



Committee of the Whole Report

Report Number: RS2022-036

Meeting Date: June 7, 2022

Title: **Proposed Surplus Declaration, Closure and Sale of a Portion of Unopened Road Allowances known as Wellington Ave. and North Station St. adjacent to 71 Sibley Ave., in the Geographic Village of Omemee, in the City of Kawartha Lakes**

Description: Proposed Sale of a Portion of the Unopened Road Allowances known as Wellington Ave. and North Station St. directly to the Owner of 71 Sibley Ave., in the Geographic Village of Omemee, City of Kawartha Lakes, legally described as Wellington Ave. and North Station St. on Plan 109, in the Geographic Village of Omemee, in the City of Kawartha Lakes, as a lot addition

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

Recommendation(s):

That Report RS2022-036, **Proposed Surplus Declaration, Closure and Sale of a Portion of the Unopened Road Allowances known as Wellington and North Station St. adjacent to 71 Sibley Ave, in the Geographic Village of Omemee, in the City of Kawartha Lakes**, be received;

That the subject property, being a portion of the unopened road allowances known as Wellington Ave. and North Station St. adjacent to 71 Sibley Ave, in the Geographic Village of Omemee, in the City of Kawartha Lakes;

That the closure of the portion of unopened road allowances 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;

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

That Council set the value of the land at the higher of the appraised value and of the minimum set price of \$15.00 per linear foot of interior road allowances;

That Staff be directed to commence the process to stop up and close that said portion of the unopened road allowances;

That a by-law (with any amendments deemed necessary) to close the unopened road allowances 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 unopened road allowances 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 71 Sibley Ave., in the Geographic Village of Omeme, to purchase the unopened portions of road allowances that are adjacent to their property.

The Land Management Team reviewed this request at its meeting on March 14, 2022 and had no objections to the request.

Public Notice advertising for the potential surplus declaration and sale of the subject unopened road allowances was completed by newspaper circulation in the Kawartha Lakes This week on the 12th, 19th, and 26th days of May, 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 unopened road allowances.

The purpose of this report is to advise Council of the Land Management Team recommendation that the subject property be declared surplus to municipal needs 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:

The Land Management Team has concluded that the subject unopened road allowances are unlikely to be required for future road development, given that the property owner is intending to develop a subdivision and will plan/construct roads that are approved as per the Plan of Subdivision.

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.

The interested party owns property which borders the subject portion of the unopened road allowances. 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 unopened road allowances can be conveyed to the adjoining landowner.

The subject unopened road allowances do 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 interior 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 interior road allowance.

Other Alternatives Considered:

Council may decide not to sell the unopened road allowances 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 unopened road allowances 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 the unopened road allowances is calculated at approximately \$11,433.75 for both. 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 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 interior road allowance, the City will receive a minimum net revenue of approximately \$11,433.75 for both unopened road allowances, 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 -
Location Map.pdf

Appendix B – Map



Appendix B -
Map.pdf

Appendix C –Aerial Map



Appendix C -
Aerial.pdf

Appendix D – Plan 109



Appendix D -
PL109.pdf

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