

Council Report

Report Number: RS2021-048
Meeting Date: December 14, 2021
Title: Road Allowance adjacent to 21 Blue Bay Lane,
Fenelon Falls
Description: Response to Deputation Regarding Road Allowance
adjacent to 21 Blue Bay Lane, Fenelon Falls
Author and Title: Laura Carnochan, Law Clerk – Realty Services

Recommendation:

That Report RS2021-048, **Road Allowance adjacent to 21 Blue Bay Lane, Fenelon Falls**, be received.

Department Head: Robert Carl

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

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

CW2021-192

Moved By Councillor Elmslie

Seconded By Councillor Dunn

That the deputation of Candace Chartier and Patrick Chartier, **regarding a request to purchase the road allowance adjacent to 21 Blue Bay Lane, Fenelon Falls**, be received and referred to Staff for review and report back by the end of Q1, 2022; and

That this recommendation be brought forward to Council for consideration at the next Regular Council Meeting.

Carried

This recommendation was adopted by Council at the Regular Council meeting of September 15, 2021 by CR2021-417.

This report addresses that direction.

Rationale:

The Land Management Team received a request from the owners of the property located at 21 Blue Bay Lane, Fenelon Falls to purchase a portion of the road allowance that is adjacent to their property.

The Land Management Team reviewed the request at its meeting on July 12, 2021, and did note that public access to the parcel appears limited, given that the applicant's property is part of a condominium and the travelled road (Blue Bay Lane) is a private road owned/maintained by the condo corporation. The only public access appears to be off Highway 35, through an unimproved/untravelled road allowance. However, the Land Management Team felt that it could not support a sale of the subject road allowance due to the fact that the road allowance leads to water and a title search of the road allowance revealed that the land had been specifically acquired by the City in 2011 in order to "maintain public access to Cameron Lake".

Appendix A is a general location map, Appendix B is an aerial map, Appendix C is a map, Appendix D is a copy of Registered By-Law 2011-177, and Appendix E is a copy of Reference Plan 57R-9936 (the subject lands are shown as Part 2).

Other Alternatives Considered:

Council could decide to override the Land Management Team's decision and allow the applicant's request to follow the City's disposition process as set out in By-Law 2018-020, being a By-Law to Regulate the Disposition of Municipal Real Property in and for The Corporation of the City of Kawartha Lakes.

This would be achieved by adding a second statement to the recommendation, in passing the Council Resolution: "That Staff be directed to proceed with advancing the applicant's request through the City's disposition process."

As the subject portion of road allowance has not yet been advertised to notify the public of a potential surplus declaration and sale, the property would need to be advertised in the newspaper and on the City's website, followed by Realty Services advancing a Report to Council recommending the surplus declaration, closure, and conveyance of the portion of road allowance adjacent to the applicant's property.

Alignment to Strategic Priorities

The recommendations set out in this Report align with the following strategic priorities:

- Good Government
 - Effective management of the municipal building and land portfolio

Financial/Operation Impacts:

None, if the Land Management Team's decision is supported by Council and the request to purchase the subject portion of road allowance is denied.

If Council decides to allow the request to advance through the disposition process, the applicant would be responsible for all costs associated with the transaction, including the advertising costs which will be incurred prior to a subsequent Report being presented to Council.

If the closure and sale is ultimately approved, the applicant 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. The minimum price for a road allowance was established by By-Law 2018-020, as amended, and is set at \$15.00 per linear foot (based on a 66-foot width). In order to net maximum revenue for the taxpayer, Staff will recommend to Council that the property be sold at the higher of the minimum set price and the appraised value, plus the City's costs. All costs of the transaction, plus a

\$1,500.00 fee to cover the City's staff time expenses will be paid by the purchaser. The approximate minimum net recovery anticipated from this transfer is \$4,875.00.

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 –By-Law 2011-177



Appendix D -
By-Law 2011-177.pdf

Appendix E – Reference Plan 57R-9936



Appendix E -
Reference Plan 57R-

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Department Head: Robyn Carlson

Department File: L06-21-RS023