



## Council Report

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**Report Number:** RS2022-039  
**Meeting Date:** July 19, 2022  
**Title:** Surplus Property on Juniper Street, Fenelon Falls  
**Description:** An Update regarding the City-Owned Surplus Property located on Juniper Street, Fenelon Falls  
**Author and Title:** Laura Carnochan, Law Clerk – Realty Services

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### Recommendations:

**That** Report RS2022-039, **Surplus Property on Juniper Street, Fenelon Falls**, be received;

**That** the surplus declaration of PLAN 100 LOTS 247 TO 249 and 256 and PT HILL ST and PT BLAKE ST BEING RP 57R6341 PARTS 1 3 and 7 TO 9 AM100 (PINs: 63149-0204 (LT), 63149-0205 (LT), 63149-0211 (LT), 63149-0212 (LT), 63149-0234 (LT)) be rescinded;

(A two-thirds majority vote is required to pass this specific resolution)

**That** Council Resolution CW2020-110 be considered at an end; and

**That** the By-Law attached as Appendix D to Repeal By-Law 2020-130, being a By-Law to Authorize the Sale of Municipally Owned Property Location on Juniper Street, be adopted by Council and executed by the Mayor and Clerk.

**Department Head:** \_\_\_\_\_

**Financial/Legal/HR/Other:** \_\_\_\_\_

**Chief Administrative Officer:** \_\_\_\_\_

**Background:**

At the Council Meeting of January 28, 2014, Council adopted the following resolution:

CR2014-101

**Moved By** Councillor Strangway

**Seconded By** Councillor Yeo

**Resolved That** Report LM2014-003, **Surplus Declaration of City Owned Lands in Wards 4, 5, and 6**, be received;

**That** the following City owned lands be declared surplus to municipal needs:

<b>ID #</b>	<b>Roll Number</b>	<b>Legal Description</b>	<b>Street Location</b>
54	165124000320140	PLAN 100 LOTS 247 TO 249 and 256 and PT HILL ST and PT BLAKE ST BEING RP 57R6341 PARTS 1 3 and 7 TO 9 AM100	Juniper St

**That** notice be given in accordance with By-laws 2008-065 and 2010-118, as amended;

**That** the properties be investigated and, if suitable, prepared and marketed for sale to the general public in accordance with any current or future policies in place and be sold to the interested parties for no less than the appraised value plus any and all costs associated with the transaction;

**That** all costs associated with investigating, preparing or marketing the properties be taken from the Property Development Reserve;

**That** on completion of the public notice, Council shall consider any deputation or public input in opposition of the sale, if any, and if appropriate, pass a by-law (with amendments deemed necessary) to authorize the disposition; and

**That** the Mayor and Clerk be authorized to execute any documents and agreements by the approval of this decision.

**Carried**

A subsequent report regarding the subject property was presented at the Committee of the Whole meeting of September 1, 2020, and the following resolution was adopted by Council at the Regular Council meeting of September 15, 2020:

**CW2020-110**

**Moved By** Councillor Elmslie

**Seconded By** Deputy Mayor O'Reilly

**That** Report RS2020-015, **Proposed Direct Sale of City-Owned Property – Juniper Street, Fenelon Falls**, be received;

**That** the sale of the City-owned property located on Juniper Street, Fenelon Falls and legally described as Lots 247, 248, 249, and 256 on Plan 57; Subject to R283173; Blake Street on Plan 100 Closed By R274935 Between Rock Street and Hill Street; Part of Hill Street on Plan 100 Closed by R274935; designated as Part 7 on Plan 57R-6341, in the Geographic Village of Fenelon Falls, City of Kawartha Lakes to the Fenelon Community Housing Initiative, 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** the subject property be sold for no less than the appraised value, plus all costs associated with the transaction;

**That** a by-law (with any amendments deemed necessary) to authorize disposition of the subject property shall be passed if appropriate; and

**That** the Mayor and Clerk be authorized to sign all documents to and conveyance of the lands.

**Carried**

Following the above-noted approval to proceed with a direct sale, an Agreement of Purchase and Sale was entered into with Fenelon Community Housing Initiative (hereinafter referred to as "FCHI"). Steps were taken to proceed with closing the sale, but the sale did not close due to FCHI not waiving the conditions to the transaction.

The purpose of this Report is to provide information to Council related to a deputation and to recommend that this property no longer be declared surplus for the purpose of sale, for the reasons provided below.

## **Rationale:**

The subject property, which is legally described as Lot 249 on Plan 57 (PIN: 63149-0204 (LT)); Lot 256 on Plan 57; Subject to R283173 (PIN: 63149-0205 (LT)); Blake Street on Plan 100 Closed by R274935 Between Rock Street and Hill Street (PIN: 63149-0211 (LT)); Part of Hill Street on Plan 100 Closed by R274935, being Part 7 on Plan 57R-6341 (PIN: 63149-0212 (LT)); and Lot 247 and Lot 248 on Plan 57 (PIN: 63149-0234 (LT)), in the Geographic Township of Fenelon Falls, City of Kawartha Lakes, is zoned Recreational Open Space.

In order to rezone the property to allow for residential use, the proponent is typically required to submit a Functional Servicing Report, which would need to show that the City has sufficient servicing reserve capacity in the water and sewer systems in Fenelon Falls to service all planned and zoned lands in the Fenelon Falls urban settlement area to 2031.

However, in the last year and in the context of the appeals to the urban settlement area boundary for Fenelon Falls, it has become apparent to the Engineering Department and the Planning Department that evidence of additional capacity does not exist. Accordingly, servicing allocation to this property to residential should be considered in the context of the Growth Management Strategy and Servicing Master Plan updates currently underway. In the absence of servicing allocation, and resultant upgrades to the Fenelon Falls water and sewer systems via inclusion of necessary plant and infrastructure upgrades and expansion in a Development Charges By-law, the rezoning for residential uses on this property will not be permitted.

Further, there were multiple deputations when the subject property was proposed for direct sale to FCHI, all expressing concerns about the sale and requesting that the City retain the property as greenspace/parkland.

Accordingly, Staff recommend that the surplus declaration on the property be revoked until such time as sufficient servicing capacity exists for the property. In the interim, Realty Services will consider the property as part of the offset of the City's carbon footprint.

## **Other Alternatives Considered:**

Council could decide to keep the property designated as surplus and direct Staff to prepare the property for sale on the open market. This is not recommended, given the lack of servicing.

## **Alignment to Strategic Priorities:**

The recommendations set out in this Report align with the following strategic priorities:

- Good Government
  - Effective management of the municipal building and land portfolio

## **Financial/Operation Impacts:**

If Council decides to rescind the surplus declaration and not proceed with a sale of the subject property, the City will forgo the revenue from the sale of land itself. The City paid for the costs which have been incurred to date for this transaction, including the advertising costs of \$1,079.73 and the appraisal costs of \$3,542.55. As FCHI provided a non-refundable deposit of \$4,500.00, the majority of these costs have been recovered, leaving a balance of \$122.28, which the City will not recover.

## **Consultations:**

City Solicitor  
Director of Human Services  
Director of Engineering and Corporate Assets  
Director of Development Services  
Manager of Planning

## **Attachments:**

### Appendix A – General Location Map



Appendix A -  
General Location Map

### Appendix B – Aerial Map



Appendix B - Aerial  
Map (RS2022-039).pdf

### Appendix C – Map



Appendix C - Map  
(RS2022-039).pdf

Appendix D – By-Law to Repeal By-Law 2020-130



Appendix D -  
By-Law to Repeal By

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**Department Head:** Robyn Carlson

**Department File:** L06-20-RS003