



Committee of the Whole Report

Report Number: RS2022-019

Meeting Date: March 8, 2022

Title: **Proposed Surplus Declaration, Closure and Sale of a Portion of Road Allowance adjacent to 396 County Road 36, Lindsay**

Description: Proposed Sale of a Portion of Road Allowance to the Owner of 396 County Road 396, Lindsay, legally described as Part of Lot 22, Concession 7, Ops, being Parts 8 and 9 on 57R-5192

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

Recommendation(s):

That Report RS2022-019, **Proposed Surplus Declaration, Closure and Sale of a Portion of Road Allowance adjacent to County Road 36, Lindsay**, be received;

That the subject property, being a portion of the road allowance adjacent to 396 County Road 36, Lindsay and legally described as Part of Lot 22, Concession 7, Ops, being Parts 8 and 9 on 57R-5192, City of Kawartha Lakes, be declared surplus to municipal needs;

That the closure of the portion of 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 the land at the higher of the appraised value or the minimum set price of \$15.00 per linear foot of road allowance;

That staff be directed to commence the process to stop up and close the said portion of road allowance;

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

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 if necessary;

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 received a request from the owner of the property located at 396 County Road 36, Lindsay, to purchase the portion of road allowance that is adjacent to their property.

The Land Management Team reviewed this request at its meeting on November 8, 2021 and had no objections to the request.

Public Notice advertising the potential surplus declaration and sale of the subject road allowance was completed by newspaper circulation in the Kawartha Lakes This week on the 10th, 17th, and 24th days of February, 2022. 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 road allowance.

The purpose of this report is to advise Council of the Land Management Team recommendation that the subject property be declared surplus to municipal need and that approval be given, in principal, for the closure and sale of the requested portion of the road allowance to the adjoining landowner.

Rationale:

Although this property borders a City trail, the property to be sold is that which exceeds the City’s requirements for the necessary width of the trail. Although this property borders an active arterial road, the property to be sold is that which exceeds the City’s requirements for an arterial road. The owner of the property located at 396 County Road 36, Lindsay, has encroachments (parking lot and entrance) onto this space and utilizes the space as a lot addition.

The Land Management Team were of the opinion that it would be appropriate to proceed with stopping up, closing and conveying to the adjoining landowners, only the portion that exceeds the 66 feet (20 metres) standard road width, plus a further 3 metre road widening (to allow for a 26 metre arterial road) in accordance with policy 28.6.4 of the City of Kawartha Lakes Official Plan.

The interested party owns property which borders the subject portion of the road allowance. As a result, pursuant to the City By-Law to Regulate the Disposition of

Municipal Real Property (By-Law 2018-020, as amended) that portion of the road allowance can be conveyed to the adjoining landowner.

The subject road allowance does not lead to water, it borders private property, and therefore, the stop up, closure, and sale would not contravene Section 8.00 of By-Law 2018-020, as amended.

As per section 4.04 of By-Law 2018-20, as amended, an appraisal may not be required for road allowances being sold to an adjacent owner, as long as the minimum price set out in Schedule C of By-Law 2018-20, in this case being \$15.00 per a linear foot of road allowance, is recovered.

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 \$15.00 per a linear foot of road allowance.

Other Alternatives Considered:

Council may decide not to sell that 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 the road allowance for the minimum price of \$15.00 per linear foot of road allowance. Should Council decide to proceed to dispose of the property using the price of \$15.00 per linear foot, consideration for the subject portion of road allowance is calculated at approximately \$2,062.50. This is not recommended in this circumstance, given that Council has expressed the City is not capitalizing on the disposal of land through the set prices outlined within the By-Law 2018-20. Requiring an appraisal will ensure that the City is obtaining the best price for the land and creates 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 road closing 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 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 \$2,062.50, which will be placed in the Property Development Reserve.

Consultations:

Land Management Team

Land Registry Office

Mapping and GIS

Attachments:

Appendix A – Location Map



Appendix A

Appendix B – Map



Appendix B
Map.pdf

Appendix C –Aerial Map



Appendix C
Aerial.pdf

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