



## Committee of the Whole Report

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**Report Number:** RS2023-005

**Meeting Date:** January 10, 2023

**Title:** **Proposed Surplus Declaration, Closure, and Sale of Road Allowance adjacent to Part of Lots 22 & 23, Concession C, Mariposa**

**Description:** Proposed Surplus Declaration, Closure, and Sale of a Portion of Road Allowance legally described as Road Allowance between Concession B and Concession C Lying East of Marsh Creek and West of Part 13 on Plan 57R-1557, Closed by A19852, in the Geographic Township of Mariposa, City of Kawartha Lakes, being PIN: 63197-0253 (LT) and Road Allowance between Concession B and Concession C as Closed by A19852, in the Geographic Township of Mariposa, City of Kawartha Lakes, designated as Parts 13 and 14 on Plan 57R-1557, being Part of PIN: 63197-0228 (LT)

**Author and Title:** Laura Carnochan, Law Clerk – Realty Services

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### Recommendations:

**That** Report RS2023-005, **Proposed Surplus Declaration, Closure, and Sale of Road Allowance adjacent to Part of Lots 22 & 23, Concession C, Mariposa**, be received;

**That** the subject property, being a portion of road allowance adjacent to Part of Lots 22 and 23, Concession C as in R394542; Subject to R394543, in the Geographic Township of Mariposa, City of Kawartha Lakes, and legally described as Road Allowance between Concession B and Concession C Lying East of Marsh Creek and West of Part 13 on Plan 57R-1557, Closed by A19852, in the Geographic Township of Mariposa, City of Kawartha Lakes, being PIN: 63197-0253 (LT) and Road Allowance between Concession B and Concession C as Closed by A19852, in the Geographic Township of Mariposa, City

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

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

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

of Kawartha Lakes, designated as Parts 13 and 14 on Plan 57R-1557, being Part of PIN: 63197-0228 (LT), be declared surplus to municipal needs;

**That** the closure and sale 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 (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 \$15.00 per linear foot of interior 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** this recommendation be brought forward to Council for consideration at the next Regular Council Meeting.

## **Background:**

At the Committee of the Whole Meeting of September 7, 2021, Council made the following recommendation:

### **CW2021-212**

**That** Report RS2021-034, **Road Allowance Leading To Water – Marsh Creek**, be received;

**That** Council provide an exemption to the previous council resolution for Road Allowance Leading to Water be held in public ownership;

**That** Staff be directed to commence the disposition process as set out in the disposition policy;

**That** the property be sold for no less than the greater of the appraised value and the linear minimum value of \$15 per linear foot, as set out in the Sale of Land By-law 2018-020; and

**That** a deeming by-law be presented to Council if necessary, to ensure that the purchased property merges with the benefitting parcel.

**Carried**

This recommendation was adopted at the Regular Council meeting of September 21, 2021 by CR2021-417.

This report addresses that direction.

The Land Management Team received a request from the owner of the property legally described as Part of Lots 22 and 23, Concession C as in R394542; Subject to R394543, in the Geographic Township of Mariposa, City of Kawartha Lakes to purchase the portion of road allowance that is adjacent to their property.

The Land Management Team reviewed this request at its meeting on May 10, 2021 and had no general objections to the request. Given that the road allowance does lead to water and the history surrounding the property, the Team felt that the matter should be brought before Council to provide background before requiring the applicant to submit the \$1,000.00 deposit necessary to commence the disposition process. Accordingly, Report RS2021-034 was presented to Council at the Committee of the Whole meeting on September 7, 2021 and Council made the above-noted resolution.

Public Notice advertising the potential surplus declaration and sale of the subject portion of road allowance was completed by newspaper circulation in the Kawartha Lakes This Week on the 8<sup>th</sup>, 15<sup>th</sup>, and 22<sup>nd</sup> 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:**

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. 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 lead to water, however, as per CW2021-212 Council has provided an exemption to section 8.00 of By-Law 2018-020, as amended, which encourages the City to retain road allowances leading to water for the purpose of public access to water. Further, the portion of road allowance east of the portion which leads to water has already been stopped up and closed as per Registered Instrument A19852 (attached as Appendix E), which means there is no public access to the parcel leading to water. The subject road allowance is outlined in yellow and red on the maps attached as Appendix B and C, with the portion outlined in red representing the portion that has already been stopped up and closed.

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 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 shoreline 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 \$12,600.00. 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 \$15.00 per linear foot of interior road allowance, the City will receive a minimum net revenue of approximately \$12,600.00, 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

## Appendix D – Reference Plan 57R-1557



Appendix D -  
Reference Plan 57R-

## Appendix E – Registered Instrument A19852



Appendix E -  
Registered Instrument

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**Department File:** L06-21-RS012