



## Committee of the Whole Report

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| <b>Report Number:</b>    | <b>RS2022-029</b>  |
| <b>Meeting Date:</b>     | April 5, 2022  |
| <b>Title:</b>            | <b>Proposed Surplus Declaration, Closure, and Sale of a Road Allowance adjacent to 263 Somerville 2nd Concession, Fenelon Falls</b>  |
| <b>Description:</b>      | Proposed Surplus Declaration, Closure, and Sale of a Road Allowance Legally Described as Road Allowance between Lot 18 and Lot 19, Concession 2, North of Plan 434, in the Geographic Township of Somerville, City of Kawartha Lakes |
| <b>Author and Title:</b> | Laura Carnochan, Law Clerk – Realty Services   |

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### Recommendations:

**That** Report RS2022-029, **Proposed Surplus Declaration, Closure, and Sale of a Road Allowance adjacent to 263 Somerville 2nd Concession, Fenelon Falls**, be received;

**That** the subject property, being a portion of road allowance adjacent to 263 Somerville 2<sup>nd</sup> Concession, Fenelon Falls and legally described as Road Allowance between Lot 18 and Lot 19, Concession 2, North of Plan 434, in the Geographic Township of Somerville, 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 interior road allowance;

**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 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, if required;

**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 received a request from the owner of the property located at 263 Somerville 2<sup>nd</sup> Concession, Fenelon Falls to purchase the portion of road allowance that is adjacent to their property.

The Land Management Team reviewed this request at their meeting on November 8, 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 circulation in the Kawartha Lakes This week on the 3<sup>rd</sup>, 10<sup>th</sup>, and 17<sup>th</sup> days of March, 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 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, in principle, for the closure and sale of the requested portion of the road allowance to the adjoining landowner.

## **Rationale:**

The Land Management Team has determined that this portion of the road allowance is not required for municipal purposes.

The interested party owns property which borders the subject portion of road allowance on both sides. As a result, pursuant to the City's 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 2018-020, 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 2018-020 is recovered. However, 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 \$15.00 per linear foot of interior road allowance.

## **Other Alternatives Considered:**

Council may decide not to sell the 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 road allowance for the minimum price of \$15.00 per linear foot of interior 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 as approximately \$18,450.00. This is not recommended in this circumstance, given that Council has expressed the City is not capitalizing on the disposal of surplus land. 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 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:**

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 set the value of the land at the higher of the appraised value of the minimum set price of \$15.00 per linear foot of interior road allowance, the City will receive a minimum net revenue of approximately \$18,450.00, which will be placed in the Property Development Reserve.

## **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

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**Department File:** L06-21-RS057