 22, Concession 7, Lots 49-51, Part Lots 52, Part Lots 61-63, Lots 64-67, Part Lot 48, Part of Bertram Street on Plan 44, being Parts 1 to 8 on Plan 57R-10487; Subject to the Interest of the Municipality over Bertram Street on Plan 44, being Part 8 on Plan 57R-10487; Subject to an Easement in Gross over Part Lot 22, Concession 7, being Part 2 on Plan 57R-10487 as in R295268; Subject to an Easement in Gross over Part Lot 22, Concession 7, being Parts 4 and 5 on Plan 57R-10487 as in R295271; Subject to an Easement in Gross over Part Lot 22, Concession 7, being Parts 5 and 6 on Plan 57R-10487 as in R279520 (PIN: 63210-0214 (LT)) and Ernest Street on Plan 44 South of Part 5 on Plan 57R-6784 (PIN: 63210-0194 (R)), in the Geographic Township of Ops, City of Kawartha Lakes shall be passed; and

That the Mayor and Clerk be authorized to execute any documents to facilitate the road closing and releasing the City's interest in the property legally described as Part Lot 22, Concession 7, Lots 49-51, Part Lots 52, Part Lots 61-63, Lots 64-67, Part Lot 48, Part of Bertram Street on Plan 44, being Parts 1 to 8 on Plan 57R-10487; Subject to the Interest of the Municipality over Bertram Street on Plan 44, being Part 8 on Plan 57R-10487; Subject to an Easement in Gross over Part Lot 22, Concession 7, being Part 2 on Plan 57R-10487 as in R295268; Subject to an Easement in Gross over Part Lot 22, Concession 7, being Parts 4 and 5 on Plan 57R-10487 as in R295271; Subject to an Easement in Gross over Part Lot 22, Concession 7, being Parts 5 and 6 on Plan 57R-10487 as in R279520 (PIN: 63210-0214 (LT)) and Ernest Street on Plan 44 South of Part 5 on Plan 57R-6784 (PIN: 63210-0194 (R)), in the Geographic Township of Ops, City of Kawartha Lakes; and

That these recommendations be brought forward to Council for consideration at the next Regular Council Meeting.

Background:

The property legally described as Part Lot 22, Concession 7, Lots 49-51, Part Lots 52, Part Lots 61-63, Lots 64-67, Part Lot 48, Part of Bertram Street on Plan 44, being Parts 1 to 8 on Plan 57R-10487; Subject to the Interest of the Municipality over Bertram Street on Plan 44, being Part 8 on Plan 57R-10487; Subject to an Easement in Gross over Part Lot 22, Concession 7, being Part 2 on Plan 57R-10487 as in R295268; Subject to an Easement in Gross over Part Lot 22, Concession 7, being Parts 4 and 5 on Plan 57R-10487 as in R295271; Subject to an Easement in Gross over Part Lot 22, Concession 7, being Parts 5 and 6 on Plan 57R-10487 as in R279520 (PIN: 63210-0214 (LT)) and Ernest Street on Plan 44 South of Part 5 on Plan 57R-6784 (PIN: 63210-0194 (R)), in the Geographic Township of Ops, City of Kawartha Lakes, is privately owned and subject to the City's interest due to the fact that the road allowances are laid out on a Plan of Subdivision (Plan No. 44, attached as Appendix D) and have never been formally stopped up and closed.

The property owner is seeking to have the City release its interest in the property, so that it may develop the property (specifically, the property owner is intending to develop a subdivision).

The Land Management Team reviewed this request at its meeting on July 12, 2021 and had no objections to the request. The Team felt that the road allowances are unlikely to be required for future road development (particularly given that the property owner intends to develop a subdivision and will develop roads that suit the needs of the subdivision and surrounding area), therefore, it would be appropriate to stop up and close the road allowances and release the City's interest in the balance of the property.

Public Notice advertising the potential surplus declaration and stop up and closure of the subject road allowances was completed by newspaper circulation in the Kawartha Lakes This Week on the 16th, 23rd, and 30th days of December, 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 of the subject lands.

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 for the closure of the subject road allowances and release of the City's interest in the balance of the lands.

Rationale:

The Land Management Team has concluded that the subject road allowances are unlikely to be required for future road development, given that the property owner is intending to develop a subdivision and will plan/construct roads that are approved as per the Plan of Subdivision. Therefore, as the road allowances are already in private ownership, it would be appropriate to stop up and close the road allowances and release the City's interest in the balance of the property. This will allow the owner to potentially develop the property.

Other Alternatives Considered:

Council may decide not to stop-up and close the road allowance and release the City's interest in the balance of the land. That is not recommended in this circumstance.

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:

As the lands (including the road allowances) are already in private ownership (see Transfer and Transfer/Deed of Land attached as Appendix E and Appendix F), the property owner will not be required to pay any value for the road allowances. All costs of the transaction (advertising fees and legal fees), plus a \$1,500.00 fee to cover the City's staff time expenses, will be paid for by the property owner.

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

Appendix D – Plan No. 44



Appendix D - Plan
No. 44.pdf

Appendix E – KL76585 (Transfer of Bertram Street)



Appendix E -
KL76585 (Transfer of

Appendix F – R472744 (Transfer of Ernest Street)



Appendix F -
R472744 (Transfer of

Appendix G – Draft By-Law to Stop Up and Close Bertram Street and Ernest Street



Appendix G - Draft
By-Law to Stop Up a

Department Head E-mail: rcarlson@kawarthalakes.ca

Department Head: Robyn Carlson

Department File: L25-21-RS011