

Committee of the Whole Report

Report Number: RS2023-019

Meeting Date: March 7, 2023

Title: **Proposed Surplus Declaration, Closure, and Sale of Portions of Road Allowance adjacent to 80 Ellice Street, Fenelon Falls**

Description: Proposed Surplus Declaration, Closure, and Sale of a Portion of Road Allowance legally described as South Street on Plan 100, Except Part 1 and 2 on Plan 57R-4580, being Part of PIN: 63150-0212 (LT) and the Road Allowances legally described as Hun Street on Plan 100, being PIN: 63150-0228 (LT) and Blake Street on Plan 100 West of Ellice Street, being PIN: 63150-0229 (LT), in the Geographic Village of Fenelon Falls, City of Kawartha Lakes

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

Recommendations:

That Report RS2023-019, **Proposed Surplus Declaration, Closure, and Sale of Portions of Road Allowance adjacent to 80 Ellice Street, Fenelon Falls**, be received;

That the subject property, being portions of road allowance adjacent to 80 Ellice Street, Fenelon Falls and legally described as Blake Street on Plan 100 West of Ellice Street (PIN: 63150-0229 (LT)), and Hun Street on Plan 100 (PIN: 63150-0228 (LT)), and Part of South Street on Plan 100 Except Parts 1 and 2 on Plan 57R-4580 (PIN: 63150-0212 (LT)), in the Geographic Township of Fenelon, City of Kawartha Lakes, be declared surplus to municipal needs;

That the sale of the portions of road allowance to the adjoining landowner be supported, in principle, in accordance with the provisions of By-Law 2018-020, as

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

amended, and the Municipal Act, 2001, and subject to the parties entering into a conditional Agreement of Purchase and Sale;

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 portions 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 these recommendations 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 80 Ellice Street, Fenelon Falls to purchase two road allowances (Hun Street and Blake Street), which are adjacent to their property.

The Land Management Team reviewed this request at its meeting on July 11, 2022 and had no objections to the request.

The property owner subsequently submitted a second application, requesting to purchase a portion of South Street, which is also adjacent to his property.

The Land Management Team reviewed this request at its meeting on November 28, 2022 and initially denied the request, due to the fact that it would landlock several privately owned properties. Upon receiving notice that the request had been denied, the applicant supplied documentation confirming that he also owns all the properties that the Team had been concerned would become landlocked.

Accordingly, the Land Management Team re-reviewed the request at its meeting on January 9, 2023 and had no objections to the request.

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 9th, 16th, and 23rd days of February, 2023. 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 portions of road allowance to the adjoining landowner.

Rationale:

The Land Management Team has determined that these portions of the road allowance are not required for municipal purposes. While the applicant did initially seek to purchase the entire length of South Street from Ellice Street to the Victoria Rail Trail, the Land Management Team noted that the portion containing the trail must be retained by the City, as the trail is an active trail. Further, the Team determined that

the portion of South Street between Green Street East and Ellice Street should be retained in order to maintain a public connection for water infrastructure.

The applicant was advised of the Land Management Team's decision and confirmed his interest in proceeding with the sale as proposed by the Team.

The interested party owns property which borders the subject portions 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) those portions 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.

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 \$24,750.00. 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 (which has already been paid) 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 \$24,750.00, 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

Department Head E-mail: rcarlson@kawarthalakes.ca

Department Head: Robyn Carlson

Department File: L06-22-RS023