



## Committee of the Whole Report

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**Report Number:** RS2022-001

**Meeting Date:** January 12, 2022

**Title:** Proposed Surplus, Declaration, Closure and Sale of a Portion of Road Allowance Adjacent to Aylmer Dr. and 90 East Beehive Rd., Bobcaygeon

**Description:** Proposed Sale of a Portion of Road Allowance, Legally Described as Aylmer Drive on Plan 373, adjacent to the Owners of 26, 28, 24, 20, 16, 14, 10, 8, 6 Aylmer Dr. and 90 East Beehive Rd., in the Geographic Village of Bobcaygeon, in The City of Kawartha Lakes.

**Author and Title:** Christine Oliver, Law Clerk – Realty Services

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### Recommendation(s):

**That** Report RS2022-001, **Proposed Surplus, Declaration, Closure and Sale of a Portion of Road Allowance Adjacent to 26 to 6 Aylmer Drive and 90 East Beehive Road, in the Geographic Village of Bobcaygeon, in The City of Kawartha Lakes**, be received;

**That** subject property, being the unopened road allowance, legally described as Aylmer Drive on Plan 373, PIN 63126-0484, adjacent to 26, 28, 24, 20, 16, 14, 10, 8, 6 Aylmer Drive and 90 East Beehive Road, in the Geographic Village of Bobcaygeon, in The City of Kawartha Lakes, be declared surplus to municipal needs;

**That** the closure of the unopened road allowance and sale to each of the adjoining landowners be supported, in principle, in accordance with the provision 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** Council set the value of the land at the minimum set price of \$15.00 per linear foot of unopened road allowance adjacent to a lake;

**Department Head:** \_\_\_\_\_

**Financial/Legal/HR/Other:** \_\_\_\_\_

**Chief Administrative Officer:** \_\_\_\_\_

**That** staff be directed to commence the process to stop up and close the said portion of the unopened 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** a deeming by-law be passed contemporaneously with the disposition by-law;

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

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

**Background:**

Municipal Law Enforcement received a complaint regarding encroachments on the subject property, being the unopened road allowance, adjacent to 26 Aylmer Dr., in the Geographic Village of Bobcaygeon, in The City of Kawartha Lakes. Municipal Law Enforcement completed a site visit and requested Realty Services to send an encroachment notice letter to the owners of 26 Aylmer Dr., in the Geographic Village of Bobcaygeon, in The City of Kawartha Lakes.

The Land Management Team (previously Land Management Committee) received a request from the owners of 26 Aylmer Dr., in the Geographic Village of Bobcaygeon, in The City of Kawartha Lakes, to purchase the adjacent unopened road allowance, legally described as Aylmer Drive on Plan 373, PIN 63126-0484 (attached as Appendix A is a location map, Appendix B is a map and Appendix C is an aerial map).

The subject property, being the unopened road allowance, was originally described as Aylmer Drive on Plan 373. The road described as Clonsilla Drive on Plan 373 was developed with two roads within the area identified as Clonsilla Drive and the two developed roads were named Aylmer Drive and Clonsilla Drive.

The request was reviewed by the Land Management Team (when it was Land Management Committee) on August 12, 2019 and at this time the Team noticed a number of encroachments were located on the subject property, being the unopened road allowance. The Team supported the disposition of the subject property, being the unopened road allowance, adjacent to 6 Aylmer to 90 East Beehive Rd., as long as all of the adjacent properties proceeded with the disposition to facilitate in rectifying the existing encroachments. Realty Services advised the residents along this road allowance of this decision and inquired if they would be interested in proceeding with purchasing the road allowance for the minimum set price of \$15.00 per linear foot of unopened road allowance.

Realty Services received deposits to proceed with the sale from the owners of 26, 28, 24, 20, 16, 14, 10, 8, 6 Aylmer Dr. and 90 East Beehive Rd.

Public Notice advertising the potential surplus declaration and sale of the subject road allowance was completed by newspaper circulation in Kawartha This Week on the 16<sup>th</sup>, 23<sup>rd</sup> and 30<sup>th</sup> days of December, 2021.

The purpose of this report is to advise Council that the Land Management Team (formerly Land Management Committee) recommends that the subject land be declared surplus to municipal needs and that approval be given, in principle, for the closure and sale of the requested portion of the road allowance to each of the adjoining owners.

### **Rationale:**

The Land Management Team (formerly Land Management Committee) has concluded that this unopened road allowance is not needed for municipal purposes.

Each interested landowner owns property adjacent to the subject property, being the unopened road allowance, and the adjoining owner (on the opposing side) is the City of Kawartha Lakes. Therefore, it is logical that the subject property, being the unopened road allowance, be conveyed to them as the only adjoining owner.

The subject property, being the unopened road allowance, does not lead to water. Therefore, the stop up, closure and sale would not contravene section 8.00 of By-law 2018-020, as amended.

As per section 4.03 of By-Law 2018-20, as amended, Council may set a price for land to be disposed of. By-Law 2018-020, as amended, further states that Council may set a price without requiring an appraisal, as long as the minimum price set out in Schedule C of By-Law 2018-020, in this case being \$15.00 per linear foot of interior road allowance (based on a 66-foot width), is recovered.

### **Other Alternatives Considered:**

Council may decide not to sell the subject property at the higher of appraised value and the minimum set price. While this is the best alternative in most circumstances and thus is Staff's current practice, due to the age of this file, Staff had communicated to the potential purchasers the City's willingness to sell at \$15 per linear foot, subject to Council approval. While Council can decide to sell at appraised value, some of the potential purchasers may decide not to proceed with the sale. If this does occur, the City will not sell to any one individual purchaser, so as not to create an inefficient lot pattern.

## **Alignment to Strategic Priorities**

The recommendation set out in this Report align with the strategic priority of Good Government and more specifically to the 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 advertising 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. The road allowance would be divided to the adjacent land owner for \$15.00 a linear foot (based on 66-foot width).

If Council sets the price of the land at the higher of the appraised value or the minimum set price of \$15.00 per linear foot of road allowance, the City will receive a minimum net revenue of approximately \$13,065.00, which will be placed in the Property Development Reserve.

## **Consultations:**

The Land Management Team (previously the Land Management Committee)

## **Attachments:**

Appendix A – Location Map



Appendix A -  
Location Map

Appendix B – Map



Appendix B - Map

## Appendix C – Aerial Photo



Appendix C - Aerial  
Map

## Appendix D – Plan 373



Appendix D - Plan  
373

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**Department Head: Robyn Carlson**

**Department File: L06-19-RS039**