



Committee of the Whole Report

Report Number: RS2024-007

Meeting Date: March 5, 2024

Title: **Proposed Surplus Declaration, Closure and Sale of Shoreline Road Allowance adjacent to 159 McCrackin Avenue**

Description: Proposed Surplus Declaration, Closure, and Sale of a Portion of Shoreline Road Allowance adjacent to Part of Lot 23, Concession 3, in the Geographic Township of Carden, City of Kawartha Lakes

Author and Title: Lucas Almeida, Law Clerk – Realty Services

Recommendations:

That Report RS2024-006, **Proposed Surplus Declaration, Closure and Sale of Shoreline Road Allowance adjacent to 159 McCrackin Avenue**, be received;

That the subject property, being a portion of shoreline road allowance adjacent to 159 McCrackin Avenue and legally described as Part of Lot 23, Concession 3, as in R454236, together with R454236, in the Geographic Township of Carden, City of Kawartha Lakes, be declared surplus to municipal needs;

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 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);

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;

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

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 appropriate;

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 159 McCrackin Avenue to purchase the portion of shoreline road allowance that is adjacent to their property.

The Land Management Team reviewed this request at its meeting on November 13th, 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 posted on the City's website on February 5th, 2024. Realty Services has not yet received 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 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 the shoreline road allowance have already been stopped up, closed and conveyed to adjoining landowners. Accordingly, the Land Management Team were of the opinion 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.

Other Alternatives Considered:

Council may decide not to sell the shoreline 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 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 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 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 square foot of shoreline road allowance adjacent to a lake, the City will receive a minimum net revenue of approximately \$35,500.00, which will be placed in the Property Development Reserve.

Consultations:

Land Management Team

Attachments:

Appendix A – General Location Map



Appendix A -
RS2024-007.pdf

Appendix B – Aerial Map



Appendix B -
RS2024-007.pdf

Appendix C – Map



Appendix C -
RS2024-007.pdf

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