



Committee of the Whole Report

Report Number:	RS2023-002
Meeting Date:	January 10, 2023
Title:	Proposed Surplus Declaration, Closure, and Sale of a Portion of Shoreline Road Allowance adjacent to 17 Head River Lane, Sebright
Description:	Proposed Surplus Declaration, Closure, and Sale of a Portion of Shoreline Road Allowance adjacent to Part of Lot 31, Concession 5, as in R436894; Together With R436894, in the Geographic Township of Dalton, City of Kawartha Lakes
Author and Title:	Laura Carnochan, Law Clerk – Realty Services

Recommendations:

That Report RS2023-002, **Proposed Surplus Declaration, Closure, and Sale of a Portion of Shoreline Road Allowance adjacent to 17 Head River Lane, Sebright**, be received;

That the subject property, being a portion of shoreline road allowance adjacent to 17 Head River Lane, Sebright and legally described as Part of Lot 31, Concession 5, as in R436894; Together With R436894, in the Geographic Township of Dalton, City of Kawartha Lakes, be declared surplus to municipal needs;

That the closure of the portion of shoreline 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 (including a condition that the subject portion of road allowance merge with the purchaser's adjacent property on closing);

That Council set the value of the land at the higher of the appraised value or the minimum set price of \$20.00 per linear foot of shoreline road allowance adjacent to a river;

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 shoreline 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 appropriate;

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:

At the Committee of the Whole Meeting of March 8, 2022, Council made the following recommendation:

CW2022-053

That Report RS2022-020, **Deputation for a Request to Purchase a Portion of Shoreline Road Allowance adjacent to Part of Lot 31, Concession 1, Carden**, be received; and

That Staff be directed to initiate the process to declare the portion of shoreline road allowance as surplus municipal needs, for closure and sale to the adjoining landowner.

Carried

This recommendation was adopted at the Regular Council meeting of March 22, 2022 by CR2022-074.

This report addresses that direction.

The Land Management Team received a request from the owner of the property municipally known as 17 Head River Lane, Sebright to purchase the portion of shoreline road allowance that is adjacent to their property.

The Land Management Team reviewed this request at its meeting on January 10, 2022 and denied the request due to the immediate area not having a break in the shoreline. The Team felt that the area should be kept open for public access. The applicant appealed the decision to Council and made a deputation at the Committee of the Whole meeting on March 8, 2022. Following the applicant's deputation, Council made the above-noted resolution.

Public Notice advertising the potential surplus declaration and sale of the subject portion of shoreline road allowance was completed by newspaper circulation in the Kawartha Lakes This Week on the 8th, 15th, and 22nd days of December, 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.

Rationale:

Shoreline road allowances exist on many lakes within the City of Kawartha Lakes. Although many of these allowances were never opened as public municipal roads, they remain public property. Recreational and residential property owners of "lakefront" property often do not own their lots right up to the water's edge. In many circumstances, the adjacent property owner has encroached onto this space and utilized it as a lot addition.

In this area, while not in the immediate vicinity of the applicant's property, various portions of the shoreline road allowance have already been stopped up, closed and conveyed to adjoining landowners. Accordingly, it would be appropriate to proceed with stopping up, closing and conveying the subject portion of shoreline road allowance to the adjacent landowner.

The Agreement of Purchase and Sale will specify that the subject portion of road allowance merge with the purchaser's adjacent property upon closing. This will prevent a separately conveyable parcel of land, with no development potential, from being created.

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, in this case being \$20.00 per linear foot of shoreline road allowance adjacent to a river, 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 \$20.00 per linear foot of shoreline road allowance adjacent to a river.

Other Alternatives Considered:

Council may decide not to sell the shoreline 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 shoreline road allowance for the minimum price of \$20.00 per linear foot of shoreline road allowance adjacent to a river. Should Council decide to proceed to dispose of the property using the price of \$20.00 per linear foot, consideration for the subject portion of shoreline road allowance is calculated as approximately \$1,440.00. 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 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 or the minimum set price of \$20.00 per linear foot of shoreline road allowance adjacent to a river, the City will receive a minimum net revenue of approximately \$1,440.00, 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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