



Committee of the Whole Report

Report Number: RS2023-024

Meeting Date: March 7, 2023

Title: **Proposed Surplus Declaration and Sale of a Portion of Block 14 on Plan 608**

Description: Proposed Direct Sale of a Portion of City-Owned Property located on Commerce Road, Lindsay and legally described as Part of Lot 9 and Part of Block 14 and Part of Commerce Road on Registered Plan No. 608, in the Geographic Town of Lindsay, City of Kawartha Lakes

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

Recommendations:

That Report RS2023-024, **Proposed Surplus Declaration and Sale of a Portion of Block 14 on Plan 608**, be received;

That the subject property, being a City-owned property located on Commerce Road, Lindsay and legally described as Part of Lot 9 and Part of Block 14 and Part of Commerce Road on Registered Plan No. 608, in the Geographic Town of Lindsay, City of Kawartha Lakes, being Part of PIN: 63237-0406 (LT) and Part of PIN: 631237-0397 (LT), be declared surplus to municipal needs;

That the sale of the subject property legally described as Part of Lot 9 and Part of Block 14 and Part of Commerce Road on Registered Plan No. 608, in the Geographic Town of Lindsay, City of Kawartha Lakes, being Part of PIN: 63237-0406 (LT) and Part of PIN: 631237-0397 (LT) 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 property merge with the purchaser's adjacent property on closing, and that the purchaser install fencing at the rear of the property to delineate it from the trail property to the south);

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

That a by-law (with any amendments deemed necessary) to close the portion of road allowance and authorize the disposition of the subject property 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 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 9 on Plan 608, in the Geographic Town of Lindsay, City of Kawartha Lakes, being Part 1 on Plan 57R-5010 (PIN: 63237-0396 (LT)) to purchase a portion of City-owned property that is adjacent to their property.

The subject property, which is legally described as Part of Block 14 on Plan 608; Part of Lot 9 on Plan 608, Part 2 on Plan 57R-5010, in the Geographic Town of Lindsay, City of Kawartha Lakes (PIN: 63237-0397 (LT)) was vested into City ownership in 2005 due to tax arrears (see Notice of Vesting attached as Appendix D).

The Land Management Team reviewed this request at its meeting on September 12, 2022 and had no objections to the request. The Team further felt that a portion of Commerce Road on Plan 608 (set out as Part 1 on the draft Reference Plan attached as Appendix E) should also be offered to the applicant, in order to straighten up the lot line, given that the turnaround is no longer required by the City (Commerce Road has been extended through to the subdivision located south of the subject property).

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 a sale of the property to the adjoining landowner.

Rationale:

The Land Management Team has determined that this portion of the road allowance and City-owned property are 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 portion of road allowance does not lead to water, it borders private property, and therefore, the stop up, closure and sale would not contravene section 8.01 of By-Law 2018-020, as amended, which states “that unopened road allowances leading to water shall be retained by the municipality”.

The remainder of the subject property, being Part of Block 14 on Plan 608; Part of Lot 9 on Plan 608, Part 2 on Plan 57R-5010, in the Geographic Town of Lindsay, City of Kawartha Lakes (PIN: 63237-0397 (LT)), is adjacent to a trail and the Land Management Team determined that the purchaser should be required to install a fence to delineate the private property from the trail property. This will be included in the Agreement of Purchase and Sale as a condition to the sale.

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, section 3.03 of By-Law 2018-020, as amended, does require at least one appraisal to determine the fair market value of any property that is not a road allowance. Accordingly, the Land Management Team recommends obtaining an appraisal for the entirety of the subject property.

Other Alternatives Considered:

Council may decide not to sell the subject property and derive no financial benefit whatsoever. That would be inconsistent with past practice and is not recommended in this circumstance.

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/Operation 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 costs of the transaction. 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.

The property value will be determined by an appraisal. The MPAC value of the property is \$61,000.00, so it is estimated that the City will recover a net amount in excess of \$61,000.00, 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 – Notice of Vesting (R430635)



Appendix D -
Notice of Vesting (R

Appendix E – Draft Reference Plan



Appendix E - Draft
Reference Plan.pdf

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