



## Committee of the Whole Report

---

**Report Number:** RS2022-032

**Meeting Date:** May 3, 2022

**Title:** **Proposed Surplus Declaration, Closure and Sale of a Portion of Road Allowance Adjacent to 8 Mitchell Drive, Emily**

**Description:** Proposed Sale of a Portion of Road Allowance to the Owner of 8 Mitchell Drive, Emily, legally described as Part of Lot 13, Concession 6, Emily, further described Part 3 on Plan 57R-1596

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

---

### Recommendations:

**That** Report RS2022-032, **Proposed Surplus Declaration, Closure and Sale of a Portion of Road Allowance Adjacent to 8 Mitchell Drive, Emily**, be received;

**That** the subject property, being a portion of the road allowance adjacent to 8 Mitchell Drive, Emily, City of Kawartha Lakes and legally described as Part Lot 13, Concession 6, Emily, further described as Part 3 on Plan 57R-1596, 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;

**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 8 Mitchell Drive, Emily, 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.

Realty Services received the deposit from the owner of 8 Mitchell Drive, Emily, on or about the 11<sup>th</sup> day of February, 2022.

Public Notice advertising the potential sale of the subject road allowance was completed by newspaper circulated in the Kawartha Lakes This Week on the 7<sup>th</sup>, 14<sup>th</sup>, and 21<sup>st</sup> days of April, 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 principle, for the closure and sale of the requested portion of the road allowance to the adjoining landowner.

## **Rationale:**

The owner of the property located at 8 Mitchell Drive, Emily, City of Kawartha Lakes is requesting to purchase the subject portion of road allowance and intends to use 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, as the subject portion is not being unitized for road purposes.

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 2018-020, as amended, an appraisal may not be required for road allowances being sold to an adjacent owner, as long as the minimum price is as set out in Schedule C of By-Law 2018-020, in this case being \$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 \$4,808.55. 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 2018-020. 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 management 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 \$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 of the minimum set price of \$15.00 per linear foot of road allowance, the City will receive a minimum net price of approximately \$4,808.55, 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 Map



Appendix C -  
Aerial.pdf

**Department Head E-mail:** [rcarlson@kawarthalakes.ca](mailto:rcarlson@kawarthalakes.ca)

**Department Head:** Robyn Carlson

**Department File:** L25-21-RS012