



Committee of the Whole Report

Report Number: RS2023-001

Meeting Date: January 10, 2023

Title: **Proposed Surplus Declaration, Closure and Sale of a Portion of Road Allowance adjacent to 203 Ballyduff Road, Pontypool**

Description: Proposed Surplus Declaration, Closure, and Sale of a Portion of Road Allowance legally described as Road Allowance between Concession 5 and Concession 6 Abutting Lots 4 and 5 Lying Between 9R-836 and Ballyduff Road, AKA Main Street Except R400078, Part 2 on Plan 57R-7173 and Part 1 on Plan 57R-7995, in the Geographic Township of Manvers, City of Kawartha Lakes, being Part of PIN: 63267-0175 (LT)

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

Recommendations:

That Report RS2023-001, **Proposed Surplus Declaration, Closure and Sale of a Portion of Road Allowance adjacent to 203 Ballyduff Road, Pontypool**, be received;

That the subject property, being a portion of road allowance adjacent to 203 Ballyduff Road, Pontypool and legally described as Road Allowance between Concession 5 and Concession 6 Abutting Lots 4 and 5 Lying Between 9R-836 and Ballyduff Road, AKA Main Street Except R400078, Part 2 on Plan 57R-7173 and Part 1 on Plan 57R-7995, in the Geographic Township of Manvers, City of Kawartha Lakes, being Part of PIN: 63267-0175 (LT), 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

Department Head: _____ 

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____ 

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 staff be directed to commence the process to stop up and close the said portion of 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:

The Land Management Team received a request from the owner of the property municipally known as 203 Ballyduff Road, Pontypool to purchase the portion of road allowance that is adjacent to their property.

The Land Management Team reviewed this request at its meeting on July 9, 2018 and had no objections to the request, save and except the City retaining an approximately 4.5 metre strip at the northern boundary of the road allowance so as not to landlock the 4.5 metre strip of road allowance that runs west of the subject property.

The applicant expressed a desire to acquire the entire width of the road allowance, which led to Realty Services exploring options for potentially disposing of the entire 4.5 metre strip. All landowners south of the strip were contacted (as this would create the most logical lot lines), but none expressed an interest in pursuing a purchase. The landowner to the north was also contacted, but was not interested in purchasing a portion of the strip.

Accordingly, the applicant was contacted to confirm that he still wished to proceed with purchasing the subject road allowance, less a 4.5 metre strip to be retained by the City. The applicant confirmed that he is agreeable to proceeding with the current proposal.

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.

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

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 \$13,650.00. 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 \$13,650.00, which will be placed in the Property Development Reserve.

Consultations:

Land Management Team

Attachments:

Appendix A – General Location Map



Appendix A -
General Location Map.pdf

Appendix B – Aerial Map



Appendix B - Aerial
Map.pdf

Appendix C – Map



Appendix C -
Map.pdf

Department Head E-mail: rcarlson@kawarthalakes.ca

Department Head: Robyn Carlson

Department File: L06-18-RS029