



## Committee of the Whole Report

---

<b>Report Number:</b>	<b>RS2022-002</b>
<b>Meeting Date:</b>	January 12, 2022
<b>Title:</b>	<b>Proposed Surplus, Declaration, Closure and Sale of a Portion of Shoreline Road Allowance adjacent to 309 ½ Avery Point Rd.</b>
<b>Description:</b>	Proposed Surplus Declaration, Closure and Sale of a Portion of Shoreline Road Allowance adjacent to 309 ½ Avery Point Road and legally described as Lots 38-39 on Plan 136, in the Geographic Township of Carden, in The City of Kawartha Lakes.
<b>Author and Title:</b>	Christine Oliver, Law Clerk – Realty Services

---

### Recommendations:

**That** Report RS2022-002, **Proposed Surplus, Declaration, Closure and Sale of a Portion of Shoreline Road Allowance adjacent to 309 ½ 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 309 ½ Avery Point Road, in the Geographic Township of Carden, in The City of Kawartha Lakes, and legally described as Lots 38-39 on Plan 136, in the Geographic Township of Carden, in The City of Kawartha Lakes;

**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 of 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) shall be passed 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** this recommendation 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 309 ½ 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 on January 11, 2021 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 16<sup>th</sup>, 23<sup>rd</sup> and 30<sup>th</sup> 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 request portion of the shoreline road allowance to the adjoining landowner.

## **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 has 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 utilizes the linear minimum rates. Requiring an appraisal will ensure that the City is obtaining the best price for the land, resulting in a transaction that, while still advantageous to the purchaser, is more beneficial to the general taxpayer.

### **Alignment to Strategic Priorities**

The recommendations 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 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.pdf

Appendix B – Map



Appendix B -  
Map.pdf

Appendix C – Aerial



Appendix C - Aerial  
Map.pdf

Appendix D – Plan 136



Appendix D -  
PL136.pdf

**Department Head email:** rcarlson@kawarthalakes.ca

**Department Head:** Robyn Carlson

**Department File:** L06-20-RS035