



## Committee of the Whole Report

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**Report Number:** RS2024-008

**Meeting Date:** May 7, 2024

**Title:** **Proposed Surplus Declaration, Closure and Sale of a Portion of Shoreline Road Allowance Adjacent to Part of Lot 11 and 12, Concession 1, Carden**

**Description:** Proposed Surplus Declaration, Closure and Sale of a Portion of Shoreline Road Allowance adjacent to the property legally described as Part of the North Part of Lot 11, Concession 1, Part of the South Part of Lot 11, Concession 1, Part of Lot 12, Concession 1, Part of the road allowance between Concession 1 and 2 as in R253229; subject to R253229; together with R253229, subject to A28036E, in the Geographic Township of Carden, City of Kawartha Lakes

**Author and Title:** Christine Oliver, Law Clerk – Realty Services

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### Recommendations:

**That** Report RS2024-008, **Proposed Surplus Declaration, Closure and Sale of a Portion of Shoreline Road Allowance Adjacent to Part of Lot 11 and 12, Concession 1, Carden**, be received;

**That** subject property, being a portion of shoreline road allowance adjacent to the property legally described as Part of the North Part of Lot 11, Concession 1, Part of the South Part of Lot 11, Concession 1, Part of Lot 12, Concession 1, Part of the road allowance between Concession 1 and 2 as in R253229, subject to R253229; together with R253229, subject to A28036E, in the Geographic Township of Carden, in the City of Kawartha Lakes, be declared surplus to municipal needs; and

**That** the closure of the portion of shoreline 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 (including a condition that the subject portion of shoreline road allowance merge with the purchaser's adjacent property on closing);

**That** Council set the value of the land at the minimum set price of \$9.00 per square foot of shoreline road allowance adjacent to a lake;

**That** staff be directed to commence the process to stop up and close the said portion of shoreline road allowance;

**That** a by-law (with any amendments deemed necessary) to close the shoreline road allowance and authorize its disposition shall be passed, if appropriate;

**That** a deeming by-law be passed contemporaneously with the disposition by-law, if appropriate;

**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 to from the owner of the property legally described as Part of the North Part of Lot 11, Concession 1, Part of the South Part of Lot 11, Concession 1, Part of Lot 12, Concession 1, Part of the road allowance between Concession 1 and 2 as in R253229, subject to R253229; together with R253229, subject to A28036E, in the Geographic Township of Carden, in the City of Kawartha Lakes, to purchase the portion of shoreline road allowance that is adjacent to their property. The instruments R253229 and A28036E are identified on the legal description for the property beside the City owned shoreline road allowance. R253229 is to allow access to neighbouring property owner and A28036E is in favour of the City for drainage; neither affect the property in question.

The Land Management Team reviewed this request at its regular meeting on the 9<sup>th</sup> day of January 2023 and had no objections to the request.

Public Notice advertising the potential surplus declaration and sale of the subject portion of shoreline road allowance was completed by posting on the City's website commencing on the 5<sup>th</sup> day of February 2024. The City has received an inquiry from the public requesting date the matter will proceed to Committee of the Whole.

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 shoreline road allowance to the adjoining landowner.

## **Rationale:**

Shoreline road allowances exist on many lakes within the City of Kawartha Lakes. Although many of these allowances were never opened as public municipal roads, they remain public property. Recreational and residential property owners of "Lakefront" property often do not own their lots right up to the water's edge. In many circumstances, the adjacent property owner has encroached onto this space and utilized it as a lot addition.

In this area, various portions of shoreline road allowances have been stopped up, closed and conveyed to adjoining landowners. It was determined that the land was not required for drainage to the Lake from the North end of Campbell's Beach Road. Accordingly, the Land Management Team felt that it would be appropriate to proceed

with stopping up, closing and conveying the subject portion of shoreline road allowance to the adjacent landowner.

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, in this case being \$9.00 per square foot of shoreline road allowance adjacent to a lake, 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 minimum set price of \$9.00 per a square footage of shoreline road allowance adjacent to a lake.

### **Other Alternatives Considered:**

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

Council could decide to require an appraisal and dispose of the subject portion of shoreline road allowance for the appraised value. This is not recommended, as Council passed By-Law 2018-020, section 4.04, as amended, to allow the exemption of the requirement for an appraisal, as long as the property is being sold to the adjacent landowner for the minimum set price in Schedule C, in this case the minimum set price of \$9.00 per square foot of shoreline road allowance adjacent to a lake.

### **Alignment to Strategic Priorities**

The recommendation 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 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 minimum set price of \$9.00 per a square foot of shoreline road allowance adjacent to a lake, the City will receive a minimum net

revenue of approximately \$37,629.00, which will be placed in the Property Development Reserve.

**Consultations:**

Land Management Team

**Attachments:**

Appendix A – General Location Map



General Location  
Map

Appendix B – Map



Map

Appendix C – Aerial Map



Aerial Map

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**Department Head:** Robyn Carlson

**Department File:** L06-22-RS042