



Committee of the Whole Report

Report Number:	RS2022-006
Meeting Date:	January 11, 2022
Title:	Proposed Surplus, Declaration, Closure and Sale of a Portion of Road Allowance adjacent to 243 Avery Point Road
Description:	Proposed Surplus Declaration, Closure and Sale of a Portion of Shoreline Road Allowance legally described as Part of the Original Shoreline Road Allowance Along Avery Point Road, in Front of Lot 72 on Plan 150, in the Geographic Township of Carden, in The City of Kawartha Lakes.
Author and Title:	Christine Oliver, Law Clerk – Realty Services

Recommendation(s):

That Report RS2022-006, **Proposed Surplus, Declaration, Closure and Sale of a Portion of Shoreline Road Allowance adjacent to 243 Avery Point Road, in the Geographic Township of Carden, in The City of Kawartha Lakes**, be received;

That the subject property, being a portion of shoreline road allowance, adjacent to 243 Avery Point Road, in the Geographic Township of Carden, in The City of Kawartha Lakes, and legally described as Lot 72 on Plan 150, in the Geographic Township of Carden, in The City of Kawartha Lakes, be declared surplus to municipal needs;

That the closure of the portion of shoreline road allowance 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 Council set the value of land at the higher of the appraised value or the minimum set price of \$23.00 per linear foot of shoreline 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 shoreline 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 (with any amendments deemed necessary) be passed contemporaneously with the disposition by-law, if appropriate;

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:

The Land Management Team (formerly the Land Management Committee) received a request from the owner of the property located at 243 Avery Point Road, in the Geographic Township of Carden, in the City of Kawartha Lakes, to purchase a portion of the shoreline road allowance that is adjacent to their property.

The Land Management Team reviewed this request at its meeting and had no objections to the request.

Public Notice advertising the potential surplus declaration and sale of the subject shoreline road allowance was completed by newspaper circulated 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 and sale of the subject shoreline road allowance.

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, in principle, for the closure and sale of the requested portion of the shoreline road allowance to the adjoining landowner.

Appendix A is a location map, Appendix B is a map and Appendix C is an Aerial Map.

Rationale:

Shoreline road allowances exist on many lakes within The City of Kawartha Lakes. Although many of these allowances were never opened as public municipal roads, they remain public property. Recreational and residential property owners of "lakefront" property often do not own their lots right up to the water's edge. In many circumstances, the adjacent property owner has encroached onto this space and utilized it as a lot addition.

In this area there have been sections of the shoreline road allowance that have been previously stopped up, closed and conveyed to adjoining landowners. Accordingly, the Land Management Team felt that it would be appropriate to proceed with stopping up, closing and conveying the subject portion of shoreline road allowance to the adjacent landowner.

As per section 4.04 of By-Law 2018-20, as amended, an appraisal is not required for closed road allowances being sold to an adjacent landowner, as long as the minimum price set out in Schedule C of By-Law 2018-20, in this case being \$23.00 per linear foot of shoreline road allowance adjacent to a lake, is recovered. In order to net a higher return for the taxpayer, the Land Management Team recommends setting the value of the subject property at the higher of the appraised value or the minimum set price of \$23.00 per linear foot of shoreline road allowance adjacent to a lake.

Other Alternatives Considered:

Council may decide not to sell the shoreline road allowance and derive no financial benefit whatsoever. That would be inconsistent with past practice and is not recommended in this circumstance.

Council could decide not to require an appraisal and dispose of the subject portion of shoreline road allowance for the minimum price of \$23.00 per linear foot of shoreline road allowance adjacent to a lake. Should Council decide to proceed to dispose of the property using the price of \$23.00 per linear foot, consideration for the subject portion of shoreline road allowance is calculated as approximately \$1,150.00. This is not recommended in this circumstance, given that Council has expressed previously that the City is not capitalizing on the disposal of surplus land when it recovers per the minimum rates. Requiring an appraisal will ensure that the City is obtaining the best price for the land which results in a transaction that, while still advantageous to the purchaser, is more beneficial to the general taxpayer.

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.

If Council sets the price of the land at the higher of the appraised value or the minimum set price of \$23.00 per linear foot of shoreline road allowance adjacent to a lake, the

City will receive a minimum set price of \$23.00 per linear foot of shoreline road allowance adjacent to a lake, the City will receive a minimum net revenue of approximately \$1,150.00, which will be placed in the Property Development Reserve.

Consultations:

Land Management Team

Attachments:

Appendix A – Location Map



Appendix A -
Location Map

Appendix B – Map



Appendix B - Map

Appendix C – Aerial



Appendix C - Aerial
Map

Department Head email: rcarlson@kawarthalakes.ca

Department Head: Robyn Carlson

Department File: L06-21-RS040