



Committee of the Whole Report

Report Number:	RS2023-020
Meeting Date:	March 7, 2023
Title:	Proposed Surplus Declaration, Closure, and Sale of a Portion of Road Allowance adjacent to Part Lot 20, Concession 3, Carden
Description:	Proposed Surplus Declaration, Closure, and Sale of a Portion of Road Allowance legally described as Road Allowance between Concession 3 and Concession 4 Lying South of Part 1 on Plan 57R-8100, in the Geographic Township of Carden, City of Kawartha Lakes, being Part of PIN: 63108-0267 (LT)
Author and Title:	Laura Carnochan, Law Clerk – Realty Services

Recommendations:

That Report RS2023-020, **Proposed Surplus Declaration, Closure, and Sale of a Portion of Road Allowance adjacent to Part Lot 20, Concession 3, Carden**, be received;

That the subject property, being a portion of road allowance adjacent to Part of Lot 20, Concession 3 as in R449553, in the Geographic Township of Carden, City of Kawartha Lakes (PINs: 63108-0244 (LT) and 63108-0245 (LT)) and legally described as Part of the Road Allowance between Concession 3 and Concession 4 Lying South of Part 1 on Plan 57R-8100, in the Geographic Township of Carden, City of Kawartha Lakes, being Part of PIN: 63108-0267 (LT), be declared surplus to municipal needs;

That the 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 and

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

that the subject portion of road allowance will be subject to an easement for continued passage for all those entitled to passage over the private roads);

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 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 legally described as Part of Lot 20, Concession 3 as in R449553, in the Geographic Township of Carden, City of Kawartha Lakes (PINs: 63108-0244 (LT) and 63108-0245 (LT)) 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 11, 2022 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 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, particularly given that the subject property is only accessible via private road (also owned by the applicant).

The interested party owns property which borders the subject portion of road allowance (see Appendix B and Appendix C). 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, the southern portion of the road allowance has already been approved for sale to the adjacent landowners. Regardless of whether or not those sales are finalized, selling this portion of the road allowance would not be considered a loss of public access to water, given that it is only accessible via private road (namely, Whippoorwill Lane and Loon Drive) and all properties that access via the private road are waterfront properties.

As two small sections of the subject portion of road allowance intersect with the private roads known as Whippoorwill Lane and Loon Drive (owned by the applicant), there will be a condition within the Agreement of Purchase and Sale noting that those sections will be subject to an easement allowing passage for all those entitled to passage over the private roads.

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 \$14,025.00. This is not recommended in this circumstance, given that Council has expressed that the City is not capitalizing on the disposal of surplus land when it utilizes the set rates. Requiring an appraisal will ensure that the City is obtaining the fair 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 \$14,025.00, 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 – Aerial Map (Resultant Land Parcel – Post Sale)



Appendix D - Aerial
Map (Resultant Land Parcel)

Department Head E-mail: rcarlson@kawarthalakes.ca

Department Head: Robyn Carlson

Department File: L06-22-RS020